



2026:CGHC:29205-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1797 of 2026**

State Of Chhattisgarh Through Police Station Premnagar, District Surajpur
C.G.

... Petitioner(s)**versus**

Atawar Singh Maravi S/o Fulsai Aged About 24 Years R/o Village
Vrindawan, Police Chowki Umeshwarpur, Police Station Premnagar
District Surjpur C.G.

... Respondent(s)

For Petitioner(s) : Mr. Ashish Shukla, Add. A.G.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****13.07.2026**

1. By way of present petition filed under Section 419 (3) of Bhartiya
Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') the State has sought
leave to appeal against the impugned judgment of acquittal dated
20.01.2026 passed by the learned District & Additional Sessions Judge
(FTSC), Surajpur, District- Surajpur (C.G.) in Session Case No. 19/2024,
by which the respondent/accused has been acquitted of the charges



punishable under Sections 376, 302, 201 of the Indian Penal Code in connection with Crime No. 139/2023 registered at Police Station- Chowki Tara, Police Station- Premnagar, District- Surajpur (C.G.).

2. I.A. No. No. 01 of 2026, is an application for condonation of delay of 59 days in filing the instant petition for leave to appeal.

3. For the reasons mentioned in the application, the same is allowed. Delay in filing the petition for leave to appeal is condoned.

4. The prosecution case, in brief, is that on 02.12.2023, the informant, Chandrabhan, a forest chowkidar, reported at Police Outpost Tara that while patrolling the Chhote Jarga forest at about 9:00 a.m., he had noticed the half-burnt dead body of an unknown woman lying in a supine position. The deceased's tongue was protruding, her face and upper body were burnt, and she was wearing a partially burnt pink suit and brown leggings. A pair of pink slippers, a matchbox, and burnt matchsticks were found near the body. On the basis of the said information, an unnumbered merg intimation under Section 174 CrPC and an unnumbered FIR under Sections 302 and 201 IPC were initially registered at Police Outpost Tara, which were subsequently registered as Merg No. 77/2023 and Crime No. 139/2023 at Police Station Premnagar.

5. During investigation, it was revealed that on 30.11.2023, the deceased had left her house stating that she was going to her sister's residence. On 03.12.2023, the dead body was identified by her father, who disclosed that the deceased was in a love relationship with the appellant/accused, Atwar Singh Maravi. The accused was taken into



custody on 05.12.2023, and during interrogation, he allegedly disclosed that he had taken the deceased on his motorcycle to the forest on 30.11.2023. According to the prosecution, when the deceased insisted upon marriage, a quarrel ensued, whereupon the accused strangled her with her chunni, causing her death. Thereafter, he allegedly poured petrol from a plastic bottle over the body, set it ablaze with a matchstick to destroy the evidence, and threw the plastic bottle near the railway track. During post-mortem examination, the deceased's undergarments, vaginal slide and vaginal swab were preserved and sent for forensic examination. The FSL report detected human spermatozoa, indicating that the deceased had been subjected to sexual intercourse prior to her death. Consequently, Section 376 IPC was also added, and after completion of investigation, charge-sheet was filed against the accused for offences punishable under Sections 376, 302 and 201 of the IPC.

6. The learned trial Court after appreciating the evidence available on record, acquitted the respondent / accused from the offences for which he has been charged with by giving him the benefit of doubt.

7. Learned State counsel vehemently supported the appeal and submitted that the impugned judgment of acquittal is wholly erroneous, perverse and contrary to the settled principles governing appreciation of evidence in a case based on circumstantial evidence. It is contended that the trial Court failed to properly appreciate the oral, medical and scientific evidence available on record and ignored the complete chain of incriminating circumstances established by the prosecution. Learned State counsel submits that PW-4, the father of the deceased, has categorically deposed that he identified the deceased despite the body being partially



burnt and also stated about the incriminating writing found on the burnt hand of the deceased. It is further submitted that PW-11, Dr. Anita, who conducted the postmortem examination, has unequivocally opined that the deceased was pregnant, a dead foetus was found in her uterus, and that the cause of death was strangulation, which was homicidal in nature. Learned State counsel further submits that the FSL Report (Ex.P/35) established the presence of semen stains and human spermatozoa in the underwear, vaginal slide and vaginal swab of the deceased. More importantly, the DNA Report (Ex.P/38) conclusively opined that the DNA profile obtained from the foetus recovered from the womb of the deceased matched the DNA profile of the respondent/accused, thereby establishing that the accused was the biological father of the unborn child. It is argued that this scientific evidence constitutes a highly incriminating circumstance corroborating the prosecution case and establishing the intimate relationship between the deceased and the respondent. It is further submitted that there was no valid reason for the trial Court to discard the trustworthy oral, medical and forensic evidence and that the findings recorded are based on conjectures, surmises and misappreciation of material evidence. According to the learned State counsel, the circumstances proved on record formed a complete chain pointing unerringly towards the guilt of the respondent and excluded every hypothesis consistent with his innocence. It is also contended that once the prosecution had established that the deceased was last seen in the company of the respondent and that her death was homicidal, the burden shifted upon the respondent under Section 106 of the Indian Evidence Act to explain the circumstances leading to her death, which he failed to do. It



is, therefore, submitted that the acquittal of the respondent for the offences punishable under Sections 376, 302 and 201 of the IPC is unsustainable in law and on facts and deserves to be set aside by convicting the respondent in accordance with law.

8. We have heard learned counsel for the appellant/State and perused the documents appended with the petition.

9. Having bestowed our anxious consideration to the rival submissions and upon a careful re-appreciation of the oral, medical and scientific evidence available on record, particularly the FSL Report (Ex.P/35) indicating the presence of human spermatozoa and semen stains on the vaginal samples of the deceased and the DNA Report (Ex.P/38), which prima facie establishes that the respondent is the biological father of the foetus recovered from the womb of the deceased, we are of the considered opinion that the appeal raises substantial and arguable questions requiring examination on merits. The findings recorded by the trial Court, particularly with regard to the appreciation of the scientific evidence, warrant a closer scrutiny in appellate jurisdiction. Accordingly, considering the totality of the facts and circumstances of the case, we are satisfied that the present is a fit case for grant of leave to appeal. Consequently, the application filed under Section 419(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 is **allowed**.

10. Office is directed to register the case under the head of "Acquittal Appeal".

11. The Cr.M.P. is **disposed off** accordingly.

12. The acquittal appeal is also stand **admitted**.



13. Let a bailable warrant of a sum of **Rs. 5,000/-** be issued against the respondent/accused for his presence before this Court on **28.07.2026**.

14. Superintendent of Police concerned is directed to serve the notice to the accused-respondent, who shall appear before this Court in person or through his counsel.

15. Trial Court record be summoned within 48 hours on priority basis.

16. Let the paper-book be filed in accordance with the High Court Rules, 2007 on priority basis.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet