



2026:CGHC:901-DB

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 1953 of 2025**

Gulam Mustafa @ Kali Bhanca S/o Shaikh Abdul Qadir, Aged About 19 Years
R/o Chandmari, Near Circuit House, Raigarh, P.S. Kotwali, District Raigarh
(C.G.)

--- Appellant**versus**

State Of Chhattisgarh Through P.S. Tikra Para, Raipur, District Raipur (C.G.)

--- Respondent**CRA No. 419 of 2025**

Soyeb Ahamad @ Saif S/o Iqbal Khan Aged About 23 Years R/o Katra Bazar,
Before Galla Mandi, Maihar, P.S.-Maihar, District - Satna (M.P.), At Present R/o
Lamidarha, Boidadar, P.S. Chakradhar Nagar, District- Raigarh (C.G.)

---Appellant**Versus**

State Of Chhattisgarh Through - P.S. Tikra Para, Raipur, District - Raipur
(C.G.)

--- Respondent

For Appellant	:	Ms. Akanksha Jain, Advocate {Cr.A. No. 1953/2025}
		Mr. Akash Kumar Kundu, Advocate {Cr.A. 419/2025}
For Respondent(s)	:	Mr. Shashank Thakur, Additional Advocate General

Hon'ble Mr. Ramesh Sinha, Chief Justice**Hon'ble Mr. Arvind Kumar Verma, Judge**

Judgment on Board

Per Ramesh Sinha, Chief Justice

07/01/2026

1. Challenge in this appeal filed under Section 374(2) of the Criminal Procedure Code, 1973 is to the judgment of conviction and order of sentence dated 08.01.2024 passed in Special Criminal Case No. 20/2024 by the learned Special Judge under the SC & ST (P.A.) Act, Raipur, District Raipur, by which the appellants have been convicted and sentenced as under:

Conviction under Section	Jail Sentence	Fine	Default Jail sentence
302 / 34 of the Indian Penal Code (<i>for short, the IPC</i>)	Life imprisonment	Rs. 2000/-	2 months additional rigorous imprisonment
302 / 34 of IPC	Life imprisonment	Rs. 2000/-	2 months additional rigorous imprisonment
3(2)(v) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (<i>for short, the Atrocities Act</i>)	Life Imprisonment	Rs. 2000/-	2 months additional rigorous imprisonment
The sentences have been directed to run concurrently.			

2. The appellants/convicts were charged for the offence punishable under Sections 302 read with 34 and 201 read with 34 of the IPC and under Section 3(2)(v) of the Atrocities Act alleging that on 10-12-2019, at about 11:30 p.m., at the house of complainant Indarchand Sahu, Godavari Nagar, near Little Flower School, Motinagar, Police Station Tikrapara, Raipur, District Raipur, within the jurisdiction, the accused persons, acting in furtherance of their common intention, caused the

murder of Manisha Sidar and Manju Sidar. In pursuance of the said common intention, they assaulted Manisha Sidar and Manju Sidar on their heads and faces with a frying pan, and also strangled them, thereby intentionally causing their deaths. Further, with the intention of screening themselves from legal punishment for the offence of murder, and with the intention of causing disappearance of evidence, they threw their blood-stained clothes from a moving train, thereby destroying the evidence of the murder. It was also alleged against the accused persons that, knowing that both the deceased were members of a Scheduled Caste community, they committed the punishable offence of murder, which is an offence punishable with imprisonment for life.

3. The case of the prosecution, in brief, is that on 10.12.2019, at about 11:25 a.m, the informant Indarchand Sahu (PW-5) lodged a merger intimation (Exhibit P/9 and P/10) at the police station, stating that he has a house situated at Godavari Nagar, in which tenants reside. On the same day, i.e., 10.12.2019, at about 11:20 a.m., the tenant Anjali Kurre (PW-1) telephoned him and informed him that sounds of a quarrel and fighting were coming from the room of tenant Manisha Sidar. Thereupon, he immediately rushed to the spot and, along with Anjali (PW-1), reached outside Manisha's room. The door was closed from inside. When he opened the window slider and looked inside, he saw Manisha lying on the floor, soaked in blood. As soon as the door was opened from inside, two unknown boys ran away. Thereafter, the complainant, along with Bhumika (PW-2) and Anjali (PW-1), went inside the room and saw that Manisha Sidar and Manju Sidar were lying injured on the floor, covered in blood. They were taken for treatment through Dial-112 to Mekahara Hospital, where the doctor, after examination, declared them dead. The deaths of Manisha Sidar and Manju Sidar occurred due to their murder

by two unknown boys. The prosecution case further states that on the basis of the aforesaid information given by the complainant Indarchand Sahu (PW-5), a merg intimation was registered at Police Station Tikrapara, Raipur, and in relation to the said deaths, a merg intimation was recorded. At the spot itself, without any delay, a unnumbered First Information Report (FIR) (Exhibit P/8) was registered. Inquest proceedings (Exhibit P/6 and P/7) of both the deceased were conducted, and their bodies were sent for post-mortem examination. Thereafter, in connection with the incident, Crime No. 709/2019 (Exhibit P/38) was registered at Police Station Tikrapara, Raipur, and after completion of the entire investigation, the charge-sheet was submitted before the learned trial Court.

4. Charges were framed against the appellants for the offences under Sections 302 read with Section 34 of the IPC, Section 201 of the IPC and Section 3(2)(v) of the Atrocities Act. The appellants abjured the guilt and prayed for trial.
5. In support of their case, the prosecution, examined the following prosecution witnesses: Ku. Anjali Kuresh (PW-01), Ku. Bhumika Kuresh (PW-02), Ravi Kumar Yadav (PW-03), Smt. Mamta Sirdar (PW-04), Indrapan Sahu (PW-05), Dr. Vikas Kumar Dwivedi (PW-06), Dr. Rajesh Kumar Sahu (PW-07), Jalandhar Sirdar (PW-08), Subhadra Sirdar (PW-09), Rajesh Chaudhary (PW-10), Sanjay Shrivastava (PW-11), Rameshwar Sahu (PW-12), Shalikram Sahu (PW-13), Srijan Sonkar (PW-14), Tularam Yadav (PW-15), Devendra Kumar Verma (PW-16), Dr. Snigdha Jain Bansal (PW-17), Shiv Kumar Dhruv (PW-18), Rajendra Kumar Dubey (PW-19), Mohsin Khan (PW-20), Yakub Memon (PW-21), Kishan Singh Deewan (PW-22), and Brijbhavan Singh (PW-23) and exhibited as many as 53 exhibits.

6. The appellants, in support of their case, did not produce any evidence. In their examination under Section 313 Cr.P.C., the appellants expressed their ignorance to most of the questions and some of them were denied as well.
7. The learned trial Judge, after considering the evidence on record, convicted and sentenced the appellant/accused as detailed in the opening paragraph of this judgment. Hence, the present appeal by the appellant/convict.
8. Ms. Akanksha Jain, learned counsel for the appellant-Gulam Mustafa @ Kali Bhanca and Mr. Akash Kumar Kundu, learned counsel appearing for the appellant-Soyeb Ahamad @ Saif, submits that the appellants are innocent and have been falsely implicated in this case. There are no eye witnesses to the alleged incident and the conviction of the appellants is based on circumstantial evidence. There was not motive for the appellants to cause murder of the deceased. The test identification parade is also defective as the appellants were already introduced by the police to the witnesses who were to identify them. The seizure witnesses have turned hostile and not supported the prosecution case. The witness who had participated in test identification parade, namely Bhumika Kurre (PW-2) had deposed that there were total 10-12 persons present but in fact there were only 7 persons which shows that the test identification parade was mere formality. There are omissions and contradictions in the statement of the prosecution witnesses. As such, the appellants deserve to be acquitted.
9. On the other hand, Mr. Shashank Thakur, learned Additional Advocate General appearing for the State/respondent submits that the learned trial Court has rightly arrived at a finding with regard to the guilt of the appellants and the learned trial Court was fully justified in convicting and

sentencing them for the offences in question. The judgment is based on evidence available on record and as such, the same does not warrant any interference and the appeal deserves to be dismissed.

10. We have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
11. According to the prosecution, there were three accused in this case. The appellants-Soyeb Ahmad @ Saif and Gulam Mustafa @ Kali Bhanca alongwith a child in conflict with law, whose trial is stated to be pending. The weapon of assault is a griddle (*Tawa*) which was used to cause injuries and a black-maroon coloured scarf which was used for strangulating the deceased sisters.
12. There is no dispute with respect to the fact that the death of the deceased Manju Sidar and Manisha Sidar was homicidal in nature which is evident from the postmortem reports (Exhibit P/32 and P/33) and the deposition of Dr. Snigdha Jain Bansal (PW-17) who had opined that the cause of death was shock and hemorrhage caused by multiple injuries and neck compression by strangulation. In the postmortem report, the Doctor found the following injuries on the body of the deceased Manisha Sidar:

“External Injury.

1. Contusion of red color on whole anterior part of neck at & below thyroid cartilage with over lying 2 no. of abrasion of dark red color. In between these 2 abrasions of sizes approximately 6 cm. x 4 cm. & 3x2 cm. (large on mid neck & smaller one on left side of lower part of neck) multiple small abrasions are present.
2. Multiple small abrasion on left malar eminence, left side of forehead.

3. Incised looking lacerated wound of size 0.5 cm.x0.5 cm. x scalp deep.
4. Nasal bones are fractured.
5. Right malar eminence shows small incised looking lacerated wound, also present on lateral part of right eyebrow of small size.
6. Pressure abrasion at back of neck horizontal throughout & slightly oblique toward the end & at mid line of neck at back. Pressure abrasion is absent at right side of back of neck. Maximum width is 0.75 cm. This mark continues anteriorly on left side of neck horizontally to merge till large abrasion on anterior part of neck as mentioned above. The color of the abrasion is red.
7. Ulnar border of left forearm towards elbow & palm shows multiple small contusions and multiple small abrasions on dorsum of left hand.

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1. खोपड़ी, फाल और कशेरुका का Under surface of scalp is contused anteriorly at multiple places below the external injuries no. 2, 3 & 5 as described. left temporal muscle is ecchymosed anteriorly. Dura tense blue, slight subdural hemorrhage present.

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xxx

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3. मस्तिष्क और मेरुरज्जू Brain matter is oedematous.”

- 13.** With respect to the deceased Manju Sidar, the Doctor found the following injuries:

“External injuries.

1. Contusion on thenar eminence 3 cm. diameter area on both hands. Lower lip also contused. Contusion is dark red in color.
2. Abrasion 1 cm. on tip of left shoulder.
3. Abrasion whole of left cheek, forehead, right malar eminence of 3 cm. diameter each of dark red color.
4. Small abrasions with small contusions whole of right side of right angle of mouth & right side of chin & below right side of lower lip.
5. Small lacerated wound on medial part of left eye brow x scalp deep.

6. Abrasion on bridge of nose, with incised looking lacerated wound above right side of upper lip of length 2 cm. x skin deep x 2 mm. width.

7. Scratch abrasions on right side of neck multiple in no. with tissue piling on upper border directed below upwards with underlying contusion.

8. Pressure abrasion on both sides of neck with contusion of size approximately 3 cm. Diameter on left side above medial end of left clavicle & on right side approximately 3 cm. Diameter above, medial end of right clavicle. Contusion is of red color.

xxx xxx xxx

1. खोपड़ी, कपाल और कशेरुका का under surface of scalp contused on left side on left frontal eminence of size 3 cm. diameter & right side on right frontal eminence of size 3 cm. diameter. Anterior fibers of left temporalis muscle is contused. Dura tense, blue. Slight subdural hemorrhage more on cerebellum & subarachnoid hemorrhage on right, temporal & frontal lobe bases.

xxx xxx xxx

3. मस्तिष्क और मेरुरज्जू Brain matter is oedematous.”

14. The Doctor opined that the injuries were antemortem in nature, were caused by hard and blunt force impact or trauma caused by hard and blunt surface or object and neck compression in form of strangulation and the nature of death was homicidal. This aspect has not been disputed by the learned counsel for the appellants and as such, we agree with the findings recorded by the learned trial Court with regard to the nature of death being homicidal.
15. The question for consideration by this Court in these appeals would be whether on the basis of materials available on record, the appellants can be held guilty of the offence?
16. There is no eye witness in this case. However, the prosecution has tried to establish the link of chain of circumstances to arrive at a finding that it

was the appellants who had committed the offence in question. The law with regard to circumstantial evidence is well settled. In a case where the prosecution relies upon the circumstantial evidence, it must not only prove the circumstances but should link them in such a fashion so as to form an un-ending chain leading to only one conclusion i.e. the guilt of the accused. If there is any chance of the accused being innocent or the crime having been committed by some other person, then the accused has to be given the benefit of doubt and on the basis of circumstantial evidence, he cannot be convicted.

17. The case of the prosecution is that the deceased were real sister and were tenants of a multi-storied building and the witness Inderchand Sahu (PW-5) is the landlord of the said building. He is the complainant/informant in this case. On the date of incident, he received a phone call that some noise is coming from the house where the deceased resided and the door was locked from inside. He asked the deceased sisters to open the door but when the door could not be opened, he pushed the slider of the window and saw that Manju and Manisha were lying on the floor. He shouted as to who was there inside upon which the appellants opened the door and ran away. He tried to chase them but could not catch them. Thereafter, he called on Dial 112 upon which police personnel reached and took the injured sisters who were later declared dead at Mekahara Hospital, Raipur. At his instance, the unnumbered FIR (Exhibit P/8) was registered by the Police. In the cross examination, he has clearly deposed that while the accused persons were escaping, he had seen their faces also and it was incorrect to say that he had identified them on the basis of footage seen in the Tehsil Office.
18. Ku. Anjali Kurre (PW-1) is the neighbour of the deceased who resided in the same building. Before the learned trial Court, she deposed that on

the date of incident, she woke up at around 10:30 a.m. and at about 10:50 a.m. she went into her kitchen, and when she heard the sound of a quarrel coming from the third floor of the building above. After a short while, she heard sounds of beating and screaming. She knew that the deceased sisters were living in that house, but she also heard the voices of boys, which made her suspect that something serious was happening. Therefore, she called the landlord. After some time, the landlord, Banti alias Indrachand Sahu (PW-5) arrived. She told him that noise was coming from the third floor. On his asking, she went with him, while her sister Bhumika Kurre (PW-2) remained downstairs. PW-5 knocked on the door, but there was no response from inside. Then he opened the sliding window. Through the window, they could see that Manju and Manisha were lying on the floor, soaked in blood after which PW-5 called the police. This witness had identified the accused persons vide Exhibit P/1. In cross examination, she stated that before the incident, she was knowing the accused Soyeb by face only

19. Bhumika Kurre (PW-2) is the sister of Anjali Kurre (PW-1). She was lying in her room when her sister Anjali woke her up as some strange sounds were coming from the neighbourhood. She has also deposed in the same manner as deposed by Anjali Kurre. She also stated that she had seen the accused persons running from the spot. She has also identified the accused persons vide Exhibit P/2.
20. Mamta Sidar (PW-4) is the real sister of the deceased. She resided at Raigarh and worked as Staff Nurse in the District Hospital. She stated that she had received phone call from her mother stating that the deceased had expired. She had also received phone call from the Police asking whether the deceased were her sister and was asked to come to Raipur. From there, she was taken to cyber cell, Raipur where she was

shown a video footage and asked whether she knew any person upon which she could identify the appellant-Soyeb. She had asked the deceased Manju Sidar as to who was the person in the photograph which was uploaded on the facebook upon which Manju had informed that he was his friend but he was bothering her. Thereafter, she came to know from her mother that her mother had tried to counsel the accused Soyeb alias Saif, upon which the accused Soyeb abused her mother using filthy language. Despite repeated counselling, the accused Soyeb alias Saif continued to harass Manju Sidar. Consequently, her mother and Manju Sidar went to Chakradhar Police Station, Raigarh, to lodge a report in this regard, after which the concerned Station House Officer counselled the accused Soyeb. However, the accused Soyeb alias Saif continued to harass Manju Sidar, due to which her mother and Manju Sidar again approached Chakradhar Police Station, Raigarh, to lodge a report in respect of the said matter.

21. Jalandhar Sidar (PW-8) is the father of the deceased sisters. He came to know about the death of her daughters through the phone call from his wife Subhadra Sidar (PW-9) that some news was going on in the TV with respect to murder of their daughter. His wife Subhadra Sidar had informed him that one month prior to the incident, a written complaint was made against the accused Soyeb at Chakradhar Nagar Police Station, Raigarh as the accused used to upload photographs of the deceased Manju on social media Tiktok and Whatsapp. When he was counselled by the police, he had undertaken on a stamp paper that he would not upload any photographs of the deceased Manju but he did not stop uploading the photographs. The wife of this witness, namely Subhadra Sidar (PW-9) has also made similar statement before the Court.

22. Admittedly, the deceased belong to the Scheduled Tribe community as is evident from their caste certificates (Exhibit P/26 and P/27). From the deposition of the witnesses namely Subhadra Sidar (PW-9), Jalandhar Sidar (PW-8), Mamta Sidar (PW-4), Anjali Kurre (PW-1) and Bhumika Kurre (PW-2), it is evident that the deceased were well known to the accused persons and they were having the knowledge that the deceased sisters belonged to Scheduled Tribe community.
23. The articles seized by the police namely cotton-A, B and C, Frying Pan-D, T.Shirt-E1, Lower/Plazo-E2, Bra-E3, Underwear—G, Blood Sample-H (belonging to deceased Manju Sidar), Bra-I1, Underwear-I2, Salwar-I-3, Kurti-I4, Blood Sample-J, and Stoll (Scarf)-N (belonging to deceased Manisha Sidar), Pant-L seized from accused Soyeb Ahmed @ Saif Khan, Pant-M (seized from accused Gulam Mustafa @ Kali Bhancha, were sent to the FSL for chemical examination. The FSL report states that blood was found in Articles A, B, D, E1, G, H, I1, I2, I3, I4, J, L, M and N and in the articles B, I1, I2, I4, M and N, human blood was found. The blood found on Articles B, I1, I2, I4 and N was A. However, no semen stains or sperms have been found in Article-G.
24. The police had seized the frying Pan vide Exhibit P/11 in presence of witness Indra Chand Sahu (PW-5) from the place of incident which contained human blood, as per the FSL report. With respect to the scarf seized by the police, the police had made a query in response to which Dr. Snigdha Jain Bansal (PW-17) had opined vide his report (Exhibit P/35) that the deceased died because of strangulation and said scarf could have been utilised for commission of the offence.
25. From the above discussion, it is apparent that the appellant-Soyeb Ahmad @ Saif had been bothering the deceased Manju Sidar for a long time regarding which a complaint was also made at Chakradhar Nagar

Police Station. Since the deceased Manju Sidar had tried to break all relationship with the appellant-Soyeb Ahmad @ Saif, and the appellant was further angry because she had good relationship with another boy named Prakash Soni and the said person had threatened the appellant to stay away from Manju. As such, he was enraged and had a motive to commit the offence in question. The weapon of assault has been seized which contains human blood and further human blood has been found in the pants of the appellants for which there is no explanation. The appellants were seen running away from the spot immediately after the commission of the offence by the witnesses Anjali Kurrey (PW-1), Bhumika Kurrey (PW-2) and Indrachand Sahu (PW-5) and they have also been identified in the Test Identification Parade.

26. In the present case, the evidences not only proves the circumstances but also links them in such a fashion so as to form an un-ending chain leading to only one conclusion *i.e.* the guilt of the appellants.
27. In this case, the prosecution witnesses examined before the Court, namely Anjali Kurre (PW-1) and Bhumika Kurre (PW-2), have clearly deposed that they heard sounds of a fight/quarrel coming from the house of the deceased persons. Thereafter, they called the landlord Indrachand Sahu (PW-5) on the phone and asked him to come. The prosecution witness Indrachand Sahu (PW-5) has stated that he came on receiving the call from Anjali Kurre (PW-1). When Indrachand Sahu (PW-5) along with prosecution witnesses Anjali Kurre (PW-1) and Bhumika Kurre (PW-2) reached the house of the deceased, they found that the door of the house was closed from inside. These witnesses have given consistent and unbroken statements before the Court that when they reached near the house of the deceased persons, they saw two persons running away after coming out of the house of the deceased. These persons were later

identified to be the appellants in the identification proceedings. Further, during investigation of this case, on examination of the ₹50/- stamp paper collected and on scrutiny of the Court statements of prosecution witnesses Mamta Sidar (PW-04) and Subhadra Sidar (PW-09), it has emerged that the accused Soyeb Ahmad @ Saif used to harass and trouble the deceased Manju Sidar by posting her photographs along with his own on Facebook and WhatsApp. In this regard, prosecution witness Subhadra Sidar (PW-09) has stated that the deceased Manju Sidar and her mother had lodged a complaint at Police Station, Chakdhar Nagar, District Raigarh. She has further stated that at Police Station Chakdhar Nagar, the accused Soaib Ahmad alias Saif was counseled and he gave a written undertaking on a ₹50/- stamp paper that he would not harass or trouble Manju Sidar in the future. This circumstance clearly proves that there was prior enmity between the appellant Soyeb Ahmad alias Saif and the deceased Manju Sidar.

28. In the light of aforesaid discussion, we are inclined to endorse the conclusion arrived at by the learned trial Court convicting the appellants on the basis of evidence adduced by the prosecution witnesses. Therefore, conviction and sentence awarded to the appellants as detailed in the opening paragraph, by the learned trial Court is well merited and does not call for any interference by this Court. We are of the considered opinion that the view taken by the learned trial Court with regard to conviction and sentence awarded to the appellants is just and proper warranting no interference. Accordingly, the appeal(s) being devoid of merit are liable to be and are hereby **dismissed**.
29. The appellants/convict are stated to be in jail. They shall serve out the sentence awarded by the trial Court by means of the impugned judgment of conviction and order of sentence passed by the learned trial Court.

- 30.** 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 appellant informing him that they are 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.
- 31.** Let a certified copy of this order alongwith the original record be transmitted to trial Court concerned forthwith for necessary information and action, if any.

Sd/-
(Arvind Kumar Verma)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

HEAD NOTE

In a case based on circumstantial evidence, proof of motive, though not a *sine qua non* where other incriminating circumstances are firmly established, assumes significant importance in lending assurance to the prosecution case. Motive becomes a vital link in the chain of circumstances when the prosecution relies upon indirect evidence.