



2026:CGHC:14314

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No. 144 of 2022**

- State Of Chhattisgarh, Through The Station House Officer, Police Station Lakhanpur, District Surguja (Chhattisgarh).

... Appellant**versus**

1. Chandrabhan S/o. Raghunandan Ram Rajwar, Aged About 33 Years,
2. Anand S/o Kanshi Das Panika, Aged About 33 Years,
Both Are R/o. Village Korja, P.S. Lakhanpaur, District Surguja (Chhattisgarh).

... Respondents

For Appellant/ State : Mr. Dharmesh Shrivastava, Dy. Advocate General.
For Respondents : Ms. Seema Mishra, Advocate appears on behalf of Ms. Uttara Shrivastava, Advocate.

SB: Hon'ble Shri Justice Sanjay S. Agrawal**Judgment On Board****25/03/2026**

- 1) This appeal has been preferred by the appellant/State under Section 378 of the Code of Criminal Procedure, 1973, questioning the legality and propriety of the judgment dated 23/07/2018 passed by

the Judicial Magistrate First Class, Ambikapur, District Surguja (C.G.) in Criminal Case No.2881/2012 (Crime No.184/2005), whereby, the respondents have been acquitted with regard to the offence punishable under Sections 294, 506 Part-II, 323 and 325/34 of IPC.

- 2) From perusal of the record, it appears that the respondents have been charge-sheeted with regard to the offence mentioned herein-above. According to the prosecution story, an FIR (Ex. P-1) was lodged by the complainant- Raghunath Ram before the Police Station, Lakhanpur, District Surguja, alleging inter-alia, that on 19/12/2005 around 06:30 PM, he went towards Kanwarpara and was smoking while standing near the shop of Vikram Sao, where the respondents alongwith Bujeram (since deceased) and Parsuram (since absconding) came and asked him that, are you a '*Daroga*'?, he then replied that I am not a '*Daroga*' and in fact, I am "Raghunath". After hearing, as such, the respondents and said Bujeram and Parsuram got annoyed and started abusing him while using filthy words and that by threatening to kill, assaulted him with hands and fists, owing to which, three of his teeth were broken down and, has sustained injuries on his chest, near right eye, both of his hands and knees of legs on account of the alleged incident and, the alleged incident was seen by said Vikram Rao. Based upon the alleged allegation, an FIR (Ex.P-1) was registered in connection with Crime No.184/2005 against the respondents and said Buje @ Satyanarayan (since deceased) and one Parsu (since absconding) for the offence punishable under Sections 294, 506 Part-II and

325/34 of IPC and, the respondents have, thus, been charge-sheeted as such, which was denied by them and claimed to be tried.

- 3) In order to establish the alleged allegation, the complainant-Raghunath Ram was examined as PW-1 and stated that on account of the alleged assault, made by the respondents, his six teeth were broken down, however, the said fact was not found to be reflected from his alleged report (Ex.P-1), lodged on 19/12/2005 and, instead, it was reported therein that three of his teeth were broken down. There is, thus, disparity in his alleged version.
- 4) Biganram (PW-2), who was alleged to have seen the incident has, however, stated that on the said fateful day, the respondents were smoking while standing near his shop and, the complainant-Raghunath Ram, at that particular point of time, came with drunken condition and demanded 'Tambakhu' and after fulfilling his demand, he (PW-2) shut down his shop and went home and was not aware what had happened thereafter. The alleged allegation of the complainant was, thus, not found to be supported by him, though, according to him (PW-1), he has seen the alleged incident.
- 5) Babulal (PW-3), Bahadur Ram (PW-4) and Preetram (PW-5), the close relatives of the complainant- Raghunath Ram, are the hearsay witnesses as they were informed regarding the alleged incident by said Biganram (PW-2), who was turned hostile, as observed herein-above, therefore, no reliance could be placed upon their testimonies. No cogent and reliable evidence has, thus, been led by the prosecution, therefore, the trial Court after taking note of it has not

committed any illegality in acquitting them from the commission of the alleged crime, so as to call for any interference in this appeal.

- 6) The appeal, being devoid of merit is, accordingly, dismissed.

**Sd/-
(Sanjay S. Agrawal)
Judge**

Chandrakant