



2026:CGHC:13314



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 790 of 2016

1 - Dilip Kumar Patel S/o Birjhu Patel Aged About 38 Years R/o Village Karda, Chowki Lawan, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.

2 - Kripa Shankar Kewat (Abated) As Per Honble Court Order Dated 11-11-2025.

3 - Mohan Patel S/o Sagar Patel Aged About 45 Years R/o Village Karda, Chowki Lawan, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.

---Appellants

versus

State of Chhattisgarh Through The Police Station Kasdol, Civil And Revenue District Baloda Bazar Bhatapara, Chhattisgarh

--- Respondent

For Appellants : Ms. Yatika Verma, Advocate

For Respondent/State : Mr. Jitendra Shrivastava, GA

CRA No. 801 of 2016

Shivkumar Sahu S/o Pakluram Sahu Aged About 32 Years R/o Karda, Chauki Lawan, Thana Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh

---Appellant

Versus

State of Chhattisgarh Through Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh

-- Respondent



For Appellant : Mr. Arvind Prasad, Advocate on behalf of
Mr. Samir Singh, Advocate

For Respondent/State : Mr. Jitendra Shrivastava, GA

CRA No. 773 of 2016

- 1** - Narayan Patel S/o Dukhram Patel Aged About 37 Years R/o Village Karda, Out Post Chowki - Lawan, Police Station Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh. , Chhattisgarh
- 2** - Komal Sahu S/o Darshan Sahu Aged About 20 Years R/o Village Karda, Out Post Chowki - Lawan, Police Station Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh. , District : Balodabazar-Bhathapara, Chhattisgarh
- 3** - Dakesh Kumar Sahu S/o Kamalnarayan Sahu Aged About 25 Years R/o Village Karda, Out Post Chowki - Lawan, Police Station Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh. , District : Balodabazar-Bhathapara, Chhattisgarh
- 4** - Bhuneshwar S/o Tulsi Yadav Aged About 28 Years R/o Village Karda, Out Post Chowki - Lawan, Police Station Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh. , District : Balodabazar-Bhathapara, Chhattisgarh
- 5** - Santosh Sahu S/o Son Sai Aged About 28 Years R/o Village Karda, Out Post Chowki - Lawan, Police Station Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh. , District : Balodabazar-Bhathapara, Chhattisgarh
- 6** - Samaru Patel S/o Mukundi Patel Aged About 43 Years R/o Village Karda, Out Post Chowki - Lawan, Police Station Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh. , District : Balodabazar-Bhathapara, Chhattisgarh
- 7** - Aajuram S/o Shivcharan Sahu Aged About 48 Years R/o Village Karda, Out Post Chowki - Lawan, Police Station Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh. , District : Balodabazar-Bhathapara, Chhattisgarh
- 8** - Nandau Sahu S/o Baratu Sahu Aged About 30 Years R/o Village Karda, Out Post Chowki - Lawan, Police Station Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh. , District : Balodabazar-Bhathapara, Chhattisgarh



9 - Santosh Kumar Sahu S/o Anandram Sahu Aged About 35 Years R/o Village Karda, Out Post Chowki - Lawan, Police Station Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh. , District : Balodabazar-Bhathapara, Chhattisgarh

---Appellants

Versus

State of Chhattisgarh Through Police Station Kasdol, Distt. Balodabazar-Bhatapara Chhattisgarh

--- Respondent

For Appellants : Mr. A.S. Rajput, Advocate

For Respondent/State : Mr. Jitendra Shrivastava, GA

CRA No. 766 of 2016

Mahesh Kumar Sahu S/o Baratu Sahu Aged About 32 Years R/o Village Karda Police Chowki Lawan, Police Station Kasdol, In The Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh

---Appellant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Kasdol, Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh,

-- Respondent

For Appellant : Mr. Santosh Kumar Sahu, Advocate

For Respondent/State : Mr. Jitendra Shrivastava, GA

CRA No. 769 of 2016

Ajitaram Sahu S/o Feru Sahu Aged About 42 Years R/o Village Karda Police Chowki Lawan, Police Station Kasdol, In The Civil And Revenue District Baloda Bazar Bhatapara, Chhattisgarh

---Appellant

Versus



State of Chhattisgarh Through The Station House Officer, Police Station
Kasdol, Civil And Revenue District Baloda Bazar Bhatapara, Chhattisgarh

--- Respondent

For Appellant : Mr. Santosh Kumar Sahu, Advocate

For Respondent/State : Mr. Jitendra Shrivastava, GA

CRA No. 767 of 2016

1 - Virendra Kumar Sahu S/o Ajitaram Sahu Aged About 20 Years R/o Village Karda Police Chowki Lawan, Police Station Kasdol, In The Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh

2 - Ajit Sahu S/o Feru Sahu Aged About 45 Years R/o Village Karda Police Chowki Lawan, Police Station Kasdol, In The Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

3 - Lalmohan Patel S/o Damodar Patel Aged About 32 Years R/o Village Karda Police Chowki Lawan, Police Station Kasdol, In The Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

4 - Murari Sahu S/o Vishram Sahu Aged About 28 Years R/o Village Karda Police Chowki Lawan, Police Station Kasdol, In The Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---Appellants

Versus

State of Chhattisgarh Through The Station House Officer, Police Station
Kasdol, Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh

--- Respondent

For Appellant : Mr. Santosh Kumar Sahu, Advocate

For Respondent/State : Mr. Jitendra Shrivastava, GA

**CRA No. 768 of 2016**

1 - Tiharu Ram Sahu S/o Babulal Sahu Aged About 38 Years R/o Village Karda Police Chowki Lawan, Police Station Kasdol, In The Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh., Chhattisgarh

2 - Anil Kumar Sahu S/o Hemlal Sahu Aged About 30 Years R/o Village Karda Police Chowki Lawan, Police Station Kasdol, In The Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

3 - Manoj Patel S/o Bhikhari Patel Aged About 26 Years R/o Village Karda Police Chowki Lawan, Police Station Kasdol, In The Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---Appellants

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Kasdol, Civil And Rev. Distt. Baloda Bazar/ Bhatapara Chhattisgarh., Chhattisgarh

--- Respondent

For Appellant : Mr. Santosh Kumar Sahu, Advocate

For Respondent/State : Mr. Jitendra Shrivastava, GA

CRA No. 788 of 2016

1 - Jeedhan Sahu S/o Babulal Sahu Aged About 43 Years R/o - Village - Karda, Chowki - Lawan, Police Station - Kasdol, District Revenue And Civil - Baloda Bazar Bhatapara Chhattisgarh , Chhattisgarh

2 - Kisan Sahu S/o Babulal Sahu Aged About 48 Years R/o Village - Karda, Chowki-Lawan, Police Station - Kasdol, District - Revenue And Civil Balodabazar - Bhatapara Chhattisgarh , District : Balodabazar-Bhathapara, Chhattisgarh

---Appellants

**Versus**

State of Chhattisgarh Through - The Police Station Kasdol - District Revenue
And Civil Balodabazar - Bhatapara Chhattisgarh , Chhattisgarh

--- Respondent

For Appellants : Ms. Laxmin Tondey, Advocate through
legal aid

For Respondent/State : Mr. Jitendra Shrivastava, GA

(Hon'ble Shri Justice Arvind Kumar Verma)

Judgment on Board

19/03/2026

1. During the pendency of Criminal Appeal No. 790 of 2016, it has been brought on record that appellant No. 2, namely Kripa Shankar Kewat, has expired on 02.12.2022. In view of the order passed by this Court on 11/11/2025, the appeal stands abated in respect of appellant No. 2. Accordingly, the present appeal is being considered only in respect of the remaining appellants.
2. All these criminal appeals are being heard and decided together as the common thread passes through.
3. These criminal appeals have been preferred by the appellants under Section 374 (2) of the Code of Criminal Procedure is directed against the impugned judgment dated 15/06/2016 passed by the 1st Additional Sessions Judge, Balodabazar, District Balodabazar-Bhatapara, C.G. in Sessions Case No.22/2015 whereby the appellants have been convicted for the offences punishable under Sections 147, 186, 294, 353 and 332 of the Indian Penal Code and are sentenced as follows: for the offence



under Section 147 IPC, to undergo imprisonment for a period of one year with fine of Rs. 500/-, in default of payment of fine, to further undergo imprisonment for 15 days; for the offence under Section 186 IPC, to undergo imprisonment for three months with fine of Rs. 500/-, in default of payment of fine, to further undergo imprisonment for 15 days; for the offence under Section 294 IPC, to undergo imprisonment for three months with fine of Rs. 500/-, in default of payment of fine, to further undergo imprisonment for 15 days; for the offence under Section 332 IPC, to undergo imprisonment for two years with fine of Rs. 1000/-, in default of payment of fine, to further undergo imprisonment for one month; and for the offence under Section 353 IPC, to undergo imprisonment for two years with fine of Rs. 1000/-, in default of payment of fine, to further undergo imprisonment for one month

4. The case of the prosecution in brief is that the Constable Meghnath Sahu has given a written application to the Kasdol police station that he is working as a constable at Lavan outpost. On 26.01.2015, he went to Balodbazar development block to maintain peace and order for the Panchayat elections. On 27.01.2015, he was posted with the polling parties for duty at polling booth no. 44 of Karda village. On 28.01.2015, when the polling was going on, at about 03.00 pm, the accused Anilkumar Sahu, Manoj Kumar Patel, Santosh Kumar Sahu, Mahesh Sahu, Ajita Sahu and his son Shivkumar Sahu, Dilip Patel and 20-25 other people, in collusion with their other companions, started abusing him by using filthy language, saying that he was increasing the crowd. Hearing this, he was dragged out of the duty place by holding his hair.



They were thrown out and trying to beat up the polling parties. They started creating ruckus, seeing which he was punished, he tried to keep the polling parties safe, on which they tried to kill him and beat him badly with their hands and fists and created fear and snatched his purse and looted Rs. 2000/- kept in the purse and the Sonata worth Rs. 1000/- worn on his hand, he called the higher officials and locked the room to save himself and the polling parties, then they started pelting stones from outside and tore the duty certificate into pieces and threw it, cut the uniform, watch, whistle, rope and threw it at the spot. The people from the polling party and the agent have seen and heard the incident. Due to the beating, there is a lot of pain in the back, arms, hands, face, head.

5. Based on the above written report, the police station concerned found prima facie offences of sections 147, 186, 332, 353, 294, 395 of IPC committed against the accused and after completing the investigation, presented the charge sheet in the court of Judicial Magistrate First Class, Kasdol. As the case was triable by the Sessions Court, it was handed over to the Sessions Court.
6. Charges were framed against the accused under sections 147, 186, 332, 353, 294, 395 of the Indian Penal Code and the plea of the accused was taken. On the accused denying the charges, the case was taken into trial and after examination of evidence, statement of accused was recorded from the accused under section 313 of the CrPC. In the statement taken, the accused have answered most of the questions as "I don't know", "It is wrong".



7. The accused were admitted to the defence under Section 233 CrPC, on which the accused expressed their desire not to give any defence evidence and no witness was examined in their defence.
8. The learned trial Court after evaluating the facts & evidence convicted the accused as aforesaid. Hence this appeal.
9. Learned counsel appearing for the appellants submit that the judgment passed by the trial Court is not proper and is against the evidence on record, and therefore deserves to be set aside. It is submitted that the entire case of the prosecution is mainly based on the statement of PW-2 Meghnath Sahu (complainant/injured). PW-2 Meghnath Sahu has clearly stated that he did not know the accused persons earlier and he identified them only by face. It is further submitted that in the FIR (Ex.P/3), there is no mention as to how the accused persons were identified, which creates serious doubt regarding their identity. Learned counsel further submit that no Test Identification Parade (TIP) was conducted. PW-2 Meghnath Sahu has admitted that he identified the accused persons in the police station after their arrest. Such identification in the police station has no value in law. No panchnama was prepared and no Magistrate was present at that time. Even the Investigating Officer has stated that no TIP was conducted as it was not required. Therefore, the identity of the accused persons has not been properly proved. It is further submitted that most of the prosecution witnesses have not supported the case and have turned hostile. It is further submitted that PW-1 Aasit Toppo, who was posted at polling booth, has also not clearly



supported the prosecution version. Similarly, PW-13 Buddhela has stated that he was inside the room and had not seen the incident, and PW-18 Devendra Kumar Sahu has stated that due to crowd there was disturbance outside but nothing happened inside. These statements do not support the prosecution case of assault by the accused persons. It is also submitted that the doctor PW-19 Dr. K.P. Tandon has only proved simple injuries, which are not sufficient to connect the accused persons with the offence.

10. Learned counsel further submit that some of the accused persons have been implicated only on the basis of memorandum statements, which cannot be relied upon without any recovery or other supporting evidence. It is also submitted that the trial Court itself has acquitted the accused persons under Section 395 IPC, holding that the prosecution failed to prove the allegation of loot. This clearly shows that the prosecution case is doubtful, but still the trial Court wrongly convicted the appellants for other offences. It is submitted that the trial Court has not properly appreciated the evidence and has convicted the appellants on weak and unreliable evidence. Therefore, it is prayed that the appeals be allowed, the judgment of conviction and sentence be set aside, and the appellants be acquitted.
11. *Per contra*, learned State counsel would submit that the judgment of the trial Court is well merited which do not call for any interference.
12. I have heard learned counsel for the parties and perused the evidence and the receipts produced by the learned counsel for the appellant with



regard to payment of fine amount, the same is taken on record.

13. Perusal of the documents would show that PW-2 Meghnath Sahu has stated that the accused persons assaulted him. However, in his cross-examination, he has clearly admitted that he did not know the accused persons prior to the incident and that he identified them only by their faces. It is important to note that in the FIR (Ex.P/3), there is no mention as to how the accused persons were identified. This creates serious doubt regarding the identity of the accused persons. PW-2 Meghnath Sahu has further admitted that after the arrest of the accused persons, he identified them in the police station. Admittedly, no identification panchnama was prepared by the police or the Investigating Officer in this regard. It is also admitted that at the time of such identification, no Executive Magistrate such as SDM or Tehsildar was present.
14. The Investigating Officer has clearly stated that no Test Identification Parade (TIP) was conducted as it was not required. This explanation is not acceptable. When the accused persons were not known to the witness, conducting TIP was necessary. Identification of accused persons in the police station, in presence of police officials, cannot be treated as reliable evidence. Such identification is not in accordance with law and has no evidentiary value.
15. Thus, it is clear that the identity of the accused persons has not been proved beyond reasonable doubt. Apart from PW-2 Meghnath Sahu, the other prosecution witnesses i.e. PW-3 Milandas, PW-4 Mahavir, PW-5 Hiralal Sahu, PW-6 Dayasagar Manhare, PW-7 Hemlal, PW-8 Sushil



Kumar, PW-9 Shyamdas, PW-11 Nandram, PW-12 Santaram Yadav, PW-13 Buddhelal Sahu, PW-14 Devcharan, PW-15 Rup Singh Diwan, PW-16 Khemulal Fekar, PW-21 Ashish Kumar, PW-22 Amardas have not supported the prosecution case and have not identified the accused persons.

16. Further, PW-1 Aasit Toppo, who was posted at polling booth, has not clearly supported the prosecution case. Similarly, PW-13 Buddhelal Sahu has stated that he was inside the room and had not seen the incident, and PW-18 Devendra Kumar Sahu has stated that due to crowd there was disturbance outside but nothing had happened inside. Even the polling officer of Booth No. 44 has not supported the prosecution case and has not identified the accused persons.
17. The only supporting witness is the doctor, i.e., PW-19 Dr. K.P. Tandon, who has proved the injuries. However, the medical evidence only shows that injuries were caused, but it does not connect the accused persons with the alleged offence. It is also found that some of the accused persons have been implicated on the basis of memorandum statements. However, the independent witnesses of the memorandum statements have turned hostile and they have not supported the case of the prosecution and further no incriminating material have been seized, therefore, such memorandum statements are not sufficient to prove the guilt of the accused persons in absence of any recovery or corroborative evidence.
18. Further, the learned trial Court itself has acquitted the accused persons



under Section 395 IPC, holding that the prosecution has failed to prove the allegation of loot. This finding clearly shows that the prosecution story is doubtful.

19. Thus, considering that the identity of the accused persons has not been proved; the main witness PW-2 Meghnath Sahu is not reliable on identification; no TIP was conducted, other witnesses have turned hostile; there is no independent corroboration, this Court is of the opinion that the prosecution has failed to prove the case beyond reasonable doubt.
20. Accordingly, the conviction recorded by the learned trial Court is found to be incorrect and not based on proper appreciation of evidence.
21. The appeals are allowed. The judgment of conviction and sentence passed by the trial Court is set aside. The appellants are acquitted of all the charges.
22. Appellants are on bail. Their bail bonds shall remain operative for a period of 06 months in view of Section 437A of CrPC (now Section 481 of Bhartiya Nagrik Suraksha Sanhita, 2023).
23. The lower court record along with a copy of this judgment be sent back immediately to the trial court concerned for compliance and necessary action.

SD/-
(Arvind Kumar Verma)
JUDGE