



2026:CGHC:10456-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1152 of 2024

Ramanand Sahu @ Bhurva S/o Gudeshwar Sahu, Aged About 19 Years R/o
Village Dindori, Police Station- Lalpur, District - Mungeli (C.G)

Appellant(s)

Versus

State Of Chhattisgarh Through Station House Officer, Police Station -
Navagarh, District- Bemetara (C.G.).

Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s) : Mr. Sudhir Verma, Advocate

For Respondent(s) : Mr. Shaleen Singh Baghel, GA

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Per, Bibhu Datta Guru, Judge

28/02/2026

1. This criminal appeal preferred under Section 374(2) of the Cr.P.C is against impugned judgment of conviction and order of sentence dated 29/04/2024 passed in Sessions Trial No. 45/2023 by the learned I Additional Sessions Judge (Children Court), Bemetara (C.G.), whereby the appellant has been convicted and sentenced as under:-

Conviction	Sentence
U/s 302 read with 120 (b) of the IPC	Rigorous imprisonment for 14 years along with fine of Rs. 1000/- with default stipulation
U/s 201 of the IPC	Imprisonment for 3 years with fine of Rs. 500/- with default stipulation.

In the crime in question, three accused persons were involved, out of whom two, namely Rahul Sahu and Sesh Kumar @ Sajan, had preferred CRA No. 2134/2023 challenging their conviction and sentence dated 06/10/2023 passed in ST No. 08/2023 by the I Additional Sessions Judge, Bemetara. The said appeal has already been dismissed by this Court vide judgment dated 30/06/2025. The present appellant was a Child in Conflict with Law (CCL) at the relevant time. He was tried separately as an adult and has been convicted vide the impugned judgment. Hence, the present appeal has been preferred.

2. (a) In brief, the prosecution case is that on 14/12/2022, Munnalal Diwakar, the Kotwar of the village (hereinafter referred to as “the Complainant”), lodged a zero number merg regarding the dead body of an unknown person. He reported, inter alia, that on the said morning, at about 7:00 a.m., while he had woken up and was sprinkling water in the field, one Suraj Dhruw informed him that a dead body was lying near Moharangiya Nala, close to the Shamshan Ghat. Upon receiving the information, he immediately proceeded to the spot and found the body of an unidentified person lying there. The head portion of the body was in a raised position within the water at the edge of the drain. There was substantial bleeding from the head. The deceased was dressed in a

catechu-coloured floral jacket, black jeans pants, and blue sports shoes on both feet. The grass on the bank of the drain near the body was stained with blood for some distance, and a considerable quantity of blood was scattered approximately 50–55 feet away from the body. A piece of cement concrete stone, stained with blood, was also found lying nearby.

(b) During the course of investigation, it transpired that the present appellant (CCL), in furtherance of a conspiracy hatched with the co-accused, namely Rahul Sahu and Sesh Kumar, had taken the deceased to the place of occurrence and thereafter caused his death by committing his murder.

(c) On the basis of the information furnished by the Complainant, a zero-number inquest intimation was recorded. After preparation of the inquest (panchnama) over the dead body, the same was forwarded to the Community Health Center, Navagarh for postmortem examination. Thereafter, Inquest No. 49/2022 was registered and, at Police Station Navagarh, Crime No. 296/2022 was duly recorded against the accused persons.

3. After completion of the investigation, since the present appellant was a Child in Conflict with Law (CCL), a charge-sheet was submitted before the Juvenile Justice Board. The Board, upon consideration, came to the conclusion that the CCL was required to be tried as an adult and, accordingly, transferred the case to the learned I Additional Sessions Judge (Children Court), Bemetara. Thereafter, he was tried as an adult

and his trial proceeded separately. After framing of charges, the same were read over and explained to the appellant. He denied the charges and claimed trial.

4. In order to establish the offence, the prosecution examined 54 witnesses in support of its case. The statement of the accused/appellant under Section 313 Cr.P.C. was recorded, wherein he pleaded innocence and alleged false implication in the matter.
5. The trial Court after appreciating oral and documentary evidence available on record, by its judgment dated 29/04/2024 convicted and sentenced the appellant as mentioned in paragraph one of this judgment.
6. Learned counsel for the appellant submits that the conviction is wholly unsustainable as the prosecution case rests entirely upon circumstantial evidence and the alleged chain of circumstances is incomplete. It is argued that there is no eye-witness to the occurrence and the so-called "last seen" evidence is inconsistent and unreliable. Attention is drawn to the testimony of PW-48, who stated that the deceased was with him at about 6:30 PM, thereby contradicting the prosecution theory that the deceased was last seen in the company of the appellant. It is further contended that the statements of material witnesses under Section 161 CrPC were recorded belatedly and that in several instances the witnesses did not name the appellant in their police statements but introduced such allegations during their deposition before the Court, amounting to material improvements and afterthoughts which strike at the root of the prosecution case. Learned counsel also questions the identification of the

dead body by pointing out discrepancies regarding the tattoo described by witnesses and as noted in the post-mortem report, thereby creating doubt about the identity of the deceased. It is further submitted that the seizure of the knife and other articles is doubtful as independent panch witnesses have not supported the prosecution case and have denied the recovery in their presence. Emphasis is laid on the FSL report which records that no blood was detected on the clothes seized from the appellant; it is argued that if the appellant had inflicted a fatal throat injury, blood stains would naturally have been found on his clothes, and the absence thereof renders the prosecution version improbable. On these grounds, it is urged that the prosecution has failed to prove the case beyond reasonable doubt and the appellant is entitled to benefit of doubt.

7. (a) Per contra, learned State counsel submits that the conviction is well-founded and based on a proper appreciation of the entire evidence on record. It is contended that the homicidal nature of death stands conclusively established by the medical evidence which proves multiple injuries consistent with assault by sharp and blunt objects. The prosecution has proved a complete chain of circumstances including motive, the presence of the appellant with the deceased shortly before the incident, recovery of the weapon at the instance of the appellant, seizure of relevant articles and corroborative forensic evidence. It is argued that minor discrepancies regarding timing or peripheral details are natural and do not affect the substratum of the prosecution case. The delay in recording statements under Section 161 CrPC is not fatal in the absence of demonstrated prejudice, and improvements which do not go

to the core of the prosecution story cannot be treated as material contradictions. With regard to identification of the dead body, it is submitted that the body was duly identified and subjected to postmortem examination, and any variation in the description of a tattoo is a minor inconsistency insufficient to create doubt about identity. As regards the seizure, it is contended that recovery pursuant to memorandum is legally admissible and can be proved through the testimony of the Investigating Officer even if some panch witnesses have turned hostile. Concerning the FSL report, it is submitted that absence of blood on the seized clothes does not demolish the prosecution case, particularly when blood was detected on the recovered weapon though grouping had disintegrated, and the possibility of change or washing of clothes cannot be ruled out.

(b) Learned State counsel further submits that the appeal preferred by the co-accused persons namely Rahul Sahu and Sesh Kumar, bearing CRA No. 2134/2023, has already been considered by this Court and vide judgment dated 30/06/2025, the said appeal was dismissed and the judgment of conviction and order of sentence passed by the trial Court were affirmed. It is submitted that against the said judgment dated 30/06/2025, one of the co-accused, Sesh Kumar, has approached the Hon'ble Supreme Court by filing Special Leave Petition (Criminal) Diary No(s). 52733/2025, wherein the Hon'ble Supreme Court vide order dated 20/02/2026 has issued notice. It is thus argued that the findings recorded by the trial Court have already been upheld by this Court in respect of similarly placed co-accused and no ground is made out for taking a different view in the present appeal. Accordingly, it is

prayed that the appeal deserves to be dismissed.

8. We have heard learned counsel for the parties at considerable length and have bestowed our anxious and thoughtful consideration to the rival submissions advanced herein-above. We have also minutely examined the entire record of the case, including the oral testimony of the witnesses, documentary exhibits, scientific reports and the reasoning assigned by the learned trial Court, with utmost circumspection, as is required in an appeal against conviction.
9. Admittedly, there is no eye-witnesses to the incident and the case of the prosecution is based on circumstantial evidence and memorandum statement of the appellants.
10. The nature of evidence and degree of proof required to sustain the conviction on the basis of circumstantial evidence has been dealt by the Supreme Court in the matter of ***Sharad Birdhichand Sarda Vs. State of Maharashtra reported in AIR 1984 SC 1622***, wherein the Supreme Court has underlined the conditions, which must be fulfilled for convicting the accused on the basis of circumstantial evidence and held in para-152 as under:

“152. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the

circumstances concerned 'must or should' and not 'may be' established. There is not only a grammatical but a legal distinction between 'may be proved' and 'must be or should be proved' as was held by this Court in **Shivaji Sahebrao Bobade Vs. State of Maharashtra, (1973) 2 1 AIR 1984 SC 1622 SCC 793 : (AIR 1973 SC 2622)** where the following observations were made:

“certainly, it is a primary principle that the accused must be and not merely may be guilty before a Court can convict and the mental distance between 'may be' and must be' is long and divides vague conjectures from sure conclusions.”

(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 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.”*

11. Dr. Roshan Sahu (PW29) has conducted the postmortem of the Deceased and from his evidence it is apparent that the homicidal nature of death

stands firmly and conclusively established. The postmortem report (Ex.P50), duly proved by PW29, who conducted the autopsy on 14.12.2022 at 3:30 PM, records multiple injuries on the right side of the skull and face along with fracture of thyroid cartilage. The internal examination revealed hemorrhage, shock and hypoxia resulting from the said injuries. The doctor has categorically opined that the injuries were ante-mortem in nature and were sufficient in the ordinary course of nature to cause death. The time since death was assessed to be within 18 to 20 hours prior to the postmortem examination, which squarely corresponds to the intervening night of 13.12.2022 and 14.12.2022. The defence has not been able to elicit anything substantial in cross-examination to discredit the medical opinion. There is no suggestion on record of accidental fall or suicidal act which could explain the nature, multiplicity and location of the injuries. The fracture of thyroid cartilage, coupled with craniofacial injuries, clearly indicates violent assault. Thus, the conclusion drawn by the trial Court that the deceased met with a homicidal death is well-supported by unimpeachable medical evidence and calls for no interference.

12. PW-1 Sukhiram Sahu (father of the deceased) deposed that he was acquainted with the accused persons present before the Court, including Rahul Sahu and Shesh Kumar. According to him, on 13.12.2022 at about 7:00 p.m., the CCL came to his house and took his son to attend a “Chhathi” programme at village Semarkona. His son left with the juvenile on a motorcycle. He further stated that his son did not return home that night. When his other son, Deepak, telephoned the deceased,

he initially responded that he was on his way back. However, upon making another call, the mobile phone was found switched off. As the deceased did not return, he made inquiries among relatives and searched for him, but to no avail. Thereafter, he informed the police that his son had last gone in the company of the CCL and had not returned home. The witness also stated that the police later called him to the hospital, where he identified the dead body of his son. He noticed injuries on the neck, appearing to be caused by a sharp-edged weapon, and injuries on the head, which, according to him, appeared to have been inflicted by a blunt object. During cross-examination, he admitted that he had not witnessed the actual incident. He was unable to state the registration number of the motorcycle on which his son had gone. He volunteered to add that he is an illiterate person.

13. PW-2 Mohardas Diwakar, Sarpanch of the village, deposed that he received information from certain persons that the body of an unknown individual was lying in the nala. Upon receiving such information, he intimated the police. He stated that, at the instance of the police authorities, Munnalal, Dinesh and Santosh assisted in removing the body from the drain. He proved the notice (Ex.P1) and the inquest panchnama (Ex.P2). He further deposed that the police prepared the spot map (Ex.P3) and seized blood-stained soil (Ex.P4). Water from the drain, where the body was found, was also collected in a bottle under seizure memo (Ex.P5).
14. This witness further stated that two teeth found near the body, four

additional teeth recovered from a short distance away, hair entangled in the throat of the deceased, and a clump of hair embedded in concrete were seized vide memo (Ex.P6). Blood-stained pieces of concrete and broken bricks were also taken into possession under Ex.P7. In addition, a diary found near the body, bearing certain names and a mobile number on its cover, along with certain loose papers containing objectionable writings and a passport-sized photograph of a boy and a girl, were seized vide Ex.P8. A pair of black shoes, spectacles and four empty liquor bottles were also seized in his presence under Ex.P9. During cross-examination, he admitted that the place of occurrence was an open area. He also stated that he had no knowledge as to who had committed the murder.

15. PW-3 Dinesh Sahu, who is a villager supported the preparation of notice Ex.P1 and inquest panchnama Ex.P2. He stated that he later heard that the accused persons, namely Shesh Kumar Sahu, Rahul Sahu and the CCL, were responsible for the death of the deceased. In cross-examination, he admitted that he had not personally witnessed the commission of the offence.
16. PW-4 Munnalal Sahu is the seizure witness. He stated that he informed the police about the dead body lying in the drain and proved the merger intimation (Ex.P10). He further deposed that he assisted in taking the body out of the drain at the direction of the police. He proved the notice (Ex.P1), inquest panchnama (Ex.P2) and seizure memos (Ex.P4 to Ex.P9). In cross-examination, he admitted that the spot was an open

place and that people occasionally gathered there for consuming liquor. He denied the suggestion that no recovery was effected in his presence. His testimony remained consistent with his examination-in-chief. PW-5 Sarju Dhruv stated that he informed Munnalal about the body lying in the drain. He also proved notice Ex.P1 and inquest panchnama Ex.P2.

17. The last seen witness namely; PW-6 Holi Ram Sahu deposed that on 13.12.2022, after returning from his sister's house at village Bhensbor, he noticed the deceased proceeding towards village Semarkona to attend a "Chhathi" programme in the company of the CCL. On the following morning, he learnt that the deceased had not returned home and subsequently came to know about his death. He proved the identification panchnama of the dead body (Ex.P11). During cross-examination, he admitted that he had not specifically informed the police in his earlier statement that the deceased and the juvenile had travelled on a motorcycle. However, he denied the suggestion that he had not seen the deceased in the company of the juvenile.
18. PW-7 Ganga Ram Sahu is the panchnama witness. He proved the identification panchnama (Ex.P11). PW-8 Ayodhya Singh Koshle (Head Constable) produced information relating to the previous criminal record of the CCL. He proved the correspondence and related documents (Ex.P13 and Ex.P14), which were forwarded to Police Station Nawagarh in response to the requisition memo (Ex.P12).
19. PW-9 Deepak Sahu, brother of the deceased, deposed that the incident

relates to the intervening night of 13.12.2022 and 14.12.2022. According to him, on 13.12.2022 at about 7:00 p.m., his brother left for village Semarkona to attend a “Chhathi” programme in the company of the CCL, who had come on a motorcycle. He substantially supported the version given by PW-1, Sukhiram Sahu. During cross-examination, he admitted that in his earlier statement to the police, he had not specifically mentioned that the deceased had gone to village Semarkona on a motorcycle along with the juvenile. Except for this omission, his testimony remained largely consistent with his examination-in-chief.

20. PW-10 Sunita Sahu is the mother of the deceased. She stated that on the day of the incident, her son informed her that he was proceeding to village Semarkona along with the CCL. She deposed that her son left the house seated on a motorcycle driven by the juvenile. She correctly identified the juvenile in Court. In cross-examination, she admitted that her police statement had not been read over to her at the relevant time. She was unable to explain why the fact that her son had left with the juvenile on a motorcycle was not recorded in her earlier statement (Ex.D3).
21. PW-11 Dinesh Kumar Sahu is the memorandum and seizure witness. He proved the identification panchnama of the dead body (Ex.P11). He deposed that the police recorded the memorandum statement (Ex.P15) of the accused regarding the disposal of the knife allegedly used in the offence and proved the recovery said to have been effected at the instance of the juvenile under seizure memo Ex.P20. He further proved

memorandum statements Ex.P16 to Ex.P18 and seizure memos Ex.P19 to Ex.P24, Ex.P26 to Ex.P27 and Ex.P29. He also proved seizure of Article A-1 (Assignment Copy) and Article A-2 (piece of diary). The spot map prepared by the police (Ex.P25) and the search panchnama (Ex.P28) were also proved by him. He further proved the arrest memos of the juvenile and the co-accused persons (Ex.P30 to Ex.P32). During cross-examination, he stated that the juvenile had not himself handed over any mobile phone to the police; however, he volunteered that the police showed a mobile phone stated to belong to the juvenile and then seized it in his presence. He also admitted that it is correct to suggest that no knife was directly recovered from the possession of the juvenile.

22. PW-12 Anjordas Anchal (Principal) produced the original admission and discharge register and proved the date of birth of the CCL as 15.03.2005 (Ex.P37 and its copy Ex.P37(c)). He also proved other documents relating to age verification (Ex.P35, Ex.P36 and copy Ex.P36(c)) as well as notices Ex.P33 and Ex.P34. PW-13 Santosh Kumar Sahu stated that the police served notice upon him (Ex.P38). He deposed that the mobile number 79996617563 belonged to him but was being used by his nephew, the CCL, for personal purposes. PW-14 Jethuram, Safai Karamchari, proved seizure memo Ex.P35, by which the police took into possession the original school register relating to the academic results of the juvenile for the years 2018–19 and 2022–23. PW-15 Santosh Kumar (Safai Karamchari) also proved seizure memo Ex.P35 concerning the said school records and further proved the superdnama (Ex.P39).

23. PW-18 Mahesh Nishad is the husband of Kanak Nishad (PW-17), substantially corroborated her version. He also spoke about certain facts which, according to the prosecution, were relevant to establish motive. He deposed that the CCL and others had telephonically warned him to maintain distance from his wife, making disparaging remarks about her character. He further stated that the juvenile had once asked him to arrange a pistol with the intention of killing the deceased, alleging that the deceased had teased his wife. He also deposed that the juvenile had suggested that they go to Raipur, consume liquor and eliminate the deceased. However, he claimed to have refused. After a few days, he came to know that a dead body had been found in the village. He stated that the police had made inquiries from him and later released him after arresting the accused persons. In cross-examination, he denied the suggestion that he was falsely implicating the juvenile. His evidence, on material aspects, remained consistent with his chief examination.
24. PW-20 Panchram Sahu deposed that on the date of the incident, the juvenile had taken certain sleeping tablets stating that they were required for his mother. Subsequently, he came to know that the juvenile had allegedly committed murder. During cross-examination, he was confronted with his earlier statement regarding the taking of two tablets of Alprazolam. He stated that he could not explain why that specific detail was not recorded in his police statement (Ex.P2).
25. PW-20 Ramdhun Sahu stated that he had received a SIM card from the juvenile for the purpose of using internet services. He deposed that the

police later served him with notice (Ex.P43) and seized the SIM card and mobile phone under seizure memo Ex.P29. In cross-examination, he denied the suggestion that the juvenile had not given him the SIM card. His testimony substantially remained in line with his examination-in-chief. PW-21 Gulshan Sahu deposed broadly on the same lines as stated by Panchram Sahu. He supported the version that the juvenile had taken sleeping tablets from his father on the pretext of his mother's illness and that he later came to know about the alleged involvement of the juvenile, along with co-accused persons, in the murder of the deceased.

26. PW-22 Ram Kumar Suryawanshi is the Probation Officer; witness to voice sampling. He proved memo Ex.P45, whereby the Station House Officer, Nawagarh, requested the presence of officials during the collection of the voice sample of the juvenile. He stated that the mobile phone was shown to him and that no prior voice recording was found therein, for which a panchnama (Ex.P46) was prepared. He further deposed that the voice sample of the juvenile was recorded in his presence and proved the declaration form (Ex.P47). In cross-examination, he stated that he was unaware of the service provider of the SIM card used in the phone. He also mentioned that approximately half an hour was taken for recording the voice sample. His evidence remained substantially consistent. PW-23 Bhojram Sahu also supported the version of PW-22. He stated that he was present at the time of recording of the voice sample of the juvenile and proved his declaration form (Ex.P48).

27. PW-24 Krishna Nishad deposed that, at the direction of the police, he along with Anup Nishad and Shankar Nishad searched the drain using a fishing net and recovered a knife therefrom. He stated that a recovery panchnama was prepared by the police at the spot. In cross-examination, he denied the suggestion that no such recovery was effected in his presence. PW-25 Shankar Nishad supported the version of PW-24 and stated that he was present during the recovery of the knife from the drain. He proved the recovery panchnama (Ex.P49).
28. PW-26 Dr. M.M. Raza is the Medical Officer. He deposed that he, along with Dr. Roshan Sahu, conducted the post-mortem examination of the deceased. According to him, the time of death was approximately 18–20 hours prior to examination and the nature of death was homicidal. He proved the post-mortem report (Ex.P50) and the subsequent query reports (Ex.P52 to Ex.P57). In cross-examination, he admitted that he had not drawn any sketch of the knife but had described it in the query report. He denied the suggestion that the knife sent to him was covered with mud. He also denied the suggestion that he had neither examined the knife nor prepared any report in that regard. PW-27 Dinesh Sahu (Labourer) identified his signature on the notice issued under Section 91 Cr.P.C. He admitted having informed the police that mobile SIM No. 7067855530 was being used by accused Shesh Kumar. He also acknowledged that the contents of document Ex.P58 were written in his handwriting.
29. PW-28 Patiram Sen (Patwari) proved memo Ex.P59, whereby he was

directed to prepare the map of the place of occurrence. He also proved the Nazri Naksha (Ex.P60) prepared by him. PW-29 Dr. Roshan Sahu (Medical Officer) corroborated the testimony of PW-26. He deposed that he had jointly conducted the post-mortem examination and proved the post-mortem report (Ex.P50) along with query reports (Ex.P62 and Ex.P63).

30. PW-30 Vidyasagar Ram (Manager, Reliance Retail) stated that the police had sought information regarding the juvenile through notice Ex.P64. He deposed that the juvenile had been employed at Reliance Retail from 14.07.2022 to 14.12.2022 and, during that period, was using mobile number 7999617563. Despite opportunity, the defence chose not to cross-examine this witness.
31. PW-31 Chandresh Joshi (Constable) proved seizure memo Ex.P65, whereby viscera, wearing apparel of the deceased, blood samples and other articles were taken into possession in sealed condition from Constable Mohinder Verma, who had brought them from Community Health Center, Nawagarh. He also proved seizure memos Ex.P66 to Ex.P72. PW-32 Rajendra Sahu (Constable) deposed that he carried sealed articles, including bricks, concrete pieces, teeth, clothing of the deceased and other exhibits, to the Community Health Center, Nawagarh for medical queries. After obtaining the response, he returned the articles to the Station House Officer under seizure memos Ex.P66 to Ex.P72. In cross-examination, he denied the suggestion that he had not visited the hospital for this purpose.

32. PW-33 Santosh Kumar Sahu (Constable) stated that he transported the seized articles, in sealed condition, to the Forensic Science Laboratory and handed over the acknowledgment to the Station House Officer. He proved memo Ex.P73 and acknowledgment Ex.P74. PW-34 Mahinder Kumar Verma (Constable) deposed that he facilitated the conduct of the post-mortem examination at the Community Health Center. After completion thereof, he handed over the post-mortem report, viscera, blood samples and wearing apparel of the deceased to ASI Tula Ram under seizure memo Ex.P65. He further stated that he transported certain articles for chemical examination and obtained acknowledgment thereof. He proved memos Ex.P75 and Ex.P76, as well as acknowledgments Ex.P77 and Ex.P78. PW-35 Firoj Sahu (Constable) prepared the inventory of seized articles (Ex.P79) and proved the specimen seal panchnama (Ex.P80) prepared in his presence.
33. PW-36 Panchram Ghorbande (Constable, Cyber Cell) deposed that the Station House Officer, Ajay Kumar Sinha, had preserved the call recordings of the mobile phone of accused Sheshnarain in a compact disc, which was sealed and kept in safe custody. He proved the specimen seal panchnama (Ex.P80).
34. PW-37 Bholaram Sahu stated that he carried certain seized articles to the Forensic Science Laboratory for chemical examination in sealed condition and proved the acknowledgments thereof (Ex.P81 and Ex.P82). He further deposed that certain writings recovered from the spot, along with specimen handwriting of the accused, were forwarded

to the Director, Handwriting Expert, Police Headquarters, Raipur, for comparison and expert opinion. He proved the forwarding memo (Ex.P83) and acknowledgment (Ex.P84). PW-38 Bhupendra Chandravanshi corroborated the testimony of PW-37 and stated that he accompanied him to Police Headquarters, Raipur, for submission of the questioned and specimen writings to the handwriting expert.

35. PW-39 Ajay Kumar Sinha (Station House Officer and Investigating Officer) entered the witness box and proved the attested copy of the First Information Report (Ex.P86) and the information forwarded to the Superintendent of Police (Ex.P87). He deposed regarding various steps undertaken during investigation, including recording of memorandum statements of the accused, preparation of recovery and seizure memos, preparation of the site plan, conducting voice sampling proceedings and preparation of relevant panchnamas. He further stated that upon completion of investigation, the charge-sheet was filed before the Juvenile Justice Board. During cross-examination, he denied several suggestions put to him, including the suggestion that the knife had been procured from the market and falsely shown as recovered, that no recovery was made from the juvenile, and that a false charge-sheet had been submitted on incorrect facts. PW-40 Satish Verma (Constable) deposed that he transported mobile phones marked as Article-A and Article-B to Police Headquarters, Raipur, for examination and, after depositing them, obtained acknowledgment. He proved the forwarding memo (Ex.P83) and acknowledgment (Ex.P84).

36. PW-41 Arvind Verma (ASI) deposed that the Thana Incharge had sent a memo seeking technical assistance from the Observation Home for taking the voice sample of the CCL. In compliance thereof, he deputed Head Constable Mohit Chalek for providing technical assistance. The copy of the memo is Ex.P-130 and the authorization letter is Ex.P-133. He further proved memo Ex.P-131 and authorization letter Ex.P-132, issued by the Superintendent of Police, Bemetara, for preparation of a CD of the voice recording contained in the mobile phone in digital form. Head Constable Mohit Chalek prepared the CD of the said voice recordings.
37. PW-42 Ashutosh Dubey (Independent Witness) deposed that although he did not personally know the CCL, he was called by the police to witness the voice sampling of the co-accused. The notice issued to him is Ex.P-95. He stated that the Thana Incharge recorded the voice samples of accused Rahul Sahu and Shesh Kumar in his presence and prepared a panchnama (Ex.P-97). He also issued certificates in that regard, which are Ex.P-100 and Ex.P-134. The DVD pertaining to the voice samples of Rahul Sahu and Shesh Kumar was seized vide Ex.P-102. Though opportunity for cross-examination was granted, the defence did not put any question to this witness.
38. PW-43 Vikrant Singh Thakur (Scientific Officer) deposed that he was posted as Scientific Officer at the State Forensic Science Laboratory, Raipur, from 2019 to 09.02.2023 and is presently serving as Senior Scientist. He stated that vide memo Ex.P-82, two CDs and two DVDs

were received in sealed covers in the laboratory. Along with Senior Scientist Dr. Dinesh Kumar Sahu, he conducted scientific examination of the voice samples and call recordings of the accused persons. The forwarding letter is Ex.P-127 and the detailed report, consisting of 12 pages, is Ex.P-135.

39. PW-44 Mohit Chalek (Constable and Voice Sampling Witness) deposed that on instructions, he transferred eleven voice recordings from the mobile phone seized from accused Shesh Kumar into a CD and issued a certificate under Section 65-B of the Indian Evidence Act, which is Ex.P-137. The CD was sealed by the Thana Incharge and the specimen seal panchnama is Ex.P-80.
40. He further stated that on 21.12.2022, voice samples of Rahul Sahu and Shesh Kumar @ Sajjan were recorded in his presence using a Samsung mobile phone and preserved in separate CDs. He issued a certificate in that regard (Ex.P-138). The CDs were seized vide seizure memo Ex.P-102. He also deposed that he was instructed to provide technical assistance for taking the voice sample of the CCL at the Observation Home. The voice sample was recorded in his presence by Constable Mahinder Verma using a Samsung mobile phone and preserved in a CD. The certificate of authenticity is Ex.P-139 and the CD was seized vide memo Ex.P-106. During cross-examination, he denied the suggestion that the CDs were not genuine documents.
41. PW-45 R.K. Alma (Handwriting Expert) entered the witness box and proved his opinion (Ex.P-140), which was forwarded in a sealed cover

vide memo Ex.P-124. During cross-examination, he denied any material variation in the writings examined.

42. PW-46 Fageshwar Deshmukh (Head Constable) deposed that he was a recovery witness regarding the articles seized vide Ex.P-66 to Ex.P-69. The seized articles were handed over to him for safe custody and he made the necessary entry in the Rojnamcha, the certified copy of which is Ex.P-14(c).
43. PW-47 Tularam Deshmukh (Part Investigation Officer) deposed that he lodged the merg intimation No. 0/2022 (Ex.P-10), prepared the site map and the dead body panchnama (Ex.P-2). He seized various articles and thereafter handed over the remaining investigation to the Thana Incharge.
44. PW-48 Kaleshwar Yadav (Labourer) deposed that on a Tuesday in the month of December, he had gone to the market and saw the deceased Anand Sahu in the company of the CCL. After returning home and taking his meal, he made a mobile call to Anand, who informed him that he had gone to Mungeli accompanied by the CCL. During cross-examination, the witness admitted that his statement was recorded by the police after a delay of 13 days. He further admitted that thereafter his statement was not recorded again. However, he denied the suggestion that his statement was recorded after three months.
45. PW-49 Tikaram Sahu (Memorandum and Recovery Witness) deposed that the accused made a memorandum statement before the police in his presence and that recovery was effected from the place pointed out by

the accused. He proved the relevant disclosure statements and recovery memos. During cross-examination, he admitted that the CCL had not given any statement to the police in his presence, nor was any article recovered from the CCL in his presence.

46. PW-50 Sanjeev Nema (Nodal Officer, Jio Company) deposed that in compliance with memo Ex.P-144, he provided the call detail records (CDR) along with a certificate under Section 65-B of the Indian Evidence Act (Ex.P-145). He stated that mobile SIM No. 9617347946 was issued to Gudeshwar Sahu (father of the CCL), and proved the customer application form (Ex.P-146). He further deposed that SIM No. 8103526019 was issued to Sukhiram (father of the deceased), the customer application form being Ex.P-147. SIM No. 7999617563 was issued to Santosh Sahu (uncle of co-accused Rahul Sahu), and the corresponding application form is Ex.P-148. SIM No. 7067855530 was issued to Dinesh Sahu (father of accused Sheshnarayan), and the customer application form is Ex.P-149. He proved the ownership details of the aforesaid mobile numbers and the call detail records, which are Ex.P-152 to Ex.P-156. The documents were forwarded to the police vide letter Ex.P-157. During cross-examination, he admitted that as per the CDR, no conversation took place between mobile numbers 9617347946 and 7067855530 during the period from 12.12.2022 to 13.12.2022. He further admitted that no conversation took place between mobile numbers 9617347946 and 8103526019 during the period from 01.07.2022 to 13.12.2022.

47. PW-51 Hemprashad Sahu (Constable) deposed that he called fishermen Krishna Nishad, Shankar Nishad and Anup Nishad to retrieve a knife allegedly pointed out by the CCL. The fishermen recovered the knife from a drain by casting a net. He proved the recovery memo (Ex.P-49).
48. PW-52 Rahul Dubey (Constable) deposed that the Thana Incharge seized the CD containing the voice sample of the CCL from Mohit Chalek in the presence of Constable Mahinder Verma. He proved the seizure memo Ex.P-106.
49. PW-53 Anup Nishad (Fisherman) deposed that on the direction of the police, he along with Krishna Nishad and Shankar Nishad retrieved the knife from the drain as pointed out by the CCL by casting a net. He proved the recovery memo Ex.P-49.
50. PW-54 Pankaj Rameya (Nodal Executive, Idea Company) deposed that his company had issued mobile SIM No. 9644794698 to the CCL. He proved the call detail records, which are Ex.P-159 to Ex.P-161.
51. The statement of the CCL under Section 313 of the Code of Criminal Procedure was recorded, affording him an opportunity to explain the incriminating circumstances appearing against him in the prosecution evidence. The CCL denied the allegations and pleaded false implication. No witness was examined in defence.
52. Upon a comprehensive scrutiny of the entire material available on record, tested on the touchstone of the settled principles governing cases founded on circumstantial evidence, as laid down by the Hon'ble Supreme Court in *Sharad Birdhichand Sarda v. State of Maharashtra*

(AIR 1984 SC 1622), it becomes incumbent upon this Court to determine whether the circumstances established by the prosecution are so complete and conclusive in nature as to form an unbroken chain leading exclusively to the guilt of the appellant and ruling out every reasonable hypothesis consistent with his innocence.

53. The first and foremost circumstance is the homicidal death of the deceased. As already discussed herein-above, the medical evidence of PW-26 Dr. M.M. Raza and PW-29 Dr. Roshan Sahu, coupled with the post-mortem report (Ex.P-50), conclusively establishes that the death was homicidal in nature. Multiple ante-mortem injuries on vital parts, including craniofacial injuries and fracture of thyroid cartilage, clearly indicate a violent assault. The defence has not been able to create any dent in the medical opinion. Thus, the foundational fact of homicidal death stands firmly proved.
54. The next circumstance relied upon by the prosecution is that of “last seen together.” PW-1 (father), PW-9 (brother) and PW-10 (mother) have consistently deposed that on the evening of 13.12.2022 at about 7:00 p.m., the appellant came to the house of the deceased and took him along to attend a “Chhathi” programme at village Semarkona. PW-6 Holi Ram Sahu corroborates this version by stating that he had seen the deceased proceeding towards Semarkona in the company of the appellant. PW-48 Kaleshwar Yadav also deposed that he had seen the deceased in the company of the appellant and even spoke to the deceased telephonically thereafter. The minor omissions regarding the motorcycle or exact

wording of earlier police statements do not demolish the core of the prosecution case. Such omissions are natural, particularly when witnesses are rustic villagers. The consistent thread in their testimony is that the deceased was last seen alive in the company of the appellant on the relevant evening.

55. The time gap between the deceased being last seen with the appellant and the estimated time of death is narrow. The post-mortem indicates death within 18–20 hours prior to 3:30 p.m. on 14.12.2022, which takes the time of death to the intervening night of 13/14.12.2022. The deceased had left home around 7:00 p.m. on 13.12.2022 with the appellant and never returned. In such circumstances, the burden shifts upon the appellant to offer a plausible explanation as to when and under what circumstances he parted company with the deceased. The appellant, in his statement under Section 313 Cr.P.C., has merely denied the allegations and has not offered any explanation whatsoever. The silence of the appellant on this crucial aspect constitutes an additional link in the chain of circumstances.
56. The prosecution has also sought to establish motive. PW-18 Mahesh Nishad has deposed regarding previous altercations and threats allegedly made by the appellant concerning the deceased. Though motive is not a sine qua non where the chain of circumstances is otherwise complete, in the present case the testimony of PW-18 lends support to the prosecution case that there existed animosity between the appellant and the deceased. His evidence has remained unshaken in material particulars.

57. The recovery of the weapon of offence is another incriminating circumstance. PW-24 Krishna Nishad, PW-25 Shankar Nishad and PW-53 Anup Nishad have categorically stated that, at the instance of the appellant, a knife was recovered from the drain by casting a net. The recovery panchnama (Ex.P-49) stands duly proved. The Investigating Officer (PW-39) has also deposed regarding the memorandum statement and consequent recovery. Merely because certain panch witnesses have turned hostile in part or have stated that the knife was not recovered directly from the possession of the appellant does not render the recovery illegal. It is well settled that recovery pursuant to a disclosure statement is admissible under Section 27 of the Evidence Act to the extent it leads to discovery of a fact. The consistent testimony of the fishermen and police witnesses inspires confidence.
58. The medical opinion (query reports Ex.P-52 to Ex.P-57 and Ex.P-62 to Ex.P-63) further indicates that the injuries found on the body of the deceased were possible by the seized knife. Thus, the recovery is not an isolated circumstance but stands corroborated by medical evidence.
59. With regard to the FSL report and the absence of blood on the clothes allegedly seized from the appellant, the same by itself does not demolish the prosecution case. It is not the case of the prosecution that the appellant was apprehended immediately after the incident wearing the same clothes. There was sufficient opportunity for change or washing of clothes. The law is well settled that failure to detect blood on the clothes of the accused is not fatal when other circumstances firmly establish

guilt. Moreover, the blood-stained articles recovered from the spot and the weapon of offence were duly sent for forensic examination through a proper chain of custody, as proved by PW-31 to PW-37.

60. The call detail records proved by PW-50 and PW-54 establish the ownership and usage of the relevant mobile numbers. Although certain calls between specific numbers were not found during a particular period, that does not negate the prosecution case, especially when the “last seen” evidence and recovery of weapon constitute strong incriminating circumstances. The scientific evidence regarding voice sampling, as proved by PW-41 to PW-44 and the report Ex.P-135, further corroborates the communication between the accused persons in proximity to the incident. No serious challenge has been made to the authenticity of the Section 65-B certificates.
61. The contention regarding delayed recording of statements under Section 161 Cr.P.C. also does not persuade this Court to discard the prosecution case. Delay in recording statements is not *ipso facto* fatal unless prejudice is demonstrated or material contradictions are established. In the present case, the core of the testimony of the material witnesses remains consistent. The omissions pointed out are not of such magnitude as to affect the substratum of the prosecution story.
62. The identification of the dead body has been duly proved through PW-1 and other family members under panchnama Ex.P-11. Minor discrepancies regarding description of a tattoo or peripheral features cannot override the categorical identification made by close relatives,

especially when the body was recovered from the vicinity of the village and was promptly subjected to postmortem.

63. It is also of significance that the co-accused persons, who were tried separately, have had their conviction affirmed by this Court in CRA No. 2134/2023 vide judgment dated 30.06.2025. Though each case must be examined on its own evidence, the role attributed to the present appellant is not distinguishable on material particulars so as to warrant a different view.
64. On a cumulative appreciation of the entire evidence, the following circumstances stand proved: (i) homicidal death of the deceased; (ii) the deceased was last seen alive in the company of the appellant on the evening of 13.12.2022; (iii) failure of the appellant to explain the circumstances under which he parted company with the deceased; (iv) recovery of the weapon of offence at the instance of the appellant; (v) medical opinion supporting the use of such weapon; and (vi) corroborative scientific and documentary evidence. These circumstances form a complete chain which leads only to the hypothesis of the guilt of the appellant and are inconsistent with any other rational hypothesis.
65. In view of the foregoing discussion, this Court is of the considered opinion that the learned trial Court has properly appreciated the evidence on record and has rightly convicted the appellant for the offences punishable under Sections 302 read with 120-B IPC and 201 IPC. The findings recorded by the trial Court are based on cogent evidence and do not suffer from perversity or illegality warranting interference in appeal.

66. Consequently, the appeal being devoid of merit is hereby dismissed. The conviction and sentence imposed upon the appellant vide judgment dated 29/04/2024 passed by the learned I Additional Sessions Judge (Children Court), Bemetara in Sessions Trial No. 45/2023 is hereby affirmed. The appellant shall undergo the remaining part of his sentence in accordance with law.
67. It is stated that the appellant is in jail, he shall serve out the remaining sentence.
68. Registry is directed to send a certified copy of this judgment along with the original record of the case to the trial court concerned forthwith for necessary information and compliance and also 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.
69. Let a copy of this judgment and the original record be transmitted to the Trial Court concerned for necessary information and compliance.

Sd/-

(Bibhu Datta Guru)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice