



2026:CGHC:13284



2026:CGHC:13284

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1149 of 2019

Smt. Mukti Singh W/o Late Shri Rajendra Singh Aged About 62 Years R/o Kedarpur, Bhatti Road Ambikapur, Police Station Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

... Applicant(s)

versus

1 - State Of Chhattisgarh Through The District Magistrate Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

2 - Vijay Singh Nat S/o Shri Anand Ram Nat Aged About 28 Years R/o Kadarja, Patnapara, Police Station Kapu, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

3 - Dilip Nat S/o Shri Doman Nat Aged About 42 Years R/o Kadarja, Patnapara, Police Station Kapu, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---Respondents

(Cause Title taken from Case Information System)

For applicants : Mr. Sumit Shrivastava, Advocate.

For Respondent-State : Mr. Raj Kumar Sahu, Panel Lawyer.

Hon'ble Mr. Arvind Kumar Verma, Judge

Order on Board

19/03/2026

1. This revision is directed against the impugned judgment dated 30.07.2019 passed in Criminal Appeal No. 146/2018 passed by the learned First Additional Session Judge Ambikapur, Distt.- Surguja (C.G.) arising out of



judgment of acquittal dated. 03.11.2018 passed in Criminal Case No. 2097/2011 passed by learned Judicial Magistrate First Class Ambikapur, District - Surguja (C.G.).

2. The petitioner is the complainant who lodged a report stating that on 05.10.2011 at about 11:00 AM, after withdrawing a sum of Rs. 70,000/- from State Bank, Collectorate Branch, Ambikapur, she was on her way home when two unknown persons riding a motorcycle snatched her handbag and fled from the spot. On the basis of her report, an offence under Section 392/34 IPC was registered and, during investigation, respondent No. 2 and 3 were arrested. The police allegedly recovered the stolen amount and the motorcycle used in the commission of the offence and thereafter filed a charge-sheet before the learned JMFC, Ambikapur. The learned Trial Court framed charges under Section 392/34 IPC; however, after trial and examination of prosecution witnesses, the accused persons were acquitted vide judgment dated 03.11.2018 on the ground of benefit of doubt. Aggrieved thereby, the petitioner preferred an appeal before the learned Sessions Court, which was also dismissed vide judgment dated 30.07.2019, holding that the prosecution failed to prove the case beyond reasonable doubt and noting absence of Test Identification Parade. Being aggrieved by the concurrent findings of acquittal passed by the courts below, the petitioner has preferred the present revision petition.
3. Learned counsel for the applicant submits that the impugned judgments passed by the learned Trial Court as well as the learned First Appellate Court are contrary to law and facts on record, and the same have resulted in grave miscarriage of justice. It is submitted that both the Courts below have failed to properly appreciate the evidence available on record in its true perspective and have erroneously acquitted the accused persons by extending undue benefit of doubt.



4. It is further submitted that the memorandum statements of the accused persons and the consequent recovery of the stolen property and vehicle used in the commission of offence have been duly proved by the prosecution witnesses, and the same stand corroborated by the police officials. Despite such cogent evidence, the Courts below have ignored these material aspects. Learned counsel also submits that there is no reason assigned by the Trial Court as to why the police officials would falsely implicate the accused persons in absence of any enmity, and therefore, the findings recorded by the Courts below are perverse and unsustainable in law. It is further argued that the testimony of the complainant is reliable and trustworthy, and is sufficient to establish the involvement of the accused persons in the offence. Lastly, it is submitted that the findings recorded by the Courts below suffer from illegality, perversity, and non-appreciation of material evidence, and therefore, the impugned judgments deserve to be set aside by this Hon'ble Court in exercise of its revisional jurisdiction.
5. Learned State Counsel supports the impugned judgments passed by the learned Trial Court as well as the learned Appellate Court and submits that both the Courts have rightly appreciated the evidence on record and have not committed any illegality or perversity warranting interference in revisional jurisdiction. It is submitted that the prosecution has failed to establish the identity of the accused persons beyond reasonable doubt. The complainant herself, in her cross-examination, has categorically admitted that the assailants were unknown persons and she could not see them at the time of the incident. No Test Identification Parade was conducted during the course of investigation, which creates a serious doubt regarding the involvement of the accused persons.
6. It is further submitted that the testimony of PW-2 Ajay Singh Bhamra is not that of an eye-witness, and he has deposed only on the basis of information



received from the complainant. His statement also suffers from material contradictions and improvements, making his evidence unreliable. Learned State Counsel further submits that no independent or eye-witness has been examined by the prosecution, despite the alleged incident having taken place at a public place. This omission creates a serious dent in the prosecution case. With regard to the alleged recovery, it is submitted that the seizure of motorcycle and cash is doubtful, as the seizure witnesses have admitted that they signed the documents at the police station, and not at the place of recovery. Further, the ownership of the seized motorcycle has not been proved by any cogent evidence. It is also submitted that the essential ingredients of the offence of robbery have not been established, as there is no reliable evidence to show that the accused persons had caused or attempted to cause fear, hurt, or wrongful restraint to the complainant. Lastly, it is submitted that the scope of interference in revision against concurrent findings of acquittal is very limited, and unless the findings are perverse or wholly unreasonable, the same ought not to be interfered with. In the present case, the findings recorded by both the Courts below are well reasoned and based on proper appreciation of evidence. Therefore, it is prayed that the present revision petition, being devoid of merit, deserves to be dismissed.

7. I have learned counsel for the respective parties and perused the record and orders of the court below.
8. Factual matrix of the case are that on 05.10.2011 at about 11:30 AM, the complainant, after withdrawing a sum of Rs. 70,000/- from State Bank, Collectorate Branch, Ambikapur, was proceeding towards her house when two unknown persons riding a motorcycle came from behind and snatched her handbag containing cash, mobile phone, passbook, and other articles, and fled from the spot. On the basis of the report lodged by the complainant,



an offence under Section 392 of the IPC was registered at Police Station Ambikapur. During the course of investigation, the police prepared the spot map, recorded statements of witnesses, and arrested the accused persons. It is alleged that, pursuant to memorandum statements under Section 27 of the Evidence Act, a motorcycle and part of the stolen amount were recovered from the possession of the accused persons. Upon completion of investigation, a charge-sheet was filed against the accused persons under Section 392/34 IPC. The learned Trial Court, after conducting trial and appreciating the evidence of prosecution witnesses, acquitted the accused persons vide judgment dated 03.11.2018 by extending the benefit of doubt. Aggrieved thereby, the complainant preferred an appeal, which was also dismissed by the learned Appellate Court vide judgment dated 30.07.2019, affirming the acquittal.

9. On perusal of the record, it is evident that the complainant (PW-3), who is the witness of the prosecution, has categorically admitted in her cross-examination that she had not seen the assailants at the time of incident as the bag was snatched from behind. She has further admitted that she had not identified the accused persons and was not aware of the registration number of the motorcycle used in the alleged offence. Thus, her testimony fails to establish the identity of the accused persons.
10. It is further revealed from the record that no Test Identification Parade, as contemplated under Section 9 of the Evidence Act, 1872, was conducted during the course of investigation. In absence of identification of the accused persons either in Court or through Test Identification Parade, the involvement of the accused persons in the alleged offence remains highly doubtful.
11. Apart from this, the other prosecution witnesses are either not eye-witnesses or their testimony does not inspire confidence so as to establish the guilt of the accused persons beyond reasonable doubt. The Courts below have rightly



appreciated these aspects while recording acquittal.

12. It is well settled that in a revision against concurrent findings of acquittal, the scope of interference is very limited. Unless the findings recorded by the Courts below are perverse, illegal, or suffer from gross misappreciation of evidence, this Court would not interfere with such findings.
13. In the present case, this Court does not find any illegality, perversity, or material irregularity in the judgments passed by the Courts below. The findings recorded are based on proper appreciation of evidence and do not call for interference.
14. Accordingly, the revision petition being devoid of merit is hereby **dismissed**.
15. Let a copy of this order and the original records be transmitted to the court concerned forthwith for necessary information and compliance.

Sd/-

(Arvind Kumar Verma)
Judge

Syoti