



2026:CGHC:9961-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1367 of 2022**

The State Of Chhattisgarh Through - District Magistrate, District -
Rajnandgaon Chhattisgarh.

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

Ashok Kumar Yadav S/o Shankarlal Yadav Aged About 30 Years R/o
High School Sector Cooperative Line Ward No.09, Dalli Rajhar At
Present R/o Shaheed Chowk Ward No. 14 Dallirajhara, District Balod
Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Priyank Rathi, Government Advocate

For Respondent(s) : Mr. Shobhit Kosta, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board****Per Ramesh Sinha, Chief Justice****26.02.2026**

1. Learned counsel for the respondent submits that in compliance to the Court's order dated 19.02.2026, the accused / respondent Ashok Kumar Yadav is present before this Court.



2. By way of present petition filed under Section 378(3) of the Cr.P.C., the State has sought leave to appeal against the impugned judgment of acquittal dated 08.04.2022 passed by the learned Special Judge, Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, Rajnandgaon (C.G.) in Special Case No. 22/2021 by which, the respondents / accused have been acquitted of the charges punishable under Sections 302 of the IPC and Section 3(2)(v) of the SC & ST (Prevention of Atrocities) Act, 1989.
3. The prosecution story, in brief, is that, on 26.04.2021 a marriage ceremony was being held at the house of Balsingh Guruji in Village Harrotola, Police Station Mohla, District Rajnandgaon. On the same night at about 11:30 p.m., the complainant Chainsingh Koreti along with deceased Thansingh Tekam was returning home after attending the ceremony. It was alleged that due to a previous dispute during the marriage function, the accused Ashok Kumar Yadav came driving Swift car bearing registration No. CG 07 MB 8692 in a rash and negligent manner and dashed against them. It was further alleged that after moving some distance, the accused reversed the vehicle with an intention to kill, resulting in grievous internal injuries to Thansingh Tekam, who died on the way to the hospital.
4. On the basis of the report lodged by the complainant, Dehati Nalishi and Dehati Merg Intimation were registered and thereafter



formal FIR was recorded. After completion of investigation, charge-sheet was filed under Section 302 IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act against the accused.

5. The prosecution examined 15 witnesses in support of its case. However, upon appreciation of the evidence on record, the learned trial Court held that the prosecution failed to establish beyond reasonable doubt that the accused intentionally caused the death of the deceased by driving the vehicle in the alleged manner and consequently acquitted the accused of the charges. Hence this appeal.
6. Learned State counsel submits that the impugned judgment of acquittal is erroneous, unreasonable and contrary to the settled principles of law. The learned trial Court has committed a grave error in acquitting the respondent from the offences charged, as the findings recorded are contrary to the evidence available on record. It is contended that the trial Court failed to properly appreciate the consistent and cogent statements of the eye-witnesses, particularly P.W.-1 (Chain Singh Koreti) and P.W.-9 (Narottam Das Tekam). P.W.-1 has categorically deposed before the Court that the accused was driving the vehicle in a rash and negligent manner and deliberately dashed him and the deceased owing to a prior dispute at the wedding ceremony, as a result of which the deceased sustained grievous injuries on vital parts and succumbed thereto. His testimony has been duly corroborated by



P.W.-2, P.W.-3, P.W.-4, P.W.-5, P.W.-6, P.W.-9 and P.W.-12. It is further submitted that the trial Court failed to appreciate the medical evidence of Dr. S.R. Mandavi (P.W.-8), who clearly opined that the death occurred due to haemorrhagic shock resulting from rupture of vital organs, which supports the prosecution version. The evidence of P.W.-2, particularly para 10 of his cross-examination, also establishes that there was a prior dispute between the accused and the deceased at the marriage function, providing motive and showing that the act was intentional. The statement of P.W.-1 recorded under Section 164 Cr.P.C. (Ex.P-3) has also not been properly considered, wherein he clearly implicated the accused in the commission of the offence. It is argued that the cumulative evidence on record clearly establishes that due to the previous dispute, the accused intentionally drove the vehicle in a manner so as to cause the death of the deceased, thereby attracting the offence under Section 302 IPC. The finding of the trial Court regarding alleged contradictions and omission in the prosecution case, as well as doubt about the identity of the driver, is perverse and unsustainable, as the witnesses have consistently identified the accused and attributed the act to him. Hence, it is respectfully submitted that the acquittal recorded by the learned trial Court is unjust, unwarranted and bad in law, and the same deserves to be set aside.



7. On the other hand, learned counsel for the respondent supports the impugned judgment and submits that the learned trial Court has rightly acquitted the respondent after proper appreciation of the entire oral and documentary evidence on record. It is contended that there are material contradictions and omissions in the statements of the alleged eye-witnesses, and their testimonies are not reliable to establish intention or identity of the driver beyond reasonable doubt. It is further submitted that no independent and cogent evidence has been brought on record to prove that the respondent intentionally caused the death of the deceased, and at best, the case may fall within the ambit of rash and negligent driving. The medical and ocular evidence do not conclusively establish the offence under Section 302 IPC. Therefore, in an appeal against acquittal, where the view taken by the trial Court is a possible and reasonable view, no interference is warranted.
8. We have heard learned counsel for the parties and perused the impugned judgment along with the trial Court record annexed with the present appeal.
9. The learned Special Judge, after detailed appreciation of the oral and documentary evidence, acquitted the respondent/accused by holding that though several procedural steps were undertaken during investigation, such as seizure of cloth from the Swift car (Ex.P-23), issuance of notice under Section 91 Cr.P.C. for



production of caste certificate, correspondence seeking certification under Section 65-B of the Evidence Act, recording of statements under Section 164 Cr.P.C., and forwarding of seized articles to the State Forensic Science Laboratory, Raipur, there were material deficiencies in the prosecution case. The Investigating Officer admitted in cross-examination that the seized vehicle did not belong to the accused and that the owner, Santosh Sahare, was neither examined nor was his statement recorded to ascertain who had taken the vehicle on the date of the incident. There were also contradictions regarding the number of persons present in the vehicle, as one witness stated that four persons were inside, yet the investigation did not clarify their identities or record their statements. The Court further observed that no Test Identification Parade was conducted to firmly establish the identity of the accused as the driver of the offending vehicle.

- 10.** The trial Court also found that the evidence of the alleged eye-witnesses, particularly P.W.-1 and P.W.-9, was not wholly reliable, especially in view of the fact that the incident occurred at night and there was no clear evidence regarding the source of light enabling proper identification. In cross-examination, P.W.-1 admitted that he did not see the accused getting into the car and that the vehicle had come from behind, thereby raising doubt as to whether he could clearly identify the driver. Further, there were inconsistencies regarding the alleged prior dispute at the wedding



venue, including description of a tall, fair-skinned boy, which did not match the accused. The Court held that the prosecution failed to conclusively establish that the accused was driving the vehicle at the relevant time or that he intentionally caused the death of the deceased. In view of these material contradictions, investigative lapses, and absence of proof beyond reasonable doubt, the learned Special Judge extended the benefit of doubt to the accused and acquitted him of the charges under Section 302 IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, directing his release from judicial custody unless required in any other case.

11. Taking into consideration the findings recorded by the trial Court, acquitting the respondent/accused from aforesaid offences, we do not find any reason to allow Criminal Miscellaneous Petition seeking grant of leave to appeal.
12. 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"** reported in **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."

- 13.** Thus, for the foregoing reasons, the CRMP seeking for leave to appeal being totally devoid of merits the same is **rejected**. Consequently, the appeal also stands **dismissed**.
- 14.** A copy of the trial Court record has already been annexed with the petition along with memo of submission.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet