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HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No.178 of 2017

State Of Chhattisgarh Through District Magistrate, Bemetara, Chhattisgarh

... Appellant

versus

Noonkaran Chandrakar S/o Shankar Lal Chandrakar, Aged About 28 Years
Occupation Agriculture, R/o Village Sukhatal, Police Outpost Khandsara,
Police Station and District Bemetara, Chhattisgarh.

... Respondent

For Appellant/State : Shri Vinod Tekam, Govt. Advocate

For Respondent(s) : None, though served.

**D.B.: Hon'ble Shri Justice Sanjay S. Agrawal &
Hon'ble Shri Justice Narendra Kumar Vyas**

Judgment on Board

Per Sanjay S. Agrawal, J.

13/07/2026

- 1) This appeal is directed against the judgment dated 07/12/2016, passed in Sessions Trial No.45/2015, whereby, the learned Sessions Judge, Bemetara (C.G.) has acquitted the respondent from the commission of offence punishable under Sections 302/34 of IPC.
- 2) From perusal of the record, it appears that the respondent- Noonkaran and two others, namely, Ghanshyam, who died on the date of incident itself, and one juvenile Doulat Ram Chandrakar, who is the son of the deceased-Chhamman Lal, was charged for the commission of offence of murder of said-Chhamman Lal. It is alleged

by the prosecution that on the date of the incident, i.e. 07/02/2015, the deceased's elder son-Bhupendra and his wife Smt. Usha Chandrakar and mother Smt. Kailash Bai had gone to the field and, according to said Bhupendra, when he returned home, has seen the door of the house was closed and when he shouted, the respondent-Noonkaran, was running away from the house along with one another person and when he followed them along with his cousin Chandrakant Chandrakar, he caught one person, namely, Ghanshyam and, based upon it, they have been charged alongwith deceased's younger son, namely, Daulat Ram Chandrakar, a juvenile, as such.

- 3) According to the statement of deceased's son-Bhupendra (PW-1), the respondent-Noonkaran and one Ghanshyam were found to be running away from his house, when he reached home and, it appears further that when he followed them, he succeeded to caught Ghanshyam alone, who informed him that his father was murdered by said-Noonkaran, the nephew of him. It reveals further from his testimony that at the time of the occurrence of the alleged incident, his younger brother, namely, Daulat Ram Chandrakar, a juvenile, was at home alongwith his deceased father-Chhamman Lal and was crying while sitting beside him. Further of his testimony would show that his father was not murdered by them, i.e. his younger brother – Daulat Ram Chandrakar, the juvenile, the said Ghanshyam and the respondent- Noonkaran and, it reveals further from his testimony that he was informed by said Ghanshyam that the respondent-Noonkaran has committed the murder of his father. It appears further

from para 12 of his cross-examination that his younger brother-Daulat Ram Chandrakar, though was at home, but has not informed him as to how the alleged incident was occurred, nor has seen anyone to commit the murder of his father.

- 4) Smt. Kailash Bai (PW-2), who is the wife of the deceased and, it reveals from her testimony that said son- Bhupendra informed her that none have opened the door when he shouted. She deposed further that on the date of incident, she went to the field alongwith her son-Bhupendra and daughter-in-law and, her younger son-Daulat Ram Chandrakar and her husband-Chhamman Lal were alone at home and after returning home, her younger son-Daulat Ram Chandrakar was crying and upon enquiry being made, it was informed that the respondent-Noonkaran and said-Ghanshyam have committed the murder of her husband while pressing his neck.
- 5) Chandrakant Chandrakar (PW-3) is the brother of respondent-Noonkaran and, it reveals from para 5 of his testimony that he was not informed by said –Bhupendra that Noonkaran was the person, who was coming out from the house, nor was aware that how his father- Chhamman Lal has died.
- 6) Smt. Usha Chandrakar (PW-7) is the daughter-in-law of the deceased, who was also went to the field alongwith her mother-in-law and her husband- Bhupendra (PW-1) and, it reveals further from her testimony that her brother-in-law- Daulat Ram Chandrakar was crying while sitting beside his father, when she returned home and upon enquiry being made, it was informed that her father-in-law-

Chhamman Lal was murdered, but she has not asked who has committed the murder of him.

- 7) It, thus, appears from the aforesaid evidence led by the prosecution that though deceased's son-Bhupendra (PW-1) has stated that when he returned home from the field, the door of the house was closed and the respondent-Noonkaran and one person were running away from the house, when he shouted. But, his alleged version is, however, not found to be supported by his mother- Smt. Kailash Bai (PW-2) , nor by his cousin-Chandrakant Chandrakar (PW-3).
- 8) It is to be noted here further, as reflected from their testimonies, that the younger son of the deceased, namely, Daulat Ram Chandrakar, a juvenile, was alone at home alongwith his deceased father and though, according to the statement of his mother- Smt. Kailash Bai (PW-2), it appears that she was informed by him that the deceased was murder by the respondent- Noonkaran and said Ghanshyam, but her statement to this effect is, however, not found to be corroborated either by her elder son- Bhupendra (PW-1) or by her daughter-in-law–Smt. Usha Chandrakar (PW-7). It, thus, appears that the prosecution has failed to produce any cogent and reliable evidence in order to establish the fact that the respondent-Noonkaran has committed the murder of said- Chhamman Lal and, the trial Court has, therefore, not committed any illegality in acquitting him from the commission of the alleged crime, so as to call for any interference in this appeal.

- 9) The appeal, being devoid of merit is, accordingly, dismissed.

**SD/-
(Sanjay S. Agrawal)
Judge**

**SD/-
(Narendra Kumar Vyas)
Judge**