



2026:CGHC:13529

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No.219 of 2022**

State Of Chhattisgarh Through The Police Station Masturi, District Bilaspur
Chhattisgarh.

... Appellant**versus**

1- Daseram S/o Fagalu Bhargav Aged About 58 Years

2 - Sumit @ Golu S/o. Daseram Bhargav, Aged About 24 Years

Both are R/o. Village Kacchar, Police Station Masturi, District Bilaspur
Chhattisgarh.

... Respondent(s)

For Appellant : Shri Kanwaljeet Singh Saini, Dy.GA

For Respondent(s) : Shri Vibhor Goverdhan, Advocate

Single Bench: Hon'ble Shri Justice Sanjay S. Agrawal**Judgment on board****20/03/2026**

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 24/11/2021 passed by the Judicial Magistrate First Class, Bilaspur (C.G.) in Criminal Case No.36/2016, whereby, the respondents have been acquitted with regard to the offence punishable under Sections 294, 506 Part-II, 323 and 325 read with Section 34 of IPC.
2. From perusal of the record, it appears that an FIR (Ex.P-1) was lodged by the complainant-Anand Ram before the Police Station-

Masturi, District Bilaspur against his brother, namely, Dase Ram and his son-Sumit @ Golu, alleging inter alia that on 21/12/2015, in the morning around 7 AM, he was in his house at Village Kachhar, they (accused persons) came and on account of the land dispute, abused him while using filthy words and Dase Ram, assaulted on his head with the aid of bamboo stick and when the matter was intervened by his wife, namely, Neera Bai, she was assaulted by his son, namely, Sumit @ Golu with the aid of bamboo stick on her head as well as near the thumb of her right hand and, it was alleged further that they have threatened them to kill. Based upon the alleged allegations, the respondents have been charge-sheeted with regard to the offence mentioned herein-above.

3. In order to establish the alleged allegations, the complainant-Anand Ram was examined as PW-1 and, from perusal of his statement, it appears that on the said fateful day, around 7 AM, he was abused by his brother, namely, Dase Ram in the name of his mother and sister and was assaulted on his head by him with the aid of bamboo stick, owing to which, he fell down and deposed further that when his wife-Neera Bai came for his rescue, another accused Sumit @ Golu, the son of his said brother, assaulted his wife with the aid of bamboo stick on her head and hand, owing to which, she sustained injuries near the thumb of her right hand. He deposed further that the respondents have threatened him to kill and, similar is the statement of his wife, namely, Neera Bai (PW-2). From perusal of the MLC Report (Ex.P-12) of the complainant's wife, coupled with the statement of Dr. Gopal Singh Kanwar (PW-6) and Dr. Nand Raj

Kanwar (PW-7), it appears that her thumb of right hand was fractured, while simple injury was sustained by the complainant.

4. Although, the complainant and his wife, have alleged that on the said fateful day, they were abused and assaulted by them as such, but another brother of the complainant, namely, Dauwa @ Dev Prasad, who was cited as an eye-witness (PW-4), as also the attesting witness to the seizure memo (Ex.P-6 and Ex.P-7) has, however, not supported their version, as it appears from his (PW-4) testimony that in fact, he was assaulted by the complainant-Anand Ram and Dase Ram, while seeing him assaulting as such by the complainant, walk away from the spot. Further of his testimony would reveal further that neither his brother-Anand Ram, nor his wife-Neera Bai was assaulted by the respondents. Besides, the bamboo sticks alleged to have been recovered in his presence from the respondents was, however, not supported by him, nor was found to be supported by another of its attesting witness, namely, Kishore Kumar (PW-5).
5. In view of the aforesaid background and, particularly when the statement of the complainant and his wife was not found to be supported by the complainant's brother, an eye-witness, namely, Dauwa @ Dev Prasad (PW-4), the trial Court has, therefore, not committed any illegality in acquitting them from the commission of the alleged crime, so as to call for any interference in this appeal.
6. The appeal, being devoid of merit, is accordingly dismissed.

SD/-
(Sanjay S. Agrawal)
Judge