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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 316 of 2026

Pappu Lahare S/o Chhaliya @ Kalapram Aged About 38 Years R/o Village Jhagarindeeh, Police Station Basna, District Mahasamund (C.G.) At Present R/o Village Holdharpali, Police Station Sarangarh, District Sarangarh- Bilaigarh (C.G.)

... Appellant

versus

State of Chhattisgarh Through Station House Officer, Police Station Sarangarh, District Sarangarh-Bilaigarh (C.G.)

... Respondent

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Jitendra Nath Nande, Advocate appeared as Amicus Curiae
For Respondent/State	:	Mr. Ashish Shukla, Additional Advocate General

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

Judgment on Board

Per Ramesh Sinha, Chief Justice

07.08.2026

1. This criminal appeal preferred under Section 415(2) of the Bhatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') is directed against the impugned judgment of conviction and order of sentence dated 29.11.2025 passed by the learned Additional Sessions Judge, Sarangarh, District – Sarangarh-Bilaigarh (C.G.) (Sessions Division, Raigarh) in Sessions Trial No. 01 of 2021,

whereby the appellant has been convicted for offence punishable under Section 302 of the Indian Penal Code (IPC) and sentenced to undergo rigorous imprisonment for life and fine of Rs.1,000/-, in default of payment of fine, additional rigorous imprisonment for 01 year.

2. According to the prosecution story, the deceased Nonibai was married to accused Pappu Lahare of Jhagrindih village and they have three children. Nonibai lived with her husband, accused Pappu Lahare, in a separate house in Holdharpali village. Nonibai and Pappu Lahare had frequent fights and quarrels. Eight days prior to the incident, on 18.07.2020, accused Pappu Lahare had assaulted Nonibai. Nonibai, fearing the situation, had been living at her maternal home, Ganga Ram's house. Later, accused Pappu Lahare took Nonibai to his home, where he had been bewitching her. Consequently, 18.07.2020, accused Pappu Lahare, under the influence of the spell, assaulted the deceased Nonibai with a stick and strangled her with his hands, killing her. On the morning of 18.07.2020, Karan Lahare informed informant/complainant Ganga Ram Narang that the deceased was unable to wake up. Informant/complainant Ganga Ram Narang, along with his brother Kanhaiya and mother Tukasha, went to the accused's house and found the deceased lying on the cot, covered with a sari and blanket, and not breathing. Blood was coming out of her left ear, and marks of strangulation were visible on her neck. A wooden stick was found under the cot, and there

were marks of stick-strike marks on the deceased's right leg and back.

3. Based on the information, a rural complaint was filed on zero and after registering the inquest intimation, the investigation panchnama was taken up for proceedings. A First Information Report was registered against the accused under Section 302 of the Indian Penal Code at Police Station Sarangarh in Crime No. 481/2020. A spot map of the crime scene was prepared. A State Bank of India passbook with account number 34652021460 in the name of the accused Pappu Lahare was found at the head of the cot on which the deceased's body was lying, in the last cover of which, the accused's name was mentioned. He had written, "What should I do, Sir? I have no other option, please forgive me, I will go to the police station myself, I made a mistake by coming to my in-laws' house." The passbook was seized from the scene and a panchnama was prepared in front of witnesses. A handwriting identification panchnama was prepared. A panchnama was prepared after giving notice to the witnesses. The body was sent for post-mortem examination, and the post-mortem report was obtained. The body was subsequently handed over. Statements were recorded from witnesses Ganga Ram Narang, Tukasha Narang, Kanhaiya Narang, Amarnath Narang, Ramadhar Narang, Saheb Ram, Sunil Kumar, Lalita Jangde, and Vishnu alias Chandrashekhar Lahare. The accused was arrested, and his family was informed of the arrest. After a thorough investigation,

Sarangarh Police Station filed a final report number 544/2020 against the accused Pappu Lahare.

4. On receiving the charge sheet and the documents attached therewith, the learned Additional Sessions Judge, Sarangarh, District – Sarangarh-Bilaigarh, after hearing the parties, framed charges against the accused Pappu Lahare under Section 302 of the IPC and the charges were read out and explained to the accused, and the accused denied having committed the crime.
5. The prosecution in support of its case has examined as many as 13 witnesses and exhibited 23 documents. The accused was examined under Section 313 of the CrPC, in which he pleaded not to give evidence in his defence and stated that he was falsely implicated in the case.
6. The trial Court upon appreciation of oral and documentary evidence available on record and considering that it is the appellant who has committed the murder of his wife deceased Nonibai, convicted the appellant under Section 302 of the IPC and sentenced him to undergo rigorous imprisonment for life and fine of Rs.1,000/-, in default of payment of fine, additional rigorous imprisonment for 01 year. Hence, this appeal.
7. Mr. Jitendra Nath Nande, learned Amicus Curiae, appearing on behalf of the appellant submitted that the judgment of conviction passed by the learned Trial Court is contrary to the evidence available on record and is liable to be set aside. The prosecution

has failed to establish the guilt of the appellant beyond reasonable doubt, as the case is based entirely on circumstantial evidence and the chain of circumstances is incomplete. There are material contradictions in the testimonies of the prosecution witnesses, particularly between the statements of the informant, Ganga Ram (PW-1), and the village Kotwar, Ramadhar Narang (PW-3), on material aspects of the prosecution case. Further, the statements of the deceased's two brothers are also inconsistent with each other, thereby creating serious doubts about the reliability of the prosecution version. These contradictions strike at the root of the prosecution case and render the evidence unsafe for sustaining a conviction. It is further submitted that the prosecution has failed to establish any convincing motive for the alleged offence. The evidence on record shows that the appellant and the deceased had been married for several years and were blessed with three children, indicating a long-standing matrimonial relationship. The allegation that the deceased had occasionally gone to her parental home after being scolded by the appellant is a natural incident of matrimonial life and cannot, by itself, be treated as evidence of homicidal intent. He also submitted that the appellant loved the deceased, and there is evidence that he had gone out for work three or four days prior to the incident. Moreover, there is no memorandum statement under Section 27 of the Indian Evidence Act leading to any recovery at the instance of the appellant, nor has any incriminating article or property been

seized from his possession. These circumstances substantially weaken the prosecution case. He contended that the prosecution has also placed reliance on the seizure of an SBI passbook allegedly containing an incriminating note. However, the appellant has consistently stated that the passbook remained in the possession of the deceased, and the prosecution has failed to prove that the alleged writing or signature was that of the appellant. No handwriting expert was examined, nor was any expert opinion obtained to establish the authorship of the alleged note. In the absence of scientific or expert evidence, the passbook cannot be treated as a reliable incriminating circumstance. Thus, the prosecution has failed to prove every link in the chain of circumstances beyond reasonable doubt. The conviction recorded by the learned Trial Court is therefore based on conjectures and suspicion rather than legally admissible evidence. It is, therefore, prayed that this Hon'ble Court may be pleased to allow the appeal, set aside the judgment of conviction and sentence passed against the appellant under Section 302 of the IPC, acquit him of the charge by extending the benefit of doubt.

8. Per contra, learned State counsel would submit that the judgment of conviction and sentence passed by the learned Trial Court is well reasoned, based on proper appreciation of the oral and documentary evidence, and does not warrant any interference by this Hon'ble Court. It is contended that the prosecution has successfully established a complete chain of circumstances

proving that the appellant alone was responsible for the homicidal death of his wife, Nonibai. The medical evidence corroborates the prosecution case by establishing that the deceased died an unnatural and homicidal death, and the surrounding circumstances, including the recovery of the passbook containing the incriminating note from the place of occurrence, further strengthen the prosecution case. It is further submitted that the alleged contradictions in the statements of the prosecution witnesses are minor in nature and do not affect the core of the prosecution case. The evidence on record clearly establishes the strained relationship between the appellant and the deceased and the appellant has failed to offer any plausible explanation regarding the homicidal death of his wife. The prosecution has proved its case beyond reasonable doubt, and therefore, the conviction of the appellant under Section 302 of the IPC is fully justified. Accordingly, it is prayed that the appeal being devoid of merit deserves to be dismissed and the judgment of the learned Trial Court be affirmed.

9. We have heard the learned counsel for the parties and considered their rival submissions made hereinabove and also went through the original records of the trial Court with utmost circumspection.
10. The first question for consideration would be, whether the trial Court was justified in holding that death of deceased Nonibai was homicidal in nature ?

11. In this regard, PW-10 Dr. Ritesh Sen, Medical Officer, examined the deceased dead body and gave Post Mortem report Ex.P-12 wherein it has been specifically stated that cause of death is asphyxia due to throttling and homicidal in nature. This witness has stated in his judicial statement that during examination, a lump of wet soil was found on the chest of deceased in postmortem stain of reddish-blue color was present on the back of her body, both hands, and the lower surfaces of both legs. On the neck of injuries measuring 0.5× 0.5 cm, 0.2 x 0.5 cm, and many small reddish scratch marks were found on other parts of the neck. A scratch measuring 0.5 x 0.5 cm was found on the left jaw. A red contusion measuring 4 x 2 cm was present from the chin toward the left jaw. Another red contusion measuring 3 x 1.5 cm was found on another part of the neck, and a red scratch measuring 1 x 1 cm was present on the left arm. It was also noted that blood was flowing from both ears of deceased. In paragraph 12 of the main examination, stated that the injuries on deceased's body were ante-mortem (before death) and were caused by fingernails and palms. That deceased's death was not natural and caused by suffocation (Asphyxia) due to pressing of the neck.
12. The trial Court, relying upon the statement of Dr. Ritesh Sen (PW-10), who has conducted postmortem over the body of deceased Nonibai and Postmortem report Ex.P-12, recorded the finding that the death of deceased was homicidal in nature. The said finding recorded by the trial Court is a finding of fact based on

evidence available on record, which is neither perverse nor contrary to record. Even otherwise, it has not been seriously disputed by the learned counsel for the appellant. We hereby affirm the said finding.

13. The next question for consideration would be, whether the trial Court has rightly held that the appellant is author of the crime.
14. It is the case of no direct evidence, rather conviction is based on circumstantial evidence.
15. We may also make a reference to a decision of the Supreme Court in **C. Chenga Reddy and Ors. v. State of A.P., (1996) 10 SCC 193**, wherein it has been observed thus:

“In a case based on circumstantial evidence, the settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further the proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence....”.

16. In **Padala Veera Reddy v. State of A.P. and Ors., AIR 1990 SC 79**, it was laid down by the Supreme Court that when a case rests upon circumstantial evidence, such evidence must satisfy the following tests:

“(1) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established;

(2) those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused;

(3) the circumstances, taken cumulatively should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else; and

(4) the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.”

17. In **State of U.P. v. Ashok Kumar Srivastava, (1992 CrLJ 1104)**, it was pointed out by the Supreme Court that great care must be taken in evaluating circumstantial evidence and if the evidence relied on is reasonably capable of two inferences, the one in favour of the accused must be accepted. It was also pointed out that the circumstances relied upon must be found to have been fully established and the cumulative effect of all the facts so established must be consistent only with the hypothesis of guilt.
18. Sir Alfred Wills in his admirable book “Wills’ Circumstantial Evidence” (Chapter VI) lays down the following rules specially to be observed in the case of circumstantial evidence: (1) the facts alleged as the basis of any legal inference must be clearly proved and beyond reasonable doubt connected with the factum

probandum; (2) the burden of proof is always on the party who asserts the existence of any fact, which infers legal accountability; (3) in all cases, whether of direct or circumstantial evidence the best evidence must be adduced which the nature of the case admits; (4) in order to justify the inference of guilt, the inculpatory facts must be incompatible with the innocence of the accused and incapable of explanation, upon any other reasonable hypothesis than that of his guilt, (5) if there be any reasonable doubt of the guilt of the accused, he is entitled as of right to be acquitted”.

19. Five golden principles which constitute *Panchseel* of proof of case based on circumstantial evidence have been laid down by the Supreme Court in the matter of **Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116** which state as under :-

“(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned “must” or “should” and not “may be” established;

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;

(3) the circumstances should be of a conclusive nature and tendency;

(4) they should exclude every possible hypothesis except the one to be proved; and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion

consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.”

20. The Supreme Court in the matter of **Suresh and Another v State of Haryana, (2018) 18 SCC 654** has observed that cases of circumstantial evidence, the courts are called upon to make inferences from the available evidence, which may lead to the accused's guilt. The court at paras 41 and 42 has observed thus :

“41. The aforesaid tests are aptly referred as Panchsheel of proof in Circumstantial Cases (refer to Prakash v. State of Rajasthan). The expectation is that the prosecution case should reflect careful portrayal of the factual circumstances and inferences thereof and their compatibility with a singular hypothesis wherein all the intermediate facts and the case itself are proved beyond reasonable doubt.

42. Circumstantial evidence are those facts, which the court may infer further. There is a stark contrast between direct evidence and circumstantial evidence. In cases of circumstantial evidence, the courts are called upon to make inferences from the available evidence, which may lead to the accused's guilt. In majority of cases, the inference of guilt is usually drawn by establishing the case from its initiation to the point of commission wherein each factual link is ultimately based on evidence of a fact or an inference thereof. Therefore, the courts have to identify the facts in the first place so as to fit the case within the parameters of “chain link theory” and then see whether the case is made out beyond reasonable doubt. In India we have for a long time

followed the “chain link theory” since Hanumant case, which of course needs to be followed herein also.”

21. The Supreme Court in the matter of **Sailendra Rajdev Pasvan and Others vs. State of Gujarat Etc., AIR 2020 SC 180** observed that in a case of circumstantial evidence, law postulates two-fold requirements. Firstly, that every link in the chain of circumstances necessary to establish the guilt of the accused must be established by the prosecution beyond reasonable doubt and secondly, all the circumstances must be consistent pointing out only towards the guilt of the accused. We need not burden this judgment by referring to other judgments as the above principles have been consistently followed and approved by this Court time and again.
22. In the present case, the evidence of Ganga Ram Narang (PW-1), Kanhaiya Narang (PW-2), Ramadhar Narang (PW-3), Tukasha Bai (PW-4), Vishnu Lahare (PW-9) and Karan Lahare (PW-13) consistently establishes that the accused and the deceased were husband and wife and had been residing together in a separate house at village Holdharpali. Though the couple had three children, the evidence clearly reveals that none of them ordinarily resided with the deceased and the accused. Vishnu Lahare (PW-9) was residing separately at village Jhagrindih, whereas Karan Lahare (PW-13) and his younger brother used to stay at their maternal uncle's house and would visit their parents only for meals. Consequently, during the intervening night of the incident,

the deceased and the accused alone occupied the house where the deceased was subsequently found dead.

23. The contention advanced on behalf of the appellant regarding contradictions in the evidence of Ganga Ram Narang (PW-1) and Karan Lahare (PW-13) as to whom Karan first informed about the incident does not create any dent in the prosecution case. Karan Lahare (PW-13) has categorically explained that the houses of Ganga Ram Narang (PW-1) and Kanhaiya Narang (PW-2) were adjoining/connected. Kanhaiya Narang (PW-2) has also deposed that Karan informed him that his mother was not waking up and that blood was coming out of her ears. The alleged discrepancy is therefore only with regard to the sequence of communication and not regarding the factum of the discovery of the deceased. Such minor inconsistencies, which naturally occur in the testimony of truthful witnesses, do not affect the substratum of the prosecution case.
24. The defence has taken the plea that the accused had gone to Basna for labour work three or four days prior to the incident and was not present in the house. However, this plea is not borne out from the evidence on record. Karan Lahare (PW-13), who is the son of the accused and the deceased and has no reason to falsely implicate his father, has categorically stated that on the evening preceding the incident, at about 6:00 p.m., he had dinner in his parents' house and both the accused and the deceased were present together. This version receives independent

corroboration from Ramadhar Narang (PW-3), who has specifically deposed that he had seen the accused in the village at about 6:00 to 7:00 p.m. on the same evening. The defence evidence that the accused occasionally remained away from the village for labour work cannot outweigh the direct evidence placing him in the house on the evening immediately preceding the occurrence. The plea of alibi taken by the accused, therefore, remains wholly unsubstantiated.

25. The medical evidence furnished by Dr. Ritesh Sen (PW-10) unequivocally establishes that the death of Nonibai was homicidal and caused by asphyxia resulting from strangulation. The post-mortem findings are fully consistent with the injuries noticed during the inquest proceedings and with the testimony of the witnesses who first reached the place of occurrence. Thus, there is no dispute that the deceased met with a homicidal death inside her matrimonial home during the night intervening the evening when she was last seen alive with the accused and the following morning when her body was discovered.
26. The evidence further establishes that shortly before the incident, the relationship between the accused and the deceased had become strained. The testimonies of Ganga Ram Narang (PW-1), Kanhaiya Narang (PW-2), Tukasha Bai (PW-4) and Karan Lahare (PW-13) consistently show that about eight days prior to the occurrence the accused had assaulted the deceased, due to which she had gone to her parental home. It has also come in

evidence that the accused suspected the character of the deceased and had assaulted her on earlier occasions. Although motive by itself is not sufficient to sustain a conviction, where the prosecution has otherwise established the chain of circumstances, proof of motive lends additional assurance to the prosecution case.

27. The Court also finds no merit in the challenge to the seizure of the SBI passbook (Article-1). The passbook was recovered from the place of occurrence under a duly proved seizure memo (Ex.P-10), which has been supported by the seizure witnesses Ramadhar Narang (PW-3) and Amarnath Narang (PW-5). The investigating officer has also proved the seizure proceedings. The note contained in the passbook, though not proved through expert opinion, constitutes one incriminating circumstance among several others and cannot be viewed in isolation. Even if the evidentiary value of the said writing is kept aside, the remaining circumstances independently form a complete and unbroken chain pointing towards the guilt of the accused.
28. The conduct of the accused after the occurrence is equally significant. It is undisputed that when the deceased's relatives reached the house after receiving information from Karan Lahare (PW-13), the accused was absent. The explanation furnished by him under Section 313 of the Code of Criminal Procedure that he had gone to Basna several days earlier stands contradicted by the evidence of Karan Lahare (PW-13) and Ramadhar Narang (PW-

3), who had seen him in the house and village on the previous evening. The false explanation offered by the accused constitutes an additional link in the chain of circumstances.

29. The place of occurrence also assumes importance. The evidence of Ganga Ram Narang (PW-1), Kanhaiya Narang (PW-2), Ramadhar Narang (PW-3), Tukasha Bai (PW-4), Amarnath (PW-5), Saheb Ram (PW-6) and Sunil Kumar (PW-7) consistently establishes that the house of the accused and the deceased was situated at the outskirts of the village on an elevated plateau surrounded by forest and away from habitation. There is absolutely no evidence of any enmity between the deceased and any third person. In such circumstances, the possibility of an unknown person entering the house during the night, committing the murder and leaving without any motive or evidence is highly improbable and does not inspire confidence.
30. The prosecution has further established that the deceased was found dead inside the matrimonial home where she was residing with the accused. The evidence of Karan Lahare (PW-13) clearly proves that both the accused and the deceased were together in the house on the previous evening. In these circumstances, the fact as to how the deceased suffered a homicidal death inside the house was especially within the knowledge of the accused. The accused failed to furnish any plausible explanation either during investigation or in his statement under Section 313 CrPC. Once the prosecution had established the foundational facts that the

deceased died a homicidal death inside the shared residence where she and the accused alone were present during the relevant period, the burden under Section 106 of the Indian Evidence Act squarely shifted upon the accused to explain the circumstances leading to her death. His failure to do so provides an additional link completing the chain of circumstances.

31. This Court is, therefore, satisfied that the prosecution has proved beyond reasonable doubt the following circumstances:

(i) the accused and the deceased were living together in the matrimonial home;

(ii) the deceased was last seen alive with the accused on the evening preceding the incident;

(iii) the deceased suffered a homicidal death by strangulation inside the matrimonial home during the night;

(iv) the accused had a motive arising from his suspicion regarding the character of the deceased and had assaulted her shortly before the incident;

(v) there was no possibility of intervention by any outsider;

(vi) incriminating material including the seized passbook was recovered from the place of occurrence;

(vii) the accused absconded after the incident and furnished a false explanation regarding his absence; and

(viii) the accused failed to explain the homicidal death of his wife occurring inside their shared residence.

These circumstances form a complete chain which is wholly inconsistent with the innocence of the accused and exclude every reasonable hypothesis except that of his guilt.

32. In view of the foregoing discussion, this Court finds no perversity or illegality in the appreciation of evidence by the learned Trial Court. The prosecution has succeeded in proving the charge under Section 302 of the IPC beyond all reasonable doubt through a complete and unbroken chain of circumstantial evidence. The conviction and sentence recorded against the appellant are fully justified and call for no interference by this Court.
33. Accordingly, the criminal appeal, being devoid of merit, is **dismissed**. The conviction of the appellant under Section 302 of the IPC and the sentence of imprisonment for life with fine, as imposed by the learned Trial Court, are hereby affirmed.
34. It is stated at the Bar that the appellant is in jail, he shall serve out the sentence as ordered by the learned trial Court.
35. The trial court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.
36. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the appellant is

undergoing his jail term, 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 the High Court Legal Services Committee or the Supreme Court Legal Services Committee.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice