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PRASHANT DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 263 of 2018

State of Chhattisgarh Through The In-Charge Police Station Manpur, District Rajnandgaon Chhattisgarh

... Appellant

versus

Laxman Boga, S/o Mansai Boga, Aged About 25 Years, R/o Village Tolum, Police Station Manpur, District Rajnandgaon Chhattisgarh.

... Respondent

For Appellant/State	:	Mr. Vinod Tekam, Govt. Advocate
For Respondent	:	Mr. Hemant Gupta, Advocate

D.B:-Hon'ble Shri Justice Sanjay S. Agrawal,
Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

Per: Sanjay S. Agrawal, J.

17/08/2026

1. This appeal has been preferred by the appellant/State under Section 378(3) of the Code of Criminal Procedure, 1973, questioning the legality and propriety of the judgment dated 22/12/2017 passed by learned Sessions Judge, Rajnandgaon,

District- Rajnandgaon (C.G.) in Sessions Trial No.42/2016, whereby, the respondent has been acquitted with regard to the offence punishable under Section 302 of IPC.

2. From perusal of the record, it appears that the respondent was charged with regard to the offence mentioned herein-above, on the allegation that the deceased- Mohan Lal had taken a sum of Rs.4,00,000/- from him in order to prepare passport and visa, but the same has neither been prepared, nor the amount taken by him, was refunded, owing to which, he took him to his village- Tolum and with the aid of axe committed murder of him.

3. Although, it was alleged that the respondent has committed the murder of said Mohan Lal based upon the aforesaid allegation, but from perusal of the record, it appears that, though the “axe”, alleged to have been used for commission of the alleged crime and, the “full T-shirt” of him (respondent) was recovered from him on 09/02/2016 vide seizure memo (Ex.P/15) in presence of two witnesses, namely, Vishvnath and Manoj based upon his disclosure statement (Ex.P/14), but both these witnesses have, however, failed to prove the alleged recovery from him. That apart, the alleged articles were sent for the chemical examination, but no human blood was, however, found on it as per the FSL report (Ex.P/32).

4. No other evidence has been placed on record by the prosecution, except the seizure of alleged articles, which were

even not found to be established either from its attesting witnesses, or from the FSL report (Ex.P/32). In absence of any cogent and reliable evidence, the Trial Court has, therefore, not committed any illegality in acquitting the respondent from the commission of the alleged crime.

5. The appeal is, accordingly, dismissed at the admission stage itself.

Sd/-

(**Sanjay S. Agrawal**)
JUDGE

Sd/-

(**Sanjay Kumar Jaiswal**)
JUDGE

Prashant