



2026:CGHC:23987-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2071 of 2025

1 - Lakshya Kumar Sahu S/o Komal Sahu Aged About 19 Years R/o Village Chicha, Chowki - Litya Semariya, Police Station - Bori, District - Durg, Chhattisgarh

2 - Lucky Sahu S/o Komal Sahu Aged About 21 Years R/o Village Chicha, Chowki - Litya Semariya, Police Station - Bori, District - Durg, Chhattisgarh

... **Appellant(s)**

versus

State Of Chhattisgarh Through - Police Station - Bori, District - Durg, Chhattisgarh

... **Respondent(s)**

For Appellant(s) : Mr. Anmol Sharma, Advocate

For Respondent(s) : Mr. Nitansh Jaiswal, Deputy G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

16.06.2026

1. This criminal appeal under Section 415 of the BNSS is directed against the impugned judgment of conviction and order of



sentence dated 15.07.2025 passed by the learned 8th Additional Sessions Judge, Durg, District- Durg (C.G.) in Sessions Trial No. 214/2023, by which the appellants herein have been convicted for offence under Section 450/34 of the IPC amended Section 332(A)/3(5) of the BNS and sentenced to undergo rigorous imprisonment for 05 years and fine of Rs.500/-, in default of payment of fine, to further undergo 01 month S.I. and under Section 302/34 of the IPC amended Section 103/3(5) of the BNS and sentenced to undergo Imprisonment for life and fine of Rs.500/-, in default of payment of fine, to further undergo S.I. for 01 month (all the sentences are directed to run concurrently).

2. Case of the prosecution, in brief, is that on 02.08.2023, complainant/informant Shyamlal Sahu (PW-1) lodged a report at Police Post Litiya Semaria, Police Station Bori, District Durg, stating that he is an agriculturist and resident of Village Chicha Bharti para. It was alleged that in the year 2020, during the Diwali festival, his son Ishendra Sahu had assaulted Saroj Sahu, mother of the present accused persons, namely, Lakshya Kumar Sahu and Lucky Sahu. Though Ishendra Sahu was subsequently acquitted in the said criminal case, the accused persons continued to bear a grudge against him and allegedly threatened to kill him. On 02.08.2023, at about 6:00 a.m., the complainant had gone to his agricultural field while his wife Rekha Sahu also proceeded to the field at about 7:00 a.m. His elder son Netram Sahu had gone to Rasamda for work and deceased Ishendra



Sahu was alone at home. It is alleged that at about 7:30 a.m., when the complainant returned home, accused Lakshya Kumar Sahu and Lucky Sahu entered the house by climbing from the adjoining roof and assaulted Ishendra Sahu. Accused Lakshya Kumar Sahu allegedly inflicted blows on the neck and face of the deceased with a steel vegetable-cutting knife and thereafter assaulted him with an iron pan, while accused Lucky Sahu assaulted him with an iron pipe. According to the complainant, when he attempted to intervene, the accused persons continued the assault and caused the death of his son Ishendra Sahu.

3. The merger intimation and village complaint were recorded and thereafter the police conducted inquest proceedings over the dead body. The body was sent for post-mortem examination, which was conducted by Dr. Alok Ramteke (PW-13). During post-mortem examination, the following injuries were noticed on the person of deceased Ishendra Sahu:-

- (i) Fracture of left mandible, left maxilla and left frontal bone;
- (ii) Lacerated injury measuring about 8 x 2 x 6 cm on the left frontal region of the head;
- (iii) Lacerated injury measuring about 6 x 2 cm over the upper frontal region of the head;
- (iv) Laceration measuring about 1.5 cm over the left maxillary region;
- (v) Lacerated wound measuring about 4 x 1 cm over the left cheek;



- (vi) Lacerated wound measuring about 3 x 1 x 3 cm over the facial region;
 - (vii) Lacerated wound measuring about 4 x 2 cm over the left side of the head;
 - (viii) Presence of blood clot over the left side of the skull; and
 - (ix) Tear in the tracheal region measuring about 2 x 8 cm on the left side of the neck.
4. On internal examination, extensive injuries and hemorrhage were found. The Medical Officer opined that the cause of death was hypovolemic shock due to excessive bleeding resulting from multiple grievous injuries sustained by the deceased and that the death was homicidal in nature.
5. On the basis of the report lodged by complainant Shyamlal Sahu, village complaint (Ex.P-1) and merg intimation (Ex.P-2) were recorded and thereafter Crime No.91/2023 was registered for offences punishable under Sections 449 and 302/34 of the Indian Penal Code. During investigation, inquest proceedings were conducted, spot map and site plan were prepared and blood-stained soil and other articles were seized from the place of occurrence. An orange-coloured steel knife, an iron pan and an iron pipe alleged to have been used in the commission of offence were seized. Blood-stained clothes of both accused persons were also seized pursuant to memorandum statements. The seized articles were sent to the Forensic Science Laboratory and FSL report was obtained. After completion of investigation, charge-



sheet was filed before the jurisdictional Magistrate, who committed the case to the Court of Session for trial.

6. On the basis of material available in the charge-sheet and documents filed by the prosecution, charges were framed against the accused persons for offences punishable under Sections 450 and 302/34 of the IPC (subsequently corresponding provisions under the Bharatiya Nyaya Sanhita were also taken note of). The charges were read over and explained to the accused persons, who denied the same and claimed to be tried.
7. In order to bring home the charges, the prosecution examined as many as 14 witnesses and exhibited 44 documents. The statement of the accused persons was recorded under Section 313 of the Code of Criminal Procedure, wherein they denied the incriminating circumstances appearing against them and pleaded false implication. No evidence was adduced in defence.
8. The trial Court, upon appreciation of the oral and documentary evidence available on record, vide judgment dated 15.07.2025, convicted the appellants/accused persons for offences punishable under Sections 450 and 302/34 IPC and sentenced them to undergo rigorous imprisonment for five years with fine for the offence under Section 450 IPC and imprisonment for life with fine for the offence under Section 302/34 IPC, with default stipulations. Aggrieved by the said judgment of conviction and order of



sentence, the present criminal appeal has been preferred by the appellants.

9. Learned counsel for the appellants submits that the impugned judgment of conviction and order of sentence passed by the learned trial Court is contrary to the facts and evidence available on record and is liable to be set aside. It is contended that the entire prosecution case rests primarily upon the testimony of Shyamlal Sahu (PW-1), who is the father of the deceased and an interested witness. His presence at the spot at the time of the incident is highly doubtful inasmuch as, according to his own version, he had gone to the agricultural field in the early morning and there is no satisfactory explanation as to why he returned home shortly thereafter. Though PW-1 alleged that he sustained injuries while intervening in the incident and was assaulted by accused Lucky Sahu with an iron pipe, neither the merged intimation nor the FIR contains any mention of such injuries and the medical examination of PW-1 categorically reveals that no injury whatsoever was found on his person. It is further submitted that this material contradiction strikes at the very root of the prosecution story and renders the claim of PW-1 being an eyewitness wholly unreliable. Learned counsel further submits that PW-2 Netram Sahu and PW-5 Rekha Sahu are admittedly not eyewitnesses to the occurrence and their evidence is purely hearsay, being based on what they were allegedly told by PW-1 after the incident. Independent witnesses have not supported the



prosecution version and there is no trustworthy corroboration to the testimony of PW-1. It is also argued that there existed previous enmity between the family of the deceased and the accused persons on account of an earlier criminal case lodged by the mother of the accused against the deceased, thereby furnishing a strong motive for false implication. The memorandum and seizure proceedings have also not been proved in accordance with law, as the seizure witnesses admitted during cross-examination that several documents were signed at the police station and not at the place where the alleged recoveries were made. The FSL report merely indicates the presence of human blood on certain seized articles and does not establish the blood group or connect the appellants with the commission of the offence. It is further submitted that the prosecution has failed to establish the chain of circumstances beyond reasonable doubt and the learned trial Court has overlooked material omissions, contradictions and inconsistencies in the prosecution evidence. Therefore, the appellants are entitled to the benefit of doubt and deserve to be acquitted of all the charges. In the alternative, it is submitted that the evidence on record does not satisfy the ingredients necessary for sustaining conviction under Section 302 IPC and, therefore, the conviction and sentence imposed upon the appellants deserve to be interfered with by this Court.

10. Per contra, learned State counsel supports the impugned judgment and submits that the prosecution has successfully



proved its case beyond all reasonable doubt by leading cogent, reliable and trustworthy evidence. It is contended that the testimony of Shyamlal Sahu (PW-1), who is a natural witness and father of the deceased, inspires confidence and has remained substantially unshaken during cross-examination. His evidence clearly establishes that both the appellants, acting in furtherance of their common intention, entered the house of the deceased and brutally assaulted him with a knife, iron pan and iron pipe, resulting in his death. The evidence of PW-1 finds substantial corroboration from the statements of PW-2 Netram Sahu and PW-5 Rekha Sahu regarding the motive, circumstances of the occurrence and the immediate disclosure made by PW-1 after the incident. Learned State counsel further submits that the medical evidence fully supports the ocular version, as the postmortem report reveals multiple grievous injuries, fractures and extensive bleeding, and the doctor has categorically opined that the death was homicidal in nature and occurred due to hypovolemic shock caused by the injuries sustained by the deceased. It is also submitted that the FSL report detected human blood on the knife, iron pan and iron pipe seized during investigation as well as on the clothes seized from the appellants, thereby providing strong corroborative evidence against them. Merely because some witnesses are related to the deceased, their testimony cannot be discarded when it is otherwise reliable and consistent. The alleged omissions and contradictions pointed out by the defence



are minor in nature and do not affect the core of the prosecution case. The learned trial Court has meticulously appreciated the entire oral and documentary evidence and has rightly recorded the conviction of the appellants for the offences in question. Therefore, no interference is warranted with the well-reasoned judgment of conviction and order of sentence passed by the learned trial Court, and the appeal deserves to be dismissed.

11. We have heard learned counsel appearing for the parties, considered their rival submissions made herein-above and also went through the records with utmost circumspection.
12. In order to appreciate the arguments advanced on behalf of the parties, we have to examine the evidence adduced on behalf of the prosecution.
13. The first question that arises for consideration is whether the trial Court was justified in holding that the death of deceased Ishendra Sahu was homicidal in nature.
14. The trial Court, relying upon the testimony of Dr. Alok Ramteke (PW-13), who conducted the postmortem examination of the deceased and proved the postmortem report (Ex.P-44), has recorded a categorical finding that the deceased died a homicidal death. Dr. Alok Ramteke (PW-13), while conducting the postmortem examination, found multiple grievous injuries over the body of the deceased including fracture of left mandible, fracture of left maxilla, fracture of frontal bone, lacerated injuries over the



head, cheek and facial region, extensive blood clot beneath the scalp and a tear in the trachea. The doctor further noticed profuse internal and external bleeding caused by the said injuries.

15. Dr. Alok Ramteke (PW-13) has specifically opined that the deceased died due to hypovolemic shock resulting from excessive blood loss caused by multiple grievous injuries sustained by him. The witness further stated that the injuries found on the body of the deceased were sufficient to cause death in the ordinary course of nature. The postmortem report (Ex.P-44) fully corroborates the aforesaid medical opinion.
16. The finding recorded by the trial Court that the death of deceased Ishendra Sahu was homicidal in nature is a finding based upon medical evidence and there is absolutely no material available on record to take a contrary view. Even before this Court, learned counsel for the appellants has not seriously disputed the homicidal nature of death. Accordingly, we affirm the finding recorded by the trial Court that deceased Ishendra Sahu died a homicidal death.
17. The next question for consideration is whether the prosecution has been able to establish beyond reasonable doubt that the present appellants committed the murder of deceased Ishendra Sahu and thereby rightly stand convicted for the offences in question.
18. The prosecution case substantially rests upon the testimony of



Shyamlal Sahu (PW-1), father of the deceased, who has been projected as an eyewitness to the occurrence. His evidence further finds corroboration from the surrounding circumstances, medical evidence, FSL report, recovery of incriminating articles and the evidence of other prosecution witnesses.

19. Shyamlal Sahu (PW-1) deposed that prior to the incident there existed enmity between the family of the deceased and the appellants. According to him, in the year 2020, deceased Ishendra Sahu had assaulted Saroj Sahu, mother of the appellants, in connection with which a criminal case was registered. Though the deceased was subsequently acquitted, the appellants continued to nurture a grudge against him and repeatedly threatened to eliminate him. This witness has further deposed that on the date of incident he had gone to his agricultural field in the morning and thereafter returned home. At that time deceased Ishendra Sahu was present in the house. According to him, after hearing commotion from outside, he came out and noticed appellant Lucky Sahu assaulting the deceased. He intervened and took the deceased inside the house. However, shortly thereafter both appellants climbed over the neighbouring roof, entered the house and launched a brutal assault upon the deceased.
20. The witness has specifically attributed distinct roles to both appellants. According to him, appellant Lakshya Sahu assaulted the deceased with a steel vegetable-cutting knife and thereafter



with an iron pan, whereas appellant Lucky Sahu assaulted him with an iron pipe. He has categorically stated that both appellants repeatedly assaulted the deceased on vital parts of his body including the head, neck and face and continued the assault till he succumbed to the injuries.

21. A careful reading of the testimony of Shyamlal Sahu (PW-1) would reveal that despite lengthy cross-examination, the core of the prosecution story remains intact. It is true that certain discrepancies have been pointed out regarding the alleged injury sustained by him while intervening in the incident and no corresponding injury was noticed in his medical examination. However, it is well settled that every discrepancy does not corrode the substratum of the prosecution case. The omission regarding injury to the witness may affect that part of his testimony but does not render the entire prosecution version unworthy of acceptance when his evidence regarding the assault upon the deceased remains consistent and inspires confidence.
22. It is also significant to notice that Shyamlal Sahu (PW-1) is the father of the deceased and is, therefore, a natural witness. Merely because he is related to the deceased, his evidence cannot be discarded. The law is well settled that the testimony of a related witness can form the basis of conviction if it is otherwise reliable and trustworthy. We find no reason to disbelieve his testimony merely on the ground of relationship.



23. The evidence of Shyamlal Sahu (PW-1) receives assurance from the testimony of Netram Sahu (PW-2), brother of the deceased. Netram Sahu (PW-2) has stated that immediately after receiving information from his father, he rushed to the house and found the deceased lying in a pool of blood with multiple injuries on his body. He has further stated that his father informed him that both appellants had entered the house and assaulted the deceased with a knife, iron pan and iron pipe.
24. Though Netram Sahu (PW-2) is not an eyewitness to the actual occurrence, his testimony assumes significance as it establishes the immediate aftermath of the incident and supports the prosecution version regarding the role attributed to the appellants. His evidence also establishes the previous enmity between the parties.
25. Rekha Sahu (PW-5), mother of the deceased, has also deposed that she had gone to the agricultural field in the morning and upon her return found her son lying dead with multiple injuries. She has further stated that her husband informed her regarding the manner in which the appellants entered the house and assaulted the deceased. Though she is also not an eyewitness, her testimony lends further assurance to the prosecution version regarding the surrounding circumstances of the occurrence.
26. Learned counsel for the appellants has vehemently argued that except Shyamlal Sahu (PW-1), no witness has actually seen the



occurrence and therefore conviction could not have been recorded. We are unable to accept the aforesaid submission. The testimony of a solitary witness, if wholly reliable and trustworthy, is sufficient to sustain a conviction. In the present case, the evidence of PW-1 is not standing in isolation but is supported by medical evidence, scientific evidence and other attending circumstances.

27. The medical evidence assumes considerable significance. Dr. Alok Ramteke (PW-13), who conducted the postmortem examination, found numerous grievous injuries on the head, face and neck of the deceased. Fractures of facial bones, extensive bleeding and tearing of the trachea clearly establish that the deceased was subjected to a brutal assault with considerable force.
28. Dr. Alok Ramteke (PW-13) has further stated that the injuries found on the body of the deceased could be caused by the steel knife, iron pan and iron pipe which were seized during investigation. Thus, the medical evidence completely supports the prosecution version regarding the weapons used in the commission of offence.
29. The prosecution case also receives substantial support from scientific evidence. The FSL report (C/01) reveals that human blood was detected on the steel knife, iron pan and iron pipe seized from the place of occurrence. Human blood was also



detected on the clothes seized from appellant Lakshya Sahu and appellant Lucky Sahu. Human blood was further detected on the clothes and articles belonging to the deceased.

30. The presence of human blood on the weapons used in the commission of offence and on the clothes seized from the appellants constitutes a highly incriminating circumstance against them. Significantly, no explanation whatsoever has been offered by the appellants regarding the presence of human blood on their clothes.
31. Apart from the ocular and medical evidence, the prosecution has also relied upon the investigation conducted immediately after the incident and the incriminating articles recovered during the course of investigation. The evidence available on record would show that upon receipt of information regarding the incident, the police machinery was set into motion and the investigating agency reached the place of occurrence. During investigation, inquest proceedings over the dead body of deceased Ishendra Sahu were conducted and Panchayatnama (Ex.P-4) was prepared. The scene of occurrence was inspected and a site plan was prepared. The investigating agency also caused photographs of the place of occurrence to be taken and collected all material objects connected with the crime.
32. The evidence of Shyamlal Sahu (PW-1), Netram Sahu (PW-2), Pukendra Das Manikpuri (PW-3) and Investigating Officer



Dharamdas Mandavi (PW-10) would show that during inspection of the scene of offence, the police recovered and seized an orange-coloured steel knife stained with blood, an iron pan having a wooden handle and a grey-coloured iron pipe, which according to the prosecution were the weapons used in commission of the offence. The said articles were seized from the place of occurrence under seizure memo (Ex.P-9). The prosecution witnesses have consistently stated that the aforesaid articles were found at the scene of offence and were taken into custody by the investigating agency in accordance with law.

33. The investigating agency further seized blood-stained soil, plain soil, blood-soaked cotton swabs and plain cotton swabs from the place where the deceased was found lying in a pool of blood. The seizure memo (Ex.P-10) was prepared contemporaneously and has been duly proved during trial. These articles were seized with a view to preserve the physical evidence available at the spot and to facilitate forensic examination.
34. The prosecution has further established that after apprehending the appellants, memorandum statements of the accused persons were recorded during investigation. Pursuant thereto, the clothes worn by the appellants at the time of the incident, which were stained with blood, were seized by the police. As per the prosecution evidence, a T-shirt and lower containing blood stains were seized from appellant Lakshya Sahu, whereas a white T-



shirt and black undergarment containing blood stains were seized from appellant Lucky Sahu. The seizure proceedings were reduced into writing and duly witnessed.

35. Dharamdas Mandavi (PW-10), who conducted the investigation, has specifically deposed that all seized articles including the weapons, blood-stained clothes of the appellants, blood-stained soil, control soil, cotton swabs and articles belonging to the deceased were duly sealed and forwarded for forensic examination. The evidence of the Investigating Officer further reveals that after completion of necessary formalities, the seized articles were sent to the Forensic Science Laboratory for chemical analysis and serological examination.
36. Dr. Alok Ramteke (PW-13) has also stated that the seized articles were produced before him in sealed condition for examination and query. Upon examination of the steel knife, iron pan, iron pipe and other seized articles, he opined that the injuries found on the body of deceased Ishendra Sahu were possible by the weapons produced before him. The query report submitted by him forms part of the prosecution evidence and lends further corroboration to the prosecution case regarding the nature of weapons used in the assault.
37. The FSL report (C/01) assumes considerable significance. The report reveals that human blood was detected on the steel knife, iron pan and iron pipe seized from the place of occurrence.



Human blood was also detected on the T-shirt and lower seized from appellant Lakshya Sahu and on the T-shirt and undergarment seized from appellant Lucky Sahu. Human blood was further found on the clothes and personal articles belonging to deceased Ishendra Sahu. The scientific evidence thus provides substantial corroboration to the prosecution version and constitutes an important incriminating circumstance against the appellants.

38. The argument advanced on behalf of the appellants regarding alleged defects in memorandum and seizure proceedings also deserves rejection. The Investigating Officer Dharamdas Mandavi (PW-10) has clearly supported the prosecution case and proved the investigation carried out by him. Merely because certain seizure witnesses admitted that some documents were signed at the police station does not completely demolish the prosecution case, particularly when the recoveries stand corroborated by the scientific evidence available on record.
39. Another circumstance which lends assurance to the prosecution case is the existence of motive. The evidence on record clearly establishes that prior to the incident there existed hostility between the family of the deceased and the appellants because of the earlier criminal case involving Saroj Sahu, mother of the appellants. Though motive loses significance where direct evidence is available, in the present case the prosecution has



been able to establish motive as an additional circumstance.

40. A cumulative assessment of the entire evidence leads to only one conclusion, namely, that the appellants entered the house of deceased Ishendra Sahu and jointly assaulted him with a steel knife, iron pan and iron pipe. The injuries caused by them were sufficient in the ordinary course of nature to cause death and, in fact, resulted in the death of the deceased.
41. The evidence further establishes that both appellants acted in concert and in furtherance of their common intention. Their conduct before, during and after the occurrence unmistakably points towards a pre-arranged plan to eliminate the deceased. Therefore, the trial Court was fully justified in invoking Section 34 of the IPC while recording conviction.
42. Thus, from the evidence available on record, the prosecution has successfully established the following circumstances:-
 - (i) The death of deceased Ishendra Sahu was homicidal in nature;
 - (ii) There existed previous enmity between the appellants and the deceased;
 - (iii) Shyamlal Sahu (PW-1) witnessed the occurrence and his testimony is reliable and trustworthy;
 - (iv) The evidence of PW-1 finds assurance from the testimony of PW-2 and PW-5 regarding the surrounding circumstances;



(v) The medical evidence fully corroborates the ocular version of the prosecution;

(vi) The injuries found on the body of the deceased could be caused by the seized weapons;

(vii) Human blood was found on the knife, iron pan, iron pipe and on the clothes seized from the appellants;

(viii) The appellants failed to furnish any plausible explanation regarding the incriminating circumstances appearing against them;

(ix) The appellants acted in furtherance of their common intention and caused the death of the deceased.

43. In view of the aforesaid discussion, we are of the considered opinion that the trial Court has meticulously appreciated the evidence available on record and has rightly held the appellants guilty of offences punishable under Sections 450 and 302 read with Section 34 of the IPC. The findings recorded by the trial Court are based on proper appreciation of evidence and do not warrant interference in exercise of appellate jurisdiction.

44. Consequently, this Court comes to the conclusion that the prosecution has succeeded in proving its case beyond all reasonable doubt against the appellants. The conviction and sentence imposed upon the appellants by the learned trial Court are hereby affirmed. The criminal appeal being devoid of substance deserves to be and is accordingly **dismissed**.



45. It is stated at the Bar that the appellants are in jail. They shall serve out the sentence as ordered by the trial Court.
46. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the Appellants are undergoing the jail term, to serve the same on the Appellants informing him that he is at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of High Court Legal Services Committee or the Supreme Court Legal Services Committee.
47. Let a copy of this judgment and the original record be transmitted to the trial court concerned forthwith for necessary information and compliance.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Manpreet