



2026:CGHC:3773-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 194 of 2018

State Of Chhattisgarh Through Police Station Basantpur, District Balrampur Ramanujganj, Chhattisgarh.

... Appellant

versus

Deepak Patel S/o Surajlal Patel Aged About 20 Years R/o Village Maheva, Police Station Basantpur , District Balrampur- Ramanujganj, Chhattisgarh.

... Respondent

For Appellant : Mr. Avinash Singh, Govt. Advocate.
For Respondent : None.

Hon'ble Smt. Justice Rajani Dubey

Hon'ble Shri Justice Radhakishan Agrawal, JJ

Judgment on Board

(22nd January, 2026)

Per Rajani Dubey, J

Challenge in this appeal is to the legality and validity of the judgment dated 30.8.2017 passed by Additional Sessions Judge,



Ramanujganj, Distt. Surguja (Ambikapur) in ST No.488/2011 acquitting the respondent/accused of the charges under Section 306 of IPC and in alternate 302 of IPC.

02. Case of the prosecution, in brief, is that the complainant Ujog Patel, father of the deceased, lodged a *merg* intimation on 07.12.2009 at Police Outpost Wadrafnagar, stating that his daughter Chandrakanti had gone to Wadrafnagar to attend the weekly market. In the evening, she got down from the Vijay bus near the Primary School of village Mahewa and was returning home, but she did not reach home till night. Near a well, her slippers, bangles, wristwatch, etc. were found. Suspecting that she might have fallen into the well, a hooked bamboo (jhaggar) was lowered into the well. By then many villagers had gathered. The body of his daughter was seen in the well, whereupon *merg* intimation Ex. P-2 was recorded, and the police registered *merg* No. 33/09. The police recovered the dead body from the well, issued notice to witnesses for inquest proceedings (Ex. P-3) and prepared the inquest report (Ex. P-4). Thereafter, postmortem of the body was conducted vide Ex.P/8.

03. On 06.12.2009, after the dead body of his daughter was found in the well, the father submitted a written report (Ex.P-1) stating that at about 1:00 PM, his daughter was standing near the road to catch the Gupta bus for Wadrafnagar. At that time, Shiksha Karmi Sadhna Toppo also came there to go to Wadrafnagar, and both were waiting for the



bus. Meanwhile, the accused Deepak arrived on a motorcycle and offered to take them to Wadrafnagar, to which they agreed. They went with the accused on the motorcycle. At Wadrafnagar, the accused dropped the deceased and returned to village Mahewa between 5:30 to 6:00 PM. The deceased returned by Vijay bus and got down near Mahewa School between 6:30 to 7:00 PM. While getting down from the bus, she was seen by Ramlal and Vikas Patel, but she did not reach home by evening. It was assumed that she might have stayed at her brother and sister-in-law's house in Wadrafnagar. However, the next morning, while going out, the complainant saw her slippers, bangles, watch and other belongings near the village well. He called nearby villagers and lowered a hooked bamboo into the well, whereupon her dead body was seen. The complainant expressed suspicion against the accused, stating that 12–15 days earlier, the accused had been forcing the deceased to marry him and to establish illicit relations, and had threatened to kill her if she refused. The deceased had informed her mother about this, after which the complainant had gone to the house of accused to counsel and warn him. Due to concern for family honour, no complaint was lodged earlier. The complainant alleged that from the circumstances it was clear that the accused committed sexual misconduct with his daughter, strangled her, and threw her into the well. On this basis, police recorded report of Ex.P/7 on 18.12.2009 and prepared the spot map.



04. During investigation, statements of witnesses were recorded. Water from the well where the body was found was sent for examination under Ex.P-12, and the doctor submitted report Ex.P-9. The doctor sealed four packets of the viscera of the deceased, which were seized by police and sent to the State Forensic Science Laboratory, Raipur, for chemical examination, acknowledgment of which is Ex. P-13. After completion of investigation, the police filed the charge-sheet on 08.03.2011 before the Judicial Magistrate First Class, Wadraf Nagar, while the accused was absconding. After the arrest of the accused on 26.09.2011, the case was committed on 05.11.2011 to the Sessions Judge, Ambikapur, Surguja.

05. Learned trial Court framed charges under Section 306 and in alternate 302 of IPC against the accused which were abjured by him and he prayed for trial. In order to substantiate its case the prosecution examined 10 witnesses in all. Statement of the accused was recorded under Section 313 of CrPC wherein he denied all the incriminating circumstances appearing against him in the prosecution case, pleaded innocence and false implication. He examined his father Suraj Lal as DW-1.

06. After hearing counsel for the respective parties and appreciation of oral and documentary evidence on record, the learned trial Court acquitted the respondent/accused of all the charges by the impugned judgment. Hence this appeal.



07. Learned counsel for the appellant/State submits that the impugned judgment is per se illegal and contrary to the material available on record. It has come in the evidence of father and mother of the deceased (PW-1 and PW-6) that the accused used to pressurize the deceased for marrying him and 12-15 days prior to the date of incident had threatened her of getting killed and thrown into well if she refused to marry him. He submits that a day before recovery of her dead body, the accused was seen with the deceased as he took her on his motorcycle to Wadrafnagar. Learned trial Court was not justified in giving too much weightage to minor omission and contradictions in the prosecution evidence. Thus, looking to the overall evidence on record coupled with conduct of the accused, the impugned judgment is liable to be set aside and the respondent/accused be held guilty of the charge leveled against him.

08. Notice issued to the respondent/accused remains unserved, hence none appears on his behalf.

09. Heard learned counsel for the appellant/State and perused the material available on record.

10. It is clear from the record of learned trial court that the respondent/accused was charged under Section 306, in alternate 302 of IPC and after appreciation of oral and documentary evidence acquitted of both the charges by the impugned judgment.



11. PW-1 Ujog Patel, father of the deceased, states that in 2009 the respondent/accused had threatened his daughter/deceased to get her killed and thrown into well if she refused to marry him. He states that 5-6 days thereafter his daughter was waiting for bus to go to Wadrafnagar, she was standing alone on the road and when the bus did not arrive, she was returning home. However, on the way the accused forcibly made her sit on his motorcycle and took her to Wadrafnagar. He then states that one teacher Sadhna Toppo also went with the accused and his daughter to Wadrafnagar. His daughter did not return in the evening and next morning while going to attend the call of nature, he saw slippers, watch, bangle etc. near the well which were of his daughter and then with the help of neighbours the dead body of his daughter was taken out from the well. Thereafter, he went to police station and informed about threat given by the accused to his daughter. He states that Ramlal Singh and Vikash Patel told him that the deceased got down from Vijay bus on 6.12.2009 at 6.30-7.00 pm near Maheva school. He admits his signature from A to A part on his written complaint Ex.P/1, merg intimation Ex.P/2, inquest notice Ex.P/3, inquest memo Ex.P/4, dead body supurdnama Ex.P/5 and spot map Ex.P/6.

In cross-examination he admits that 12-15 days prior to the date of incident his wife informed him that the accused pressurized the deceased for marrying him. However he denies the suggestion that his



daughter committed suicide by jumping into well because she was scolded.

12. Similar is the statement of PW-6 Sukanti Patel, mother of the deceased. She also states that her daughter Chandrakanti and one Sadhna Toppo were taken on motorcycle to Wadrafnagar by the accused while they were waiting for bus to Wadrafnagar and it was seen by Manoj Patel who later informed her. She also states that 12-15 days prior to the date of incident, the deceased told her that the accused threatened her of getting killed and thrown into well if she refused to marry him.

13. PW-5 Deenanath Patel states that on the date of incident deceased Chandrakanti and Sadhna were waiting for bus and that accused offered them lift on his motorcycle and took them to Wadrafnagar on motorcycle. He states that at about 5 pm accused returned to his village Maheva on motorcycle and at 6 pm the deceased also returned by Vijay bus and went to her home. Next day at 8 am he came to know that Chandrakanti has died by jumping into well near her home.

14. PW-7 Sonam Patel states that a day before the date of incident Chandrakanti came alone to her shop in the afternoon and next day she came to know that Chandrakanti died by falling into well.



15. PW-9 Dr. RB Prajapati conducted postmortem of the deceased on 7.12.2009 vide Ex.P/8 wherein he mentioned that no definite opinion regarding the cause of death is given, and the viscera is preserved for diatom test at Forensic Science Laboratory.

16. DW-1 Suraj Lal, father of the accused states that a day before death of Chandrakanti, his son accused Deepak was going to Wadrafnagar by motorcycle, so teacher Sadhna requested his son to take her also to Wadrafnagar as she missed the bus. She also called the deceased and they went to Wadrafnagar by motorcycle. He states that after reaching Wadrafnagar, the deceased went to the house of her maternal uncle and he does not know where Sadhna went. His son Deepak returned home by 5 pm. However, next morning at 7 am there was some commotion outside, so he also went there and after arrival of police, dead body of deceased was taken out from the well. In cross-examination he denied all the adverse suggestion of the prosecution.

17. Admittedly, there is no direct evidence to prove complicity of the accused in the crime in question and the entire case rests upon circumstantial evidence. For conviction on circumstantial evidence, the prosecution must establish a complete chain of circumstances which unerringly points to the guilt of the accused and excludes every hypothesis of innocence. In the present case, the deceased was last seen alive returning by Vijay bus and getting down near Mahewa school between 6:30–7:00 PM. However, there is no evidence that the



accused was present with the deceased after she alighted from the bus. No witness has seen the accused near the well at or around the time of death. Further, in this case, the prosecution has failed to establish that the death was homicidal. No external injuries or definite signs of violence have been proved which could conclusively rule out accidental fall or suicide. There is also no forensic evidence connecting the accused with the death of Chandrakanti. Thus, in absence of cogent medical and forensic evidence, the charge under Section 302 IPC cannot be sustained.

18. As regards the charge under Section 306 of IPC, to bring home a charge under Section 306 IPC, prosecution must prove suicide by the deceased; and direct or proximate acts of instigation, aid, or abetment by the accused. In this case, as stated by mother and father of the deceased, the alleged threats were given 12–15 days prior to the incident which appear to be general in nature and more so, not corroborated by any independent witness. Even otherwise, such a threat is too remote in time to constitute proximate cause for suicide. Mere past harassment or proposal for marriage, without evidence of immediate provocation or continuous conduct, does not amount to abetment. There is no evidence that immediately prior to the incident the accused met the deceased, communicated with her or subjected her to any act compelling her to commit suicide. Thus, the essential ingredients of mens rea for abetment are absent.



19. Apart from the above, conduct of the accused is not incriminating. The evidence goes to show that a day before recovery of dead body of the deceased, the accused dropped her at Wadrafnagar, returned to his village by 5:00 PM whereas the deceased returned alone by bus at 6.30-7 pm. Such conduct does not suggest guilt but is consistent with innocence. The testimony of DW-1 Suraj Lal, though that of a related witness, provides a reasonable and probable explanation consistent with the prosecution evidence that the accused returned home by evening, the deceased went elsewhere after reaching Wadrafnagar, and the accused had no interaction with her thereafter.

20. The Hon'ble Apex Court in its judgment dated 12.02.2024 (Criminal Appeal No 1162 of 2011) passed in **Mallappa and Ors. Versus State of Karnataka**, has held in para 36 as under:-

“36. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarized as:-

“(i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive--inclusive of all evidence, oral and documentary;

(ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a



ground of challenge;

(iii) If the Court, after appreciation of evidence, finds that two views are possible, the one in favour of the accused shall ordinarily be followed;

(iv) If the view of the Trial Court is a legally plausible view, mere possibility of a contrary view shall not justify the reversal of acquittal;

(v) If the appellate Court is inclined to reverse the acquittal in appeal on a re-appreciation of evidence, it must specifically address all the reasons given by the Trial Court for acquittal and must cover all the facts;

(vi) In a case of reversal from acquittal to conviction, the appellate Court must demonstrate an illegality, perversity or error of law or fact in the decision of the Trial Court."

21. Keeping in view the aforesaid judgment, considering the oral and documentary evidence on record, we find that the prosecution has failed to prove the charges under Sections 306 or 302 IPC beyond reasonable doubt. The evidence on record raises serious doubts and does not form a complete or unbroken chain pointing exclusively to the guilt of the accused. Accordingly, the findings of the learned trial court are sound, reasoned, and in consonance with settled principles of law. No ground is made out for interference in the acquittal. Resultantly, the appeal being devoid of any substance is hereby dismissed.

**Sd/
(Rajani Dubey)
Judge**

**Sd/
(Radhakishan Agrawal)
Judge**