



2026:CGHC:17161-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No.42 of 2016

State Of Chhattisgarh Through Station House Officer, Police Station Nevai,
District Durg Chhattisgarh.

... Appellant

versus

Ajay Munda @ Gurucharan Singh Munda S/o Man Singh Munda Aged 20
Years R/o. Saraikela Borbil, P.S. Saraikela Borbil, District Chaibasa
(Jharkhand), Presently R/o. H.S.C.L. Colony, Station Maroda, Behind the
house of Motilal Contractor, P.S. Nevai, District Durg, Chhattisgarh

... Respondent

For Appellant	:	Shri Atanu Ghosh, Deputy Govt. Advocate
For Respondent	:	None, though served

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

Judgment on Board

Per Sanjay S. Agrawal, J.

15/04/2026

- 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 25/03/2015, passed by the learned Sessions Judge, Durg, District Durg (C.G.) in Sessions Trial No.79/2014, whereby, the respondent has been acquitted with regard to the offence punishable under Section 302 of IPC.



- 2) From perusal of the record, it appears that a Dehati Nalishi (Ex.P-2) was lodged by one Lakhan Munda, the uncle of the respondent-Ajay Munda before the Police Station Newai of District Durg, stating therein that on 22/12/2013, the respondent-Ajay Munda came around 10 PM and, after seeing him, the deceased-Ram Prasad, the brother of him, assaulted him with the aid of wooden plank (*Phatta*), owing to which, he (respondent) got annoyed and he also assaulted him (Ram Prasad) with the aid of wooden plank (*Phatta*) and on account of that, he fell down and thereafter, he continuously assaulted him, owing to which, he became unconscious and during the course of his treatment, he died in the hospital. On account of the alleged incident, an FIR (Ex.P-20) was registered against the respondent for the offence punishable under Section 302 of IPC and during the course of investigation, the wooden plank (*Phatta*) was recovered with like bloodstains from him on 23/12/2013, based upon his disclosure statement (Ex.P-9), in presence of two witnesses, namely, Man Singh (PW-5) and one Nurul Islam. After conducting the inquest of the deadbody, the same was sent for autopsy, which was conducted by Dr. N. C. Rai (PW-15), who vide his report (Ex.P-13 "A"), opined the cause of death to be head injury and, the weapon used for the commission of the alleged offence was sent for chemical examination, where no blood was found on it, as per the FSL Report (Ex.P-24) and after completion of due investigation, the charge sheet was submitted before the Judicial Magistrate First Class, Durg, who in turn, has committed the matter to the learned trial Court and based upon the materials available on record, the



respondent has been charge-sheeted with regard to the offence mentioned herein-above, which was denied by him and claimed to be tried.

- 3) Perusal of the Dehati Nalishi (Ex.P-2) would reveal the fact that the alleged incident was seen by the uncle of the deceased, namely, Lakhan Munda, but has failed to prove the prosecution story, as it was stated by him (PW-3) in his evidence that though on the said fateful day, both brothers, namely, the deceased -Ram Prasad and the respondent-Ajay Munda, assaulted each other with the aid of wooden plank (*Phatta*), but, in his cross-examination at paragraph-9, he was, however, unable to state as to how the alleged incident was occurred and deposed further that he has not seen the same.
- 4) Kunti Bai Munda (PW-2), is the cousin of the deceased, who in her statement (Ex.P-1), recorded under Section 161 Cr.P.C., stated that on the said fateful day, i.e. on 22/12/2013, her cousin, namely, Ajay Munda, after getting annoyed, assaulted the deceased-Ram Prasad on his head with the aid of wooden plank (*Phatta*), owing to which, he fell down and blood was oozing from his head, but, when she was examined before the Court, the alleged of her version was, however, not proved by her, as revealed from paragraph-5 of her cross-examination, where it was stated that she has not seen the alleged incident. Likewise, is the statement of Sanat Yadav (PW-6), who in his statement (Ex.P-12) recorded under Section 161 Cr.P.C., though stated that he reached the spot, after hearing the noise and has seen that the deceased was being assaulted by the respondent,



but, has turned hostile, without supporting the alleged of his version.

It, thus, appears that all these are eye-witnesses have failed to establish the alleged allegations as revealed from report (Ex.P-2) lodged by the uncle of the deceased.

- 5) It is to be seen further that though the wooden plank (*Phatta*) alleged to have been recovered at the instance of the respondent on 23/12/2013 vide Ex.P-10, in presence of Man Singh and one Nurul, but Man Singh (PW-5), who was examined to prove the same, has, however, failed to prove the alleged recovery from him, the respondent herein. That apart, no blood was, however, found on the alleged weapon as revealed from the FSL Report (Ex.P-24).
- 6) In view of the aforesaid background and, in absence of any cogent and reliable evidence led by the prosecution, it is difficult to hold that the the respondent was involved for the commission of the murder of his brother-Ram Prasad and, the trial Court, after taking note of those materials, has, therefore, not committed any illegality in acquitting the respondent from the commission of the alleged crime.
- 7) The appeal, being devoid of merit, is accordingly dismissed.

SD/-
(Sanjay S. Agrawal)
Judge

SD/-
(Narendra Kumar Vyas)
Judge