



2026:CGHC:18370-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 260 of 2015

1 - Jatru Kumar @ Pankaj S/o Sukar Kumar Aged About 19 Years, Caste Kumhaar, Occupation Helper R/o Village Kuding Mahuatoli (Rakhwartoli) Outpost - Lodaam, Ps Jashpur, Distt. Jashpur C.G.

... Appellant

versus

1 - State Of Chhattisgarh Through Station House Officer, PS Jashpur, Distt. Bilaspur C.G.

... Respondent

For Appellant	:	Shri Akhtar Hussain, Advocate.
For Respondent	:	Smt. Shailja Shukla, Govt. Advocate.

**DB: Hon'ble Shri Justice Sanjay S. Agrawal &
Hon'ble Shri Justice Narendra Kumar Vyas**

Judgment On Board

22/04/2026

Per Sanjay S. Agrawal, J

1. This appeal has been preferred by the appellant/accused under Section 374 of the Code of Criminal Procedure, 1973, questioning the legality and propriety of the judgment dated 24.01.2015 passed by the

learned Sessions Judge, Sessions Division, Jashpur Chhattisgarh in Sessions Trial No.68/2014, whereby the appellant has been convicted under Section 302 of IPC and sentenced to rigorous imprisonment for life with fine amount of Rs. 500/-, and in default of payment of fine amount, to further undergo rigorous imprisonment for three months.

2. Briefly stated the case of the prosecution is that, on 03.06.2014, a merger intimation (Ex.P.-1) was lodged by one Vinod Tirkey, Kotwar of the Village Kuding Mahuatoli (Rakhwartoli) before the Police Station Lodaam, District Jashpur, stating, *inter alia*, that in the morning at about 7 a.m., he received information from one Shyam Lal that a quarrel had taken place in the house of the deceased Sukar Kumar and his dead body was lying there. Based upon the alleged information, an FIR (Ex.P.-2) was registered against the appellant - Jatru Kumar @ Pankaj for the offence punishable under Section 302 of IPC for the commission of murder of his father and, the dead body of his father was sent for autopsy, which was conducted by Dr. Ashutosh Tirkey (PW-10), who vide his Post Mortem Report (Ex.P.-15) opined the cause of death to be shock occurred due to respiratory arrest and during the course of investigation, walking cane (Bahinga) in pieces and, a bamboo stick with blood stain was seized on 03.06.2014 vide seizure memo (Ex.P.-6), based upon his disclosure statement (Ex.P.-5) in presence of two witnesses, namely, Shyamlal Ram (PW-4) and Shankar Das (PW-6) and, the alleged recovery was sent for chemical examination where vide FSL report (Ex.P.-20) blood was found on those articles and, after completion of investigation, a charge sheet was submitted before the Court of Judicial Magistrate, First Class, Jashpur against the appellant for the offence punishable under Section 302 of IPC and, the matter

was, thereafter, committed to the concerned trial Court, where based upon the materials available on record, he was charge sheeted for the commission of murder of his father – Sukar Kumar under Section 302 of IPC, which was denied by him and claimed to be tried.

3. The trial Court, after considering the evidence led by the prosecution, particularly, the statements of the wife and daughter of the deceased – Sukar Kumar and also by taking note of the FSL report (Ex.P.-20), held the appellant guilty for the commission of murder of his father and accordingly, he was convicted under Section 302 of IPC and has been sentenced, as mentioned herein-above and, being aggrieved, the instant appeal has been preferred.
4. Learned counsel appearing for the appellant/accused submits that the finding of the trial Court holding that the appellant is involved for the commission of the alleged crime is apparently contrary to the materials available on record, inasmuch as the evidence led by the prosecution, particularly, the statements of the wife and daughter of the deceased have not been scanned in its proper manner and, thereby erred in convicting him as such. The impugned judgment is, therefore, liable to be set aside.
5. On the other hand, learned counsel appearing for the State/respondent has supported the impugned judgment of conviction and sentence as awarded by the trial Court.
6. We have heard learned counsel for the parties and perused the entire record carefully.
7. From perusal of the record, it appears that the appellant – Jatru Kumar @ Pankaj has been charge sheeted for the commission of murder of

his father – Sukar Kumar on the allegation that on the said fateful day, i.e., on 02.06.2014, in the night around 10 p.m., a quarrel had taken place amongst the family members of the deceased where the appellant has assaulted his father with the aid of walking cane (Bahinga) and with a bamboo stick, which were recovered at his instance on 03.06.2014 vide seizure memo (Ex.P.-6).

8. In order to establish the alleged allegation, the wife of the deceased, namely, Asaari Bai (PW-2) and Sunita Kumari (PW-3), daughter of the deceased, who were the eyewitnesses for the commission of the alleged crime, were examined, but have failed to prove the prosecution story, as according to the testimony of deceased's wife (PW-2), it appears that she was at Jashpur on the day of the incident and was not aware who has killed her husband, likewise, the daughter of the deceased, namely, Sunita Kumari (PW-3) was not aware how her father has died, or who has killed him. Both these eyewitnesses have, thus, not supported the prosecution version.
9. That apart, according to the FIR, it appears that said Shyamlal, who informed regarding the dead body of the deceased to Kotwar Vinod Tirkey, was received the information from one Dhaniram and Chandru that a quarrel had taken place in the house of the deceased where his dead body was lying there, but for the reasons best known to the prosecution, they (Dhaniram and Chandru) have not been examined.
10. It is to be seen further that though the alleged weapons were alleged to have been recovered from the appellant vide seizure memo (Ex.P.-6) based upon his disclosure statement (Ex.P.-5) in presence of two witnesses, namely, Shyamlal Ram (PW-4) and Shankar Das (PW-6), but

both these witnesses have turned hostile without supporting the alleged recovery in their presence, nor human blood was found on those articles as per the FSL report (Ex.P.-20). In such circumstances and in absence of any cogent and reliable evidence led by the prosecution, it is difficult to hold that the appellant was involved for the commission of murder of his father, as alleged by the prosecution.

11. Consequently, the appeal is allowed and the impugned judgment of conviction and order of sentence dated 24.01.2015 passed by the learned Sessions Judge, Sessions Division, Jashpur Chhattisgarh in Sessions Trial No.68/2014 is hereby set aside. As the appellant is on bail, his bail bond and surety stand discharged.

A copy of this order be sent to the concerned trial Court for necessary compliance.

Sd/-
(Sanjay S. Agrawal)
JUDGE

Sd/-
(Narendra Kumar Vyas)
JUDGE