



2026:CGHC:3650



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 326 of 2024

Ayodhya Prasad Banjare S/o Shri Mohan Lal Banjare Aged About 44 Years Presently Working As Sells Men Of The Prathmik Krishi - Sah - Sakh - Sahakari Samiti Maryadit Manohara Reg. No. 210, Damakheda, Branch Mandhar, R/o Village Mandharkala, Thana Simga, Tahsil Simga, District Balodabazar - Bhatapara (C.G.), Pin 493101, Mb. - 7999249652,...
(Complainant)

--- Appellant

versus

1 - Rijhan Verma S/o Baburam Verma Aged About 35 Years R/o Village Darchura, Thana Simga, District Balodabazar - Bhatapara (C.G.), Pin 493101

2 - Shashibai Verma W/o Rijhan Verma Aged About 30 Years R/o Village Darchura, Thana Simga, District Balodabazar - Bhatapara (C.G.), Pin 493101

3 - Babulal Verma (Died During The Trial) S/o Late Shri Karan Verma Aged About 65 Years R/o Village Darchura, Thana Simga, District Balodabazar - Bhatapara (C.G.), Pin 493101

4 - State Of Chhattisgarh Through S.H.O. Police Station Simga For Crime No. 408/2020, District Balodabazar - Bhatapara (C.G.) Pin 493332

... Respondents

(Cause title taken from Case Information System)

For Appellant	:	Mr. Vijay K. Deshmukh, Advocate
For Respondents No.1 & 2	:	Mr. Hemant Gupta, Advocate
For Respondent No.4/State	:	Mr. Supriya Upasane, Govt. Advocate along with Mr. Vikhyat Arora, Penal Lawyer and Mr. Jai Prakash Tiwari, Advocate



Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

21/01/2026

1. Matter has been listed for appearance of the respondents No. 1 and 2 in compliance of the bailable warrant issued against them, vide order dated 16.12.2025. In compliance of the order dated 16.12.2025, the respondents 1 and 2 are present before this Court and both of them have been identified by their counsel Mr. Hemant Gupta. With the consent of the parties, the matter has been heard finally.
2. The appellant/complainant has filed the present acquittal appeal against the impugned judgment of acquittal dated 09.04.2024, passed by learned Special Judge (Atrocities), Baloda Bazar, in Special Sessions Case No. 6/2021, whereby the respondents/accused persons have been acquitted from the offence under sections 294, 323 read with section 34 of IPC and sections 3(2)(v-a), 3(1)(r) and (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'SC/ST Act').
3. The case of prosecution, in brief, is that, on the basis of a written complaint lodged by the complainant (exhibit P-1), the FIR (exhibit P-2) was registered against the respondents/accused persons for the offences under sections 294, 323, 34 of IPC and sections 3(2)(v-a), 3(1)(r) and (s) of the SC/ST Act with the allegation that, on 17.11.2020, the accused Rijhan Verma came to his fair price shop along with his wife and alleged that, he had taken higher value of the



commodities, which he purchased last week and when he denied, the accused Rijhan Verma started abusing him with the name of his caste. He called other persons by phone and in their presence, he committed marpeet with him. The other two accused persons have also assaulted him along with Rijhan Verma, by which he received injuries. He was sent for his medical examination to Community Health Centre, Simga, where she was medically examined by the doctor, who gave his MLC report (exhibit P-8). Statements of the witnesses were recorded and after completion of usual investigation, charge sheet was filed before the learned trial Court.

4. The learned trial Court has framed charges against the respondents/ accused persons on 21.09.2021 for the offences under sections 294, 323 read with section 34 of IPC and sections 3(2)(v-a), 3(1)(r) and (s) of the SC/ST Act. On 17.03.2023, the contents of the charges were amended by the learned trial Court and the offence charged were remained same. The accused persons denied the charges and claimed trial.
5. To prove the charges against the accused persons, the prosecution has examined 7 witnesses. Statements of the accused persons under section 313 of CRPC were also recorded, in which they denied the circumstances appears against them and submitted that, at the time when the complainant had gone to his fair price shop, he asked him as to why he had taken the higher price of sugar i.e. Rs. 20/- per KG instead of Rs. 17/- per KG and then he started abusing him and raised altercation. When his wife intervened, the complainant twisted



her hand and lodged the report against them. One defence witness Rajesh Kumar Sahu/DW-1 has been examined by the defence.

6. After appreciating the oral as well as documentary evidence led by the parties, the learned trial Court has acquitted the respondents/accused persons from the alleged offences, which is under challenge in the present acquittal appeal.
7. Learned counsel appearing for the appellant would submit that, the learned trial Court has erred in acquitting the accused persons. But for minor omissions or contradictions the evidence of the prosecution witnesses are reliable and sufficient to hold guilty of the accused persons. The complainant was being assaulted by the accused persons and the injuries have been found on his body, which has been proved by PW-6/Dr. Umataj Kuraishi. The evidence of the complainant is supported by the evidence of PW-2 and PW-3, but the same have not been considered by the learned trial Court properly. The prosecution has proved its case beyond reasonable doubt, yet the benefit of doubt have been given to the accused persons. The accused persons committed the offence in the place within the public view and assaulted the complainant, therefore, the impugned judgment of acquittal is erroneous and is liable to be set aside.
8. On the other hand, learned counsel appearing for the respondents/accused persons supported the impugned judgment and prays for dismissal of the acquittal appeal.



9. I have heard learned counsel for the parties and perused the record of the learned trial Court.
10. PW-1 is the complainant, who lodged the written complaint (exhibit P-1). In his written complaint and his evidence he stated that, by the marpeet committed by the accused persons, he received injuries on his lips. PW-6, Dr. Umartaj Kuraishi, who medically examined the complainant, has stated in his evidence that, on 17.11.2020, when he examined the complainant, he found injury and redness in his left eye, which was simple in nature. There is no other injury on his body. The said injury may have been caused by an insect bite. The doctor has not stated about any injury on the lip of the complainant and the complainant has not stated about about any injury on his eye and thus the alleged injury are self contradictory, as has been stated by the complainant.
11. The learned trial Court while acquitting the accused persons has considered that, the complainant has not disclosed any time of incident in his complaint, the genesis of the procurement was not known by the witnesses. PW-2 stated that only Rijhan Verma was committing marpeet with the complainant. Subsequently, he alleged all the three accused persons. PW-3 has stated in his evidence that, the accused Shashi Bai and Babulal were caught hold the complainant, and thus, there are inconsistencies in the evidence of prosecution witnesses.



12. Learned trial Court has also considered the defence taken by the accused persons that, the complainant was selling the commodities from fair price shop in a higher rate, which was objected by the accused persons and they made complaint against the Manager of the fair price shop. The said complaint was also sought to be proved by DW-1/Rajesh Kumar Sahu and thus the benefit of doubt was extended to the accused persons and they have been acquitted from the alleged offences. From closed scrutiny of the evidence makes it clear that there are sufficient discrepancies in the evidence of prosecution witnesses and the learned trial Court has rightly considered the evidence in its right perspective.

13. Recently, applying the law governing the scope of interference in an appeal against acquittal, the Hon'ble Supreme Court in the case of **State of Rajasthan Vs. Kistoora Ram**, 2022 SCC OnLine SC 984, has held as follows:

"8. The scope of interference in an appeal against acquittal is very limited. Unless it is found that the view taken by the Court is impossible or perverse, it is not permissible to interfere with the finding of acquittal. Equally if two views are possible, it is not permissible to set aside an order of acquittal, merely because the Appellate Court finds the way of conviction to be more probable. The interference would be warranted only if the view taken is not possible at all."



14. Further, in case of **Jafarudheen and Others Vs. State of Kerala**, 2022 (8) SCC 440, the Hon'ble Supreme Court has considered the scope of interference in appeal against acquittal in judgment at para 25, which reads as under :-

"25. While dealing with an appeal against acquittal by invoking Section 378 of the Cr.P.C., the Appellate Court has to consider whether the Trial Court's view can be termed as a possible one, particularly when evidence on record has been analyzed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the Appellate Court has to be relatively slow in reversing the order of the trial court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that ensures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters."

15. After considering the material available on record as well as the well-reasoned judgment passed by the learned trial Court and being very much conscious of the existing legal position as held in case of **Kistoora Ram** (Supra) and **Jafarudheen** (Supra) that in an appeal against acquittal if two views are possible on the basis of the



evidence led by the prosecution and the trial court taking one view favoured the accused, reversion of the findings of acquittal by the appellate court taking the other possible view into consideration, is not permissible in law. Further, an order of acquittal is not to be interfered with lightly unless it is grossly perverse, there has been serious miss-appreciation of evidence or non-consideration of material evidence and witnesses. If the view taken by the trial Judge is a possible view, the Appellate Court will not interfere only because another view may also be possible. It is for the prosecution to lead the best evidence and prove the charges beyond reasonable doubt.

16. Thus, in the given facts and circumstances of the case, this Court has no hesitation in reaching to the conclusion that the court below has not committed any illegality or infirmity while reaching to the conclusion of acquittal of the respondents/accused persons from the commission of offence under sections 294, 323, 34 of IPC and sections 3(2)(v-a), 3(1)(r) and (s) of the SC/ST Act.
17. The appeal being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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