



2026:CGHC:18647-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2149 of 2024

1 - Naval Dubey S/o Late Ramgopal Dubey Aged About 19 Years R/o Katipyapara, Juna Bilaspur, Behind Santoshi Mandir, Distt. Bilaspur Chhattisgarh

... Appellant(s)

versus

1 - State of Chhattisgarh Through The Distt. Magistrate - Bilaspur Chhattisgarh

... Respondent(s)

For Appellant(s) : Mr. Raj Kumar Gupta, Advocate.

For Respondent/State : Mr. N. K. Jaiswal, Dy. Govt. Advocate.

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

Per Ramesh Sinha, Chief Justice.

23/04/2026

1. Though the matter is listed for hearing on I.A. No. 01, which is an application for suspension of sentence and grant of bail to the appellant, however, considering the fact that the appellant is in jail since 18.07.2020 and with the consent of learned counsel for the parties, the appeal is heard finally. Accordingly, I.A. No. 01, stands disposed of.



2. The present appeal has been filed under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), against the impugned judgment of conviction and order of sentence dated 28.10.2024 passed by the learned Second Additional Sessions Judge, Bilaspur, District Bilaspur (C.G.), in Sessions Case No. 28/2021, whereby the appellant has been convicted for the offence under Section 302 of the Indian Penal Code and sentenced to life imprisonment along with a fine of Rs. 1,000/-, and in default of payment of fine, to undergo additional rigorous imprisonment for a period of one year.
3. Brief facts of the case are that the deceased, Pradip Verma, was the brother of the complainant, Sumati Verma (PW-1). On 17.07.2020, at about 23:45 to 23:50 hours, the appellant, Naval Dubey, assaulted the deceased with a sharp-edged weapon (folding knife) near Diamond Kirana Store, Bhaipara, following a prior dispute. On 18.07.2020 at about 04:00 a.m., the deceased succumbed to his injuries during treatment at Care & Cure Hospital. On 18.07.2020 at 08:00 a.m., the complainant, Sumati Verma (PW-1), lodged the FIR (Ex. P/1) at Police Station City Kotwali, Bilaspur. Based on the oral report, the police registered an offence under Section 302 of the IPC against the appellant. The merg intimation (Ex. P/2) was recorded, and the inquest (Ex. P/5) over the dead body was prepared in the presence of witnesses. The dead body was thereafter sent for post-mortem to CIMS, Bilaspur, where PW-15, Dr. R.K. Markam, conducted the



autopsy and submitted his report (Ex. P/6).

4. During the post-mortem examination, the doctor found the following injuries on the body of the deceased:
 - A stab wound measuring $2 \times 0.5 \times 8$ cm on the upper part of the body, slightly towards the left side, with dried blood trailing over the chest, abdomen, and back.
 - An incised wound measuring $4 \times 2 \times 0.5$ cm on the posterior aspect of the left arm.
 - An incised wound measuring $2 \times 0.5 \times 0.5$ cm on the right forearm.
5. On internal examination, the doctor found a cut injury measuring 1 cm on the small intestine and another cut injury measuring 1 cm on the large intestine. Approximately 2 liters of blood had accumulated in the abdominal cavity due to the internal injuries.
6. After conducting the post-mortem, the doctor opined that the death was caused by a stab injury to the abdomen and the resulting hemorrhage. The duration of death was opined to be since the time of treatment/admission on the intervening night of 17th and 18th July, 2020, and the nature of death was homicidal.
7. The spot map (Ex. P/3) was prepared by the Patwari, and the police also prepared a spot map (Ex. P/5). Blood-stained and plain soil, as well as a sharp-edged folding knife, were seized vide seizure memos (Ex. P/12 and Ex. P/14), respectively. The clothes of the deceased and blood-stained bandages received from the hospital were seized vide seizure memo (Ex. P/13).
8. The seized knife was sent for query to the doctor who conducted



the post-mortem, and the doctor submitted his query report (Ex. P/16), wherein he opined that the death may be possible by the present knife.

9. The blood-stained and plain soil, the folding knife seized from the accused, and the clothes of both the deceased and the accused were sent for chemical examination to the Forensic Science Laboratory. The FSL report (Ex. P/29) was received, according to which human blood was detected on the blood-stained soil, the steel knife, the yellow T-shirt and jeans of the appellant, as well as on the clothes of the deceased. The blood group found on the seized knife and on the clothes of the appellant was reported to be consistent with that of the deceased.
10. The appellant was arrested on 18.07.2020, and his memorandum statement (Ex. P/11) was recorded. The statements of witnesses under Section 161 of the Cr.P.C. were also recorded. Upon completion of the usual investigation, a charge-sheet was filed before the learned Judicial Magistrate First Class, Bilaspur, for the offence under Section 302 of the IPC. The case was thereafter committed to the Court of the learned Sessions Judge, Bilaspur, for trial.
11. The learned trial Court framed a charge against the appellant under Section 302 of the IPC. The appellant denied the charge and claimed trial.
12. In order to prove the charge, the prosecution examined as many



as 26 witnesses. The statement of the appellant under Section 313 of the Cr.P.C. was recorded, wherein he denied all the incriminating circumstances appearing against him, pleaded innocence, and stated that he had been falsely implicated. He did not lead any evidence in his defence.

13. Upon appreciation of the oral as well as documentary evidence adduced by the prosecution, the learned trial Court convicted the appellant and sentenced him as stated in the earlier part of this judgment. Hence, the present appeal.
14. Learned counsel for the appellant submits that the prosecution has failed to prove its case beyond reasonable doubt. It is argued that there are material omissions and contradictions in the evidence of the prosecution witnesses, which render it unsafe to base a conviction thereon. Although the prosecution projected PW-4 Rahul Goswami, PW-5 Kanha, PW-6 Manoj Sarthi, and PW-7 Ukesh Sahu as eyewitnesses, all of them have turned hostile during cross-examination and have specifically stated that they did not witness the appellant assaulting the deceased.
15. It is further submitted that these witnesses have admitted that their statements were obtained under police pressure and physical duress. It is contended that the independent witnesses to the memorandum and seizure, namely PW-12 Jana Verma and PW-14 Chandrakant Verma, have also not fully supported the prosecution case, with PW-14 admitting that his signatures were



obtained at the police station.

16. It is also argued that there is no evidence of any culpable intention or motive on the part of the appellant to commit murder, and the defence has put forth a plausible theory regarding the presence of two other unknown persons at the spot. The alleged delay in lodging the FIR, coupled with the failure of the Investigating Officer to seize relevant medical records from CIMS Hospital or to record the statements of independent neighbours and hospital staff, creates serious doubts about the fairness of the investigation.
17. According to learned counsel, the evidence on record is insufficient to sustain the conviction of the appellant; therefore, he is entitled to be acquitted of the charges.
18. On the other hand, learned counsel for the State opposes the appeal and submits that the prosecution has proved its case beyond reasonable doubt. It is contended that the evidence adduced by the prosecution, particularly the medical and forensic evidence, unerringly points to the guilt of the appellant in committing the murder of the deceased. The nature of the injuries found on the body of the deceased, especially the deep stab wound to the abdomen causing rupture of the intestines and resulting in significant internal bleeding of approximately two litres, clearly indicates that the assault was intentional and sufficient in the ordinary course of nature to cause death. The medical



evidence of PW-15 Dr. R. K. Markam establishes that the injuries were homicidal in nature and were caused by a sharp-edged weapon.

19. It is further submitted that the initial testimony of the eyewitnesses (PW-4 to PW-7), though they later turned hostile during cross-examination, provides a consistent account regarding the presence and involvement of the appellant at the scene of occurrence. Their presence near Diamond Kirana Store is natural, and the prompt lodging of the FIR within a short span after the death minimizes the possibility of fabrication. Moreover, the FSL report (Ex. P/29) lends scientific corroboration, as it confirms the presence of human blood on the seized folding knife and on the appellant's clothes, which is consistent with the blood group of the deceased.
20. Therefore, it is submitted that there is sufficient, cogent, and clinching evidence against the appellant to sustain his conviction, and the appeal is liable to be dismissed.
21. We have heard learned counsel for the parties and perused the record of the case.
22. The first question for consideration is whether the trial Court was justified in holding that the death of the deceased, Pradip Verma, was homicidal in nature?
23. The trial Court, relying upon the testimony of Dr. R. K. Markam (PW-15), who conducted the post-mortem examination on the



body of the deceased, Pradip Verma, recorded that during the post-mortem he found the following injuries: (i) a stab wound measuring $2 \times 0.5 \times 8$ cm on the upper part of the body, slightly towards the left side; (ii) an incised injury measuring $4 \times 2 \times 0.5$ cm on the posterior aspect of the left arm; (iii) an incised injury measuring $2 \times 0.5 \times 0.5$ cm on the right forearm; (iv) on internal examination, a 1 cm cut injury on the small intestine and a 1 cm cut injury on the large intestine; and (v) approximately 2 litres of blood accumulated in the abdominal cavity.

24. In his report (Ex. P/6), the doctor opined that the cause of death was due to stab injury in the abdomen & excessive bleeding from the injuries, and that the death was homicidal in nature. The said finding recorded by the trial Court is a finding of fact based on the evidence available on record, which is neither perverse nor contrary to the record. Even otherwise, the same has not been seriously disputed by learned counsel for the appellant. We, therefore, affirm the said finding.
25. Now, the question for consideration is whether the death of the deceased, Pradip Verma, occurred as a result of the injuries caused by the accused by stabbing him in the abdomen with a folding knife, and whether the accused, with the intention of causing his death, inflicted the injuries as detailed in the post-mortem report and the testimony of the medical expert.
26. Kaushal Dewangan (PW-3) stated that on the date of the incident, at about 11:00–11:30 p.m., he was present near Diamond Kirana



Store along with his friends. He deposed that the accused, Naval Dubey, was standing at some distance and talking on the phone. In the meantime, the deceased, Pradip Verma, arrived there on a bicycle and a conversation took place between them. Thereafter, two other persons also came to the spot. According to this witness, the accused left the place, and upon hearing a sound, he went towards the spot and found the deceased lying on the ground in an injured condition. He immediately informed the family members of the deceased, and the injured was taken to the hospital. The witness was declared hostile and did not support the prosecution case regarding the actual assault; however, he has admitted his presence at the place of occurrence and the fact that the deceased was found injured. His testimony, to that extent, corroborates the occurrence of the incident and is found to be reliable.

27. Sumati Verma (PW-1) stated that the incident occurred on the intervening night of 17/18.07.2020. Upon receiving information, he reached the spot near Diamond Kirana Store and found his brother, Pradip Verma, lying in an injured condition. The injured was immediately taken to CIMS Hospital, Bilaspur, and thereafter to Care & Cure Hospital, where he succumbed to his injuries. He lodged the First Information Report (Ex. P/1). He further stated that prior to the incident, there had been a dispute between the accused and the deceased. Despite lengthy cross-examination, his testimony regarding the circumstances of the incident and the



identity of the accused remains consistent and is duly corroborated by the medical evidence. Therefore, his testimony is found to be reliable.

28. Rahul Goswami (PW-4) stated that he was present near Diamond Kirana Store along with his friends at the time of the incident. He deposed that the accused and the deceased were present there and that an altercation took place between them. In his examination-in-chief, he stated that the accused assaulted the deceased with a knife and thereafter fled from the spot. Although, in his cross-examination, he stated that he did not witness the actual assault, but he has not denied his presence at the spot or the presence of the accused at the relevant time. His testimony, to the extent it supports the presence of the accused and the occurrence of the incident, is consistent with the other evidence on record and is found to be reliable.
29. Kanha (PW-5) and Manoj Sarthi (PW-6) stated that they were present near Diamond Kirana Store along with other persons at the time of the incident. They deposed that the accused and the deceased were present there and that a quarrel took place between them and the appellant gave a knife blow upon the deceased. Although they did not fully support the prosecution case during cross-examination and declared hostile, and stated that they did not see the actual assault, but they have admitted their presence at the spot and the fact that the deceased was found injured immediately thereafter. Their testimony establishes



the presence of the accused at the scene and the circumstances in which the deceased sustained injuries.

30. Nimmit Kushwaha (PW-10) stated that he was present near the place of occurrence and, upon hearing commotion, he saw the deceased lying in an injured condition. He also stated that the accused was present at the spot and thereafter fled. Although he did not witness the actual assault, his testimony regarding the presence of the accused and the condition of the deceased immediately after the incident provides an important corroborative link in the chain of circumstances.
31. Jana Verma (PW-12) and Chandrakant Verma (PW-14) are witnesses to the memorandum statement (Ex. P/11) and seizure (Ex. P/14). They stated that the accused, while in custody, made a disclosure statement leading to the recovery of a folding knife and clothes. Although PW-14 stated that his signatures were obtained at the police station, the recovery at the instance of the accused stands proved through the testimony of PW-12 and the Investigating Officer. The said recovery is admissible under Section 27 of the Evidence Act and connects the accused with the weapon used in the commission of the offence.
32. Dr. R. K. Markam (PW-15), who conducted the post-mortem, deposed that the deceased had sustained a deep stab injury to the abdomen measuring $2 \times 0.5 \times 8$ cm, along with other incised injuries. On internal examination, injuries to the small and large intestines were found, and approximately two litres of blood had



accumulated in the abdominal cavity. He opined that the cause of death due to stab injury in abdomen & excessive bleeding from the injuries, and that the injuries were homicidal in nature. This medical evidence clearly establishes that the injuries were sufficient in the ordinary course of nature to cause death. The FSL report (Ex. P/29) further corroborates the prosecution case, as human blood was found on the seized knife and on the clothes of the accused, which was consistent with the blood group of the deceased. This scientific evidence lends strong support to the prosecution version.

33. Recently, in the case of “**State of Kerala vs. K. A. Abdul Rasheed**, 2026 SCC Online SC 592, the Hon’ble Supreme Court has held that the deposition of a hostile witness can be acceptable to the extent which find creditworthy. In para 13, it has been held that:

“13. We pause here to notice that the Constitution Bench in Neeraj Dutta had specifically dealt with the efficacy of the deposition of hostile witnesses. It referred with approval to *Sat Paul v. Delhi Administration* wherein it was held:

“52. From the above conspectus, it emerges clear that even in a criminal prosecution when a witness is cross-examined and contradicted with the leave of the court, by the party calling him, his evidence cannot, as a matter of law, be treated as washed off the record altogether. It is for the Judge of fact to consider in each case whether as a result of such cross-examination and contradiction, the witness stands thoroughly discredited or can still be believed in regard to a part of his testimony. If the Judge finds that in the



process, the credit of the witness has not been completely shaken, he may, after reading and considering the evidence of the witness, as a whole, with due caution and care, accept, in the light of the other evidence on the record, that part of his testimony which he finds to be creditworthy and act upon it. If in a given case, the whole of the testimony of the witness is impugned, and in the process, the witness stands squarely and totally discredited, the Judge should as a matter of prudence, discard his evidence in toto.”

34. In the present case, the evidence of the prosecution witnesses, particularly regarding the presence of the accused at the place of occurrence, assault made by the appellant, the recovery of the weapon at his instance, and the medical and forensic evidence, forms a complete chain of circumstances pointing towards the guilt of the accused. The nature of the injuries inflicted on a vital part of the body, i.e., the abdomen, clearly indicates the intention and knowledge to cause death. The conduct of the accused in fleeing from the spot and the recovery of the weapon at his instance further strengthen the prosecution case.
35. Accordingly, it is established that the accused caused the death of the deceased by inflicting stab injuries with a sharp-edged weapon, and the offence squarely falls within the ambit of Section 302 of the IPC. The conviction recorded by the trial Court is based on proper appreciation of evidence and does not warrant interference. Consequently, the appeal being devoid of merit is liable to be dismissed.
36. Inspector Mohd. Kaleem Khan (PW-26) recorded the statements



of various witnesses, including Sumit Verma, Rahul Goswami, Kaushal Dewangan, Kanha, and Manoj Sarthi, in connection with the incident. He took the accused into custody and conducted interrogation. During his memorandum statement (Ex.P/11), the accused disclosed that he had concealed the folding knife used in the commission of the offence near Multipurpose School, Gandhi Chowk. Pursuant to the said disclosure, a folding knife along with the clothes worn by the accused at the time of the incident were recovered and seized in the presence of witnesses vide seizure memo (Ex.P/14). The arrest of the accused was effected on 18.07.2020.

37. Although witnesses Jana Verma (PW-12) and Chandrakant Verma (PW-14) did not fully support the prosecution case during cross-examination, they admitted their signatures on the memorandum and seizure documents. The recovery of the weapon of offence and the blood-stained clothes at the instance of the accused remains duly proved. There is no material on record to suggest any personal enmity between the appellant and the Investigating Officer so as to infer false implication or planting of evidence. The FSL Report (Ex.P/29) confirms the presence of human blood on the seized articles, including the clothes of the deceased, the folding knife, and the clothes recovered from the accused. This scientific evidence provides a strong corroborative link to the prosecution case and supports the version that the seized knife was used in the commission of the offence. The medical evidence



establishes that the deceased sustained a fatal stab injury to the abdomen, resulting in massive internal hemorrhage, and he subsequently succumbed to the injuries during treatment. The recovery of the weapon of offence at the instance of the accused, coupled with the medical and forensic evidence, clearly establishes that the death of Pradip Verma was homicidal in nature and was caused by the act of the accused.

38. From the aforesaid analysis, it is evident that the death of the deceased Pradip Verma occurred as a result of the injury inflicted by the appellant by stabbing him with a folding knife. The prosecution has successfully proved its case beyond reasonable doubt, and the learned trial Court has not committed any legal or factual error in recording the finding of guilt against the appellant. Accordingly, the appeal, being devoid of merit, is liable to be dismissed.
39. In the result the appeal filed by the appellant fails and hereby **dismissed**. The appellant is reported to be in jail since 18.07.2020, he shall undergo the entire sentence as awarded by the learned trial Court.
40. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the appellant is undergoing his jail sentence to serve the same on the appellant 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.

41. Let a copy of this judgment and the original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Alok