2026 INSC 1262

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.5088-5089 OF 2025

CRIMINAL APPEAL NO.5088 OF 2025
(Arising out of ACQA NO.84 of 2016)

VIJAY CHAUDHARY **APPELLANT**

VERSUS

STATE OF CHHATTISGARH & ANR. **RESPONDENTS**

R1 : STATE OF CHHATTISGARH

R2 : ANIL KHANDELWAL

CRIMINAL APPEAL NO.5089 OF 2025
(Arising out of ACQA NO.31 of 2017)

VIJAY CHAUDHARY **APPELLANT**

VERSUS

STATE OF CHHATTISGARH **RESPONDENT**

J U D G M E N T

CORAM :
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE MANMOHAN

Signature Not Verified
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Date: 2026.01.23 17:27:10 IST
Reason:

Heard Ms. Pratiksha Tripathi, learned counsel for the appellant and Mr. Siddharth Agarwal, learned Senior Counsel for the respondent no.2-first informant.

2. The present appeals have been filed against the common impugned judgment dated 08.10.2025 passed by the High Court of Chhattisgarh at Bilaspur in ACQA No.84 of 2016 and ACQA No.31 of 2017, by which the acquittal of the appellant from all the charges by the Trial Court *vide* the judgment dated 16.05.2016 in Sessions Trial No.63 of 2014, was reversed by recording conviction under Sections 302/34 and 307/34 of the Indian Penal Code, 1860 (for short, the "IPC") and sentencing him to undergo rigorous imprisonment for life along with a fine of Rs.1,000/- (Rupees One Thousand) and in default of payment of fine, to undergo simple imprisonment for two months under Section 302/34 of the IPC and to undergo rigorous imprisonment for ten years along with a fine of Rs.200/- (Rupees Two Hundred) and in default of payment of fine, to undergo simple imprisonment for fifteen days under Section 307/34 of the IPC.

3. Learned counsel for the appellant has argued the matter at length and has assisted the Court on the basis of the records of the Courts below. The main contention of learned counsel for the appellant was with regard to there being sufficient grounds for giving benefit of doubt in the present case *inter alia* that the appellant was arrested after about four months without there being clarity as to from where his name had come, the confessional statement not disclosing the actual sequence of events and also the recovery of seized articles from the room of the appellant being perfunctory in nature inasmuch as, it did not disclose the location of the place from where it was recovered and whether it was at the behest of the appellant. It was further contended that even the

forensic report does not indicate with regard to whether the blood found on the clothes of the appellant/seized article was human blood. Learned counsel submitted that the case hinges on the testimony of the so-called eye-witness i.e., PW-3, who is the wife of the deceased and her initial statement under Section 164 of the Code of Criminal Procedure, 1973, as it then was, read with her deposition before the Court, would clearly indicate that she has tried to improve the case, both with regard to identifying the appellant as also with regard to the sequence of events. Learned counsel for the appellant has also referred to a judgment of this Court in *Balu Sudam Khalde and Another v. state of Maharashtra* (2023) 13 SCC 365.

4. *Per contra*, Mr. Siddharth Agarwal, learned Senior Counsel for the respondent no.2-first informant submits that the High Court has gone in detail with regard to the evidence recorded and also taken note of all points which have been canvassed before this Court. It was submitted that the view taken by the High Court is the only plausible view giving the margin of reasonable variation but not to the extent of being fatal to the prosecution case. It was contended that all the so-called discrepancies in the statement of the witnesses and the sequence of events are practically explainable and in fact, reflected in the testimony of the witnesses themselves. It was submitted that the picture which emerges after examination of all the issues and of fact and law, clearly establishes that the appellant was party to the crime for which, he has been rightly convicted and sentenced.

5. We have considered the matter in depth and have also gone through the materials on record, especially the records of the Courts below. In our considered view, the conviction recorded by the High Court against the appellant cannot be said to be perverse or based on material which are not germane for being considered by the Appellate Court. In fact, we have also independently reached to the conclusion as has been recorded by the High Court in the common impugned judgment.

6. For reasons aforesaid, the appeals stand dismissed.

7. It goes without saying that as and when the appellant becomes entitled to benefit under the remission policy of the State Government, his case shall be considered by the authorities concerned in terms of the directions given by a Coordinate Bench of this Court dated 18.02.2025 in Suo Motu Writ Petition (Crl.) No.4 of 2021. At the same time, it shall also be open to the appellant to move before the competent authority for any other remedy to which he may be entitled in law.

8. Pending application(s), if any, shall stand disposed of.

……J.
[AHSANUDDIN AMANULLAH]

……J.
[MANMOHAN]

NEW DELHI
NOVEMBER 17, 2026

ITEM NO.2 COURT NO.8 SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s).5088-5089/2025

VIJAY CHAUDHARY **Appellant(s)**

VERSUS

STATE OF CHHATTISGARH & ANR. **Respondent(s)**

(IA No. 307350/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 307351/2025 - EXEMPTION FROM FILING O.T.
IA No. 134122/2026 - GRANT OF BAIL
IA No. 65354/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-11-2026 This matter was called for hearing today.

CORAM :
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE MANMOHAN

For Appellant(s) **Ms. Pratiksha Tripathi, Adv.**
Mr. Sushant Chatterjee, Adv.
Mr. Divyesh Pratap Singh, AoR
Mr. Pankaj Kumar Pandey, Adv.
Mr. Amit Sangwan, Adv.

For Respondent(s) **Mr. Siddharth Agarwal, Sr. Adv.**
Mr. Himanshu Sinha, Adv.
Ms. Versha Singh, Adv.
Mr. Viresh B. Saharya- 1747, AoR
Mr. Akshat Agarwal, Adv.
Mr. Rishabh Mathur, Adv.
Ms. Shivika Kakkar, Adv.

Mr. Vinayak Sharma, Standing Counsel, Adv.
Mr. Yashvardhan Shah, Adv.
Mr. Aman Shekhar, Adv.
Mr. Ravinder Kumar Yadav- 1919, AoR

O R D E R

Heard Ms. Pratiksha Tripathi, learned counsel for the appellant and Mr. Siddharth Agarwal, learned Senior Counsel for the respondent no.2-first informant.

2. The appeals stand dismissed in terms of the signed non-reportable judgment.

3. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT) **(ANJALI PANWAR)**
ASTT. REGISTRAR-cum-PS **ASSISTANT REGISTRAR**

(Signed non-reportable judgment is placed on the file)