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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Acquittal Appeal No. 167 of 2017

1 - Bajrang Singh @ Neeraj Singh S/o Pratap Singh Rawat, Aged About 35 Years R/o Rawat Residency, Bhagwanpur, Ambikapur, District Surguja, Chhattisgarh, Chhattisgarh

... Appellant(s)

versus

1 - State Of Chhattisgarh Through Police Station Gandhi Nagar, Ambikapur, District Surguja, Chhattisgarh, Chhattisgarh

2 - Manish Tiwari S/o Awdhesh Tiwari, Aged About 28 Years R/o Gandhi Nagar, Police Station Gandhi Nagar, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

3 - Sandeep Ghosh S/o Shyam Sunder Ghosh, Aged About 30 Years R/o Subhash Nagar, Police Station Gandhi Nagar, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

4 - Sanju Gupta @ Sanjay S/o Bhola Prasad, Aged About 29 Years R/o Fundurdihari, Police Station Gandhi Nagar, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

5 - Jitu @ Jitendra Gupta S/o Bharat Prasad, Aged About 30 Years R/o Gandhi Nagar, Police Station Gandhi Nagar, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

... Respondent(s)

For Appellant	:	Mr. Kishore Narayan, Advocate
For Respondent No. 1/State	:	Mr. Sharad Mishra, P.L.
For Respondents No. 2 and 3	:	Mr. Ashutosh Biswas, Advocate
For Respondents No. 4 and 5	:	Ms. Aditi Joshi, Advocate

DB – Hon'ble Shri Justice Sanjay K. Agrawal

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

01/09/2026

1. This acquittal appeal under Section 372 of CrPC has been preferred by the complainant/victim questioning the impugned judgment of acquittal dated 29/05/2017 passed by learned 3rd Additional Session Judge, Ambikapur, District Sarguja in Sessions Trial No. 619/2013 whereby respondents No. 2 to 5 have been acquitted from the charges punishable under Sections 294, 307/34 of IPC on the ground that they have wrongly been given benefit of doubt.
2. Mr. Kishore Narayan, learned counsel for the appellant, submits that the complainant/victim has a right to prefer this appeal against the impugned judgment of acquittal and since

respondents No. 2 to 5 have been acquitted on perverse grounds, therefore, it is a fit case where the impugned judgment of acquittal is liable to be set aside and thus, respondents No. 2 to 5 be convicted under Section 307/34 of IPC or in alternative, under Section 323 or 324 of IPC.

3. Per contra, Mr. Ashutosh Biswas and Ms. Aditi Joshi, learned counsel for respondents No. 2 to 5/accused persons, would submit that State had already preferred an acquittal appeal bearing No. ACQA/35/2018 (*State of Chhattisgarh v. Manish Tiwari and Others*[1]) challenging the impugned judgment of acquittal dated 29/05/2017 and that stood dismissed vide judgment dated 01/08/2025 passed by the coordinate Bench of this Court and since it has not been put to challenge either by the appellant/complainant/victim or by the State, therefore, it has become final. As such, the instant appeal is liable to be dismissed.

4. We have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.

5. As noticed above, respondents No. 2 to 5 had been acquitted vide judgment and decree dated 29/05/2017 passed by learned 3rd Additional Sessions Judge, Ambikapur in Sessions Trial No. 619/2013 against which, State preferred an acquittal appeal before this Court bearing No. ACQA/35/2018 (*State of Chhattisgarh v. Manish Tiwari & Ors.*) and it was dismissed vide

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judgment and decree dated 01/08/2025 passed by the coordinate division Bench of this Court finding no merit and since no further challenge was made to the judgment and decree dated 01/08/2025 either by the appellant/complainant/victim or by the State, the impugned judgment of acquittal dated 29/05/2017 passed by the trial Court has become final.

6. Now, the question which arises for consideration is, whether this Court can entertain an acquittal appeal again preferred against the impugned judgment of acquittal dated 29/05/2017 at the instance of the complainant/victim ?

7. Admittedly and undisputedly, the Division Bench of this Court has passed a reasoned and speaking order in ACQA/35/2018 preferred by the State and thereby, affirmed the impugned judgment of acquittal dated 29/05/2017 passed by the trial Court and since no challenge has been made to the judgment dated 01/08/2025 passed by the Division Bench of this Court either by the State or by the appellant/complainant/victim, therefore, the impugned judgment of acquittal dated 29/05/2017 has attained finality. In that view of the matter, entertaining another appeal on the same set of facts and circumstances against the judgment of acquittal which has already been affirmed by the coordinate bench of this Court, would not be legally permissible and it would invite contradictory findings. Once the judgment of acquittal has already been examined and affirmed by a coordinate bench of this Court in an appeal preferred by the State, the same judgment cannot be

permitted to be assailed again in the manner sought to be done in the present appeal. As such, this appeal cannot be entertained by this Court as the judgment of acquittal under challenge has already been affirmed by the coordinate bench of this Court in the acquittal appeal preferred by the State.

8. Accordingly, this acquittal appeal is hereby dismissed leaving the parties to bear their own cost(s).

Sd/-	**Sd/-**
(Sanjay K. Agrawal)	(Sanjay Kumar Jaiswal)
JUDGE	**JUDGE**

Harneet