



2026:CGHC:15302-DB

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No. 66 of 2026**

CBI - Central Bureau of Investigation Office of SP CBI- SCR III- 5-B CBI
Headquarters 3rd Floor, C.G.O Complex Lodhi Road, New Delhi

--- Appellant**versus**

1 - Amit Jogi S/o Shri Ajit Jogi Aged About 29 Years R/o 03 Motilal Nehru
Marg, New Delhi, Present- Anugraha, Civil Line, Raipur, C.G.

2 - State Of Chhattisgarh Through District Magistrate, Raipur, C.G.

3 - Satish Jaggi S/o Late Ram Avtar Jaggi Aged About 50 Years Present R/o
A1 -508, Shrijan Heights Shrishti Plazo Road, Near Metro Hexa Square, Avanti
Vihar, Telibandha, Kachna, Raipur (C.G.) -492007

--- Respondent(s)

For Appellant / CBI	: Mr. Vaibhav A. Goverdhan, Advocate.
For Respondent No. 1/Accused	: Mr. Vikas Walia, Advocate.
For Respondent No. 2/State	: Dr. Sourabh Kumar Pandey, Deputy Advocate General
For Respondent No. 3/Complainant	: Mr. Shri Singh, Mr. Raj Bahadur Singh and Ms. Arunima Nair, Advocates.

CRR No. 434 of 2007

Satish Jaggi, S/o Late Ram Avtar Jaggi, Aged About 30 Years R/o Nehar Para, Behind Hira Soap Building, Raipur (C.G.)

---Applicant

Versus

1 - State of Chhattisgarh. Through Central Bureau of Investigation (CBI) Block No.03, CGO Complex, Lodhi Road, New Delhi. And Camp at NMDC Rest House, Civil Lines, Raipur (C.G.)

2 - Amit Ashwarya Jogi, S/o Shri Ajit Jogi, Aged About 28 Years R/o 03, Mohtilal Nehru Marg, New Delhi At Present Anugraha, Civi Lines, Raipur (C.G.)

--- Respondent(s)

For Applicant/Complainant	: Mr. Shri Singh, Mr. Raj Bahadur Singh and Ms. Arunima Nair, Advocates.
For Respondent No. 1/State	: Dr. Sourabh Kumar Pandey, Deputy Advocate General
For Respondent No. 2/ Accused	: Mr. Vikas Walia, Advocate.

CRR No. 232 of 2008

Satish Jaggi S/o Late Ram Avtar Jaggi Aged About 30 Years R/o Nehar Para, Behind Hira Soap Building, Raipur, Chhattisgarh.

---Applicant

Versus

- 1** - State Of Chhattisgarh Through Central Bureau of Investigation (CBI) Block No.03, CGO Complex, Lodhi Road, New Delhi. And Camp at NMDC Rest House, Civil Lines, Raipur (C.G.)
- 2** - Chiman Singh S/o Late Hom Singh Aged About 42 Years R/o Jagi Road, Village Mauri, Thana Jagi Road, District Mauri Gaon, (Assam) Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.
- 3** - Yahya Dhebar S/o Jikar Bhai Dhebar Aged About 34 Years Sakin Baijnathpara, Thana City Kotwali, Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.
- 4** - Abhay Goel S/o Rajeshwar Sharan Goel Aged About 31 Years R/o B-34, Tagor Nagar, Thana Tikrapara, District Raipur, Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.
- 5** - Feroze Siddiki S/o Kamaluddin Siddiki Aged About 35 Years R/o Clauster 10, Quarter No. 14, Kashiram Nagar, District Raipur, Chhattisgarh. Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.
- 6** - Shivender Singh Parihar S/o Kalyan Singh Parihar Aged About 24 Years R/o Nandini Road, Near Of Shiv Mandir, Chawni, District Durg, Chhattisgarh, Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.
- 7** - Deleted (Vikram Sharma) Hon'ble Court Order Dated 01.04.2026
- 8** - Vinod Singh Rathore S/o Shayamveer Singh Rathore Aged About 28 Years R/o L.I.G. 176, Darpan Colony, Gwalior, Thana Murar, District Gwalior (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.
- 9** - Rakesh Kumar Sharma S/o Totaram Sharma Aged About 37 Years R/o 36 I.D.P.L., Bapugram Rishikesh, Thana Rishikesh, District Rishikesh, (Uttaranchal), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.

10 - Ashok Singh Bhadoria S/o Narendra Singh Bhadoria Aged About 27 Years R/o Bhind, Thana Dehat, District Bhind, (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.

11 - Sanjay Singh Khuswaha S/o Keshawchand Khuswaha Aged About 22 Years R/o Ashok Nagar, Bhind, Thana, Dehat (Bhind), District Bhind, (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh

12 - Raju Bhadoria S/o Jagdish Singh Aged About 25 Years R/o Baruli Road, Sarojani Nagar, Thana Dehat (Kotwali), District Bhind (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh

13 - Ravinder Singh Alias Ravi Singh S/o Bhagwan Singh Aged About 25 Years R/o Durganagar, Lahar Road, Thana Dehat, District Bhind, (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.

14 - Narsi Sharma S/o Sitaram Sharma Aged About 22 Years R/o Bypass Road Bhind, Thana Bhind (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.

15 - Satyender Singh S/o Lalsingh Alias Dorilal Aged About 23 Years R/o Ashok Nagar, Jamna Road, Thana Dehat, Bhind, District Bhind (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.

16 - Vivek Singh S/o Kanhai Singh Aged About 25 Years R/o Dharm Nagar, Bypass Road, Bhind, Thana Bhind, District Bhind (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.

17 - Lalla Bhadoria Alias Dharmendra Singh S/o Mather Singh Aged About 24 Years R/o Kissupura, Thana Surpura, District Bhind, (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.

- 18** - Sunil Gupta S/o Babulal Gupta Aged About 27 Years R/o Meera Colony, Behind Of Jail, Thana City Kotwali, Bhind, District Bhind, (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.
- 19** - Anil Pachoria S/o Radheshayam Pachoria Aged About 26 Years R/o Meera Colony, Behind Of Jail, Thana City Kotwali, District Bhind (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.
- 20** - Harish Chandra S/o Bhunga Ram Sharma Aged About 28 Years R/o Gram Jamna, Thana Dehat, Bhind, District Bhind (M.P.), Presently Through Superintendent, Central Jail, Raipur, Chhattisgarh.
- 21** - Rakesh Chandra Trivedi S/o Late R. L. Trivedi Aged About 40 Years R/o Near City Kotwali, Raipur, Thana City Kotwali, District Raipur, Chhattisgarh.
- 22** - V. K. Pandey S/o Late N. P. Pandey Aged About 55 Years R/o Near City Kotwali, Raipur, Thana City Kotwali, District Raipur, Chhattisgarh.
- 23** - Amrik Singh Gill S/o Sadhu Singh Gill Aged About 52 Years R/o Tatibandh, Udaya Society, Thana Amanaka, Raipur, District Raipur, Chhattisgarh.
- 24** - Suryakant Tiwari S/o Dilipram Tiwari Aged About 48 Years R/o Purani Basti, Raipur, District Raipur, Chhattisgarh.
- 25** - Avinash @ Lallan S/o Ranjit Singh @ Rambhagat Singh Aged About 34 Years R/o Mauperasin, Thana Minajpur, District Ahamgarh (U.P.)
- 26** - Jamwant @ Babu S/o Jaimangal Prasad Aged About 20 Years R/o Kanjha, Thana Manipur, District Mahu (U.P.)
- 27** - Shyamsunder @ Anand Sharma S/o Shahzada Sharma Aged About 22 Years R/o Kanjha, Thana Manipur, District Mahu (U.P.)

28 – Vinod Singh @ Badal S/o Jitendra Singh Aged About 21 Years R/o Post Kanjha, Gram Girjapur, Thana Ranipur, District Mahu (U.P.)

29 - Vishwanath @ Rajbhar S/o Jaishree Prasad Rajbhar Aged About 33 Years R/o Dindayal Upadhya Nagar, Raipur, District Raipur, Chhattisgarh.

--- **Respondent(s)**

(Cause Title Taken from Case Information System)

For Applicant/Complainant : Mr. Shri Singh, Mr. Raj Bahadur Singh and Ms. Arunima Nair, Advocates.

For Respondent No. 1/State : Dr. Sourabh Kumar Pande, Deputy Advocate General

For Respondents No. 21, 22: Mr. Samrath Singh Marhas and Mr. Akash and 23 Verma, Advocates holding the brief of Mr. R.S.Marhas, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Hon'ble Mr. Arvind Kumar Verma, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

02/04/2026

1. Heard Mr. Vaibhav A. Goverdhan, learned Counsel appearing for the appellant-Central Bureau of Investigation (*for short, the CBI*), Dr. Sourabh Kumar Pande, learned Deputy Advocate General for the State, Mr. Shri Singh assisted by Mr. Raj Bahadur Singh and Ms. Arunima Nair, learned Counsel for the complainant-Satish Jaggi, Mr. Vikas Walia, learned Counsel appearing for the respondent/accused-Amit Jogi as well as Mr. Samrath Singh Marhas and Mr. Akash Verma, Advocates holding the brief of Mr. R.S.Marhas, Advocate, learned Counsel appearing for the accused-Rakesh Chandra Trivedi, V.K.Pandey and Amrik Singh Gill.

2. Since all three cases, namely ACQA No. 66/2026, CRR No. 434/2007, and CRR No. 232/2008, arise out of the judgment dated 31.05.2007 passed in Sessions Trial No. 329/2005 by the learned Special Judge (Atrocities), Raipur, they are being heard together and are being disposed of by this common judgment.
3. In ACQA No. 66/2026, the appellant-CBI has prayed for the following relief(s):

“i) call for and examine the Trial Court record from the Court of the Ld. Addl. Sessions Judge, Raipur, in Sessions Trial No. 329/2005 entitled 'CBI v. Amit Jogi & Ors.' arising out of RC 1/S/04/SCB/DLI dated 22.01.2004;

ii) to amalgamate this criminal appeal with the revision petition of complainant in order to avoid conflict of decision as in both proceeding the issues are same and the impugning of same order/judgment;

iii) pass an order setting aside Judgment and Final Order dated 31.05.2007 passed by the Ld. Addl. Sessions Judge, Raipur, in Sessions Trial No. 329/2005 entitled 'CBI v. Amit Jogi & Ors.' arising out of RC /S/04/SCBI/DLI dated 22.01.2004 on the point of acquittal of Accused No.1, Amit Jogi and consequently convict the Respondent No.1/Amit Jogi for the offence of conspiracy to murder Ram Avtar Jaggi and sentence him similarly to the other convicts of conspiracy to the offence of the murder of Ram Avtar Jaggi.

iv) pass any other order this Hon'ble Court may deem fit in the interest of justice.”

4. In CRR No. 434/2007, the applicant/complainant-Satish Jaggi has prayed for the following relief(s):

“i) call for and examine the Trial Court record from the Court of the Ld. Addl. Sessions Judge, Raipur, in Sessions Trial No. 329/2005 entitled 'CBI v. Amit Jogi & Ors.' arising out of RC No. 1/S/04/SCBI/DLI dated 22.01.2004;

ii) pass an order setting aside Judgment and Final Order dated 31.05.2007 passed by the Ld. Addl. Sessions Judge, Raipur, in Sessions Trial No. 329/2005 entitled 'CBI v. Amit Jogi & Ors' arising out of RC No. 1/S/04/SCBI/DLI dated 22.01.2004 on the point of acquittal of Accused No. 1, Amit Jogi;

iii) pass any other order this Hon'ble Court may deem fit in the interest of justice."

5. In CRR No. 232/2008, the applicant/complainant-Satish Jaggi has prayed for the following relief(s):

"i) call for and examine the Trial Court record from the Court of the Ld. Addl. Sessions Judge, Raipur, in Sessions Trial No. 329/2005 entitled 'CBI v. Amit Jogi & Ors' arising out of RC No.1/S/04/SCBI/DLI dated 22.01.2004

ii) pass an order setting aside Judgment and Final Order dated 31.05.2007 passed by the Ld. Addl. Sessions Judge, Raipur, in Sessions Trial No. 329/2005 entitled 'CBI v. Amit Jogi & Ors.' arising dated out of RC No. 1/S/04/SCBI/DLI 22.01 2004 on the point of sentencing of Respondents No. 2 to 29,

iii) enhance the sentence of Respondent No. 2 to 5, convicted under Section 302 read with Section 120B IPC, from life imprisonment to death;

iv) enhance the sentence of Respondent No. 6 to 20, convicted under Section 302 read with Section 120B IPC, from life imprisonment to death;

v) enhance the sentence of Respondent No. 20 to 24, convicted under Section 193 IPC from five years rigorous imprisonment to seven years rigorous imprisonment;

vi) enhance the sentence of Respondent No. 20 to 24. convicted under Section 218 IPC from two years rigorous imprisonment to three years rigorous imprisonment

vii) enhance the sentence of Respondent No. 24 to 29, convicted under Section 193 IPC from five years rigorous

imprisonment to seven years rigorous imprisonment;

viii) pass any other order this Hon'ble Court may deem fit in the interest of justice."

6. The acquittal appeal, being ACQA No. 66/2026 has been preferred by the appellant-CBI challenging the order of the learned trial Court whereby accused Amit Aishwarya Jogi was acquitted of the charges framed under Sections 120-B(1), 302/34, and 427/34 of the Indian Penal Code (*for short, the IPC*). CRR No. 434/2007 has been filed by the complainant/applicant challenging the said acquittal of accused Amit Jogi @ Amit Aishwarya Jogi. Additionally, CRR No. 232/2008 has been filed by the complainant/applicant seeking enhancement of the sentences awarded to the accused/convicts by the learned trial Court.

7. The prosecution case, in brief, is that one Ram Avtar Jaggi @ Taru Jaggi (*hereinafter referred to as "the deceased"*), a leader of the Nationalist Congress Party (*for short, the NCP*), was shot at about 23:40 hours on 04.06.2003 while travelling in his car bearing registration No. CG-04-B-2111. In connection with the incident, a First Information Report (*for short, the FIR*) was initially lodged at Police Station Moudhapara, Raipur, vide Crime No. 104/2003, under Sections 447 and 307 of the IPC at the instance of V.K. Pandey, the Station House Officer. The injured was taken to the hospital, where he subsequently succumbed to his injuries. On 05.06.2003 at about 2:15 a.m., a second FIR bearing Crime No. 105/2003 was registered for the same incident under Section 302 IPC at the instance of the complainant-Satish Jaggi (PW-41), son of the deceased. During the initial investigation conducted by the State Police, five accused persons, namely Vinod Singh @ Badal, Avinash Singh @ Lallan, Jambwant Kashyap, Shyam Sunder @ Anand Sharma, and Vishwanath Rajbhar, were arrested and a charge-sheet

was filed against them. The case was committed to the Court of Sessions and registered as Sessions Trial No. 334/2003. Subsequently, an application under Section 173(8) Cr.P.C. was moved by the Public Prosecutor seeking further investigation, which was allowed. Thereafter, on the directions of the State Government, the matter was handed over to the CBI, which registered Crime No. RC-1/5/2004 dated 22.01.2004 for offences under Sections 120-B, 302, and 427 IPC, along with Sections 25/27 of the Arms Act. Upon completion of its investigation, the CBI filed a supplementary charge-sheet against 31 accused persons, including the five already charge-sheeted in Sessions Trial No. 334/2003. This case was also committed to the Sessions Court and registered as Sessions Trial No. 329/2005. In Sessions Trial No. 334/2003, based on the State Police investigation, the prosecution alleged that the five accused persons had murdered the deceased with the motive of robbery. However, in Sessions Trial No. 329/2005, based on the CBI investigation, the prosecution put forth an entirely different case, alleging that the deceased was murdered for political reasons. It was alleged that the deceased was organizing a major NCP rally in Raipur on 10.06.2003, which was expected to draw a large crowd and was perceived as a political threat to the then Chief Minister, Ajit Jogi @ Ajit Pramod Kumar Jogi and his son Amit Jogi (since acquitted). According to the CBI, the murder was carried out by accused Chiman Singh pursuant to a criminal conspiracy involving Amit Jogi, Yahya Dhebar, Abhay Goel, and Feroz Sidhique. The CBI further alleged the involvement of several other accused persons, namely Vikram Sharma, Vinod Singh Rathore, Rakesh Kumar Sharma, Ashok Kumar Bhadoriya, Sanjay Singh @ Chunnu, Raju Bhadauriya, Ravindra Singh @ Ravi Singh, Narsi Sharma, Satyendra Singh, Vivek Singh, Lalla Bhadauriya,

Sunil Gupta, Anil Pachauri, Harish Chandra, and Shivendra Singh Parihar, in the commission of the offence. It was also the prosecution's case that the five accused persons in Sessions Trial No. 334/2003 were in fact imposters, who had been falsely implicated by the real perpetrators with the assistance of certain police officials who conducted a sham investigation and filed a fabricated charge-sheet. These imposters, the concerned police officials, and those involved in arranging them were arrayed as accused Nos. 21 to 29 in the CBI case, i.e., Sessions Trial No. 329/2005.

8. The learned trial Judge, upon hearing the parties and considering the material available on record, acquitted accused Amit Jogi @ Amit Aishwarya Jogi, and convicted and sentenced the remaining accused persons as follows:

Accused-Chiman Singh, Yahya Dhebar, Abhay Goyal, Feroz Sidhiquie	
302 of the IPC	: Life imprisonment with fine of Rs. 1000/-. In default of payment of fine, 6 moths rigorous imprisonment more.
120-B of the IPC	: Life imprisonment with fine of Rs. 1000/-. In default of payment of fine, 6 moths rigorous imprisonment more.
Accused-Shivendra Singh Parihar, Vinod Singh Rathore, Rakesh Kumar, Ashok Singh Bhadauriya, Sanjay Singh Kushwaha, Raju Bhadauriya, Ravindra Singh, Narsi Sharma, Satyendra Singh, Vivek Singh, Lalla Bhadauriya, Sunil Gupta, Anil Pachauri, Harishchandra	
302 read with Section 34 IPC	: R.I. for life and fine of Rs. 1000/-. In default of payment of fine, RI for 6 months.
427 of IPC	: One year R.I.
Accused-Suryakant Tiwari, Jambwant, Shyam Sundar, Vinod Singh and Vishwanath Rajbhar and Avinash @ Lallan	
120-B IPC	: 5 years R.I. with fine of Rs. 1000/-.

		In default of payment of fine, 3 months R.I. more.
193 IPC	:	5 years R.I. with fine of Rs. 1000/-. In default of payment of fine, 3 months R.I. more.
Accused-Rakesh Chandra Trivedi, V.K.Pandey, Amrik Singh Gill		
120-B IPC	:	5 years R.I. with fine of Rs. 1000/-. In default of payment of fine, 3 months R.I. more.
193 IPC	:	5 years R.I. with fine of Rs. 1000/-. In default of payment of fine, 3 months R.I. more.
218 IPC	:	2 years R.I.
All the sentences were to run concurrently.		

9. Mr. Vaibhav A. Goverdhan, learned Counsel appearing for the appellant-CBI submits that the learned trial Court has committed grave error of law by acquitting the accused-Amit Jogi @ Amit Aishwarya Jogi, as on the same set of evidence which has been believed and relied by the learned trial Judge to convict the other accused, has disbelieved the same with respect to the accused-Amit Jogi. There are ample evidence on record to show that the accused-Amit Jogi was actively involved in hatching of the conspiracy and he was the key person on whose command and direction, the entire offence was committed.
10. It is next submitted that the learned trial Court has caused the miscarriage of justice by acquitting main conspirator-Amit Jogi, in spite of overwhelming evidence against him. The learned trial Court failed to appreciate the evidence placed on record by the prosecution, inasmuch as the learned trial Court has acquitted the accused-respondent No. 1 on the basis of assumptions, surmises and guesswork without any legal basis and by appreciating the evidence perversely. It was without any basis implied that the accused-Amit Jogi and his father were

named in FIR bearing Crime No. 05/2003 out of political malice, whereas no evidence to this effect was brought on record before the learned trial Court. The learned trial Court grossly erred in holding that there is no evidence to connect the accused-Amit Jogi with accused Chiman Singh, Yahya Dhebar, Abhay Goel and Firoze Siddiqui. Acquittal of accused-Amit Jogi in offences where other co-accused persons were *inter alia* convicted and sentenced under Section 302 read with Section 120B IPC has led to a gross miscarriage of justice, in as much as the prosecution case stands proven on all counts, yet the main accused, being Amit Jogi, who has been proven guilty beyond reasonable doubt, has been acquitted on vague and arbitrary grounds, whereon a speculative and baseless theory. This is a case where the father of the complainant was killed pursuant to conspiracy hatched between the accused, some of whom, including Amit Jogi were persons of high political influence, authority and power and subsequently even the local police machinery joined in the conspiracy to deflect the investigation from the actual offenders and to put up a setup of five false accused to subvert the course of justice in this most heinous crime. Due to the pressure exerted by the accused persons, including the accused-Amit Jogi, a number of witnesses had been pressurized by the accused and were not in a position to depose freely or fairly and therefore were given up by the prosecution. During the course of trial, the learned trial Court even recorded the demeanor of witnesses and recorded the fact that at various places, hostile witnesses responded to queries in cross examination by accused even before questions were put to them. Despite the fact that witnesses such as Sidharth Asati (PW-97), Raj Singh (PW-100), Rohit Prasad (PW-126) and Banke Bihari Chauhan (PW-128) made statements under Section 164 of the CrPC before

Magistrates, and subsequently gave contrary evidence under oath before the learned trial Court, the learned trial Court failed to initiate proceedings under Section 340 CrPC against these witnesses leading to a miscarriage of justice. It further erred in holding entries of passport to be correct entries and upheld the plea of alibi of Rohit Prasad (PW-126), Michael Williams (DW-9) and Arjun Bhagat (DW-8) in the meeting dated 21.05.2003 held at Hotel Green Park, Raipur, contrary to its earlier order during the examination of the witness and marking exhibit of passport, which was subject to the proof by concerned authorities. The learned trial Court, therefore, failed to appreciate that defence of *alibi* is a fact to be proved by cogent primary evidence, which was absent in the trial. The learned trial Court thereby failed to follow the law in its true perspective and acquitted the accused in trial. Even when Rohit Prasad (PW-126) admitted in his evidence on 22.04.2006 that he had stated about the incident/conspiracy to the Magistrate under section 164 Cr.P.C, but the trial Court wrongly taken into consideration the afterthought explanation of the said witness that he had made a false statement before the concerned magistrate which is not tenable in the eyes of law. While the evidence against accused-Amit Jogi and other accused/convicted namely Chiman Singh, Yahya Dhebar, Abhay Goyal, and Feroze Siddiqui were similar and that accused-Amit Jogi had a strong motive to cause the murder of the deceased, the learned trial Judge has illegally acquitted accused-respondent No. 1-Amit Jogi, against whom the circumstantial evidences for the commission of the offence(s) were much stronger. While holding that accused-Chiman Singh, Yahya Dhebar, Abhay Goyal, and Feroze Siddiqui were in telephonic contact with each other after the incident till 05.06 2003, the learned trial Court has failed to appreciate the evidence of Shivram

Prasad Kalluri (PW-86) who has testified that Abhay Goyal made several attempts to speak to Ajit Jogi on the night of the incident. Without any evidence whatsoever, the learned trial Court has grossly erred in assuming that these attempts on the part of Abhay Goyal showed his conspiracy with Chiman Singh, Yahya Dhebar and Feroz Siddiqui, without knowledge of Amit Jogi.

11. Mr. Goverdhan further submits that the learned trial Court has grossly erred in ignoring Section 8 of the Indian Evidence Act, 1872 (*for short, the Act of 1872*) which permits a Court to take into account, the conduct of accused persons before and after the crime and also ignored the provisions of Section 10 of the Act of 1872. The accused conspired in a calculated manner not only for the commission of the offence but to ensure that the evidence at the stage of trial as well as at the initial stage of investigation is manipulated by subverting the State Police machinery, the approach of the learned trial Court ought to have been geared towards arriving at the truth. The learned trial Court grossly erred in ignoring the fact that the prosecution of the accused persons, including accused-Amit Jogi related to a continuing conspiracy, wherein Amit Jogi along with convicts, Yahya Dhebar, Chiman Singh and Abhay Goyal, entered into a conspiracy, the object of which was to disrupt a forthcoming rally of the Nationalist Congress Party (NCP) on 10.06.2003 for purely political purposes, and for this purpose to eliminate persons who would interfere with this object such as the deceased. This object has even not been denied by the hostile witness more particularly, Rohit Prasad (PW-126). In furtherance of this conspiracy establishing both pre-murder motive and conduct of the accused persons, the deceased was called/contacted by the father of Amit Jogi and was threatened, which fact the deceased disclosed to Dr. Anil Verma (PW-89) and also

further corroborated by complainant-Satish Jaggi (PW-41). The learned trial Court has grossly erred in ignoring the evidence of Satish Jaggi (PW-41) whereby he stated that two days before arrival of V.C.Shukla i.e. on 10.04 2003, Rajendra Tiwari had called the deceased which call was received by PW-41 and they were asked to see Rajendra Tiwari who told the deceased that the father of Amit Jogi wanted the deceased to keep away from politics as well as from V.C.Shukla and arranged a meeting of deceased with father of Amit Jogi after which the deceased was perturbed and told this witness that the Chief Minister dissuaded the deceased from associating with V.C.Shukla and had threatened the deceased with dire consequences. The learned trial Court further failed to appreciate that the next portion of the conspiracy comprised of meetings that took place at Green Park Hotel and the residence of the Chief Minister at Raipur, wherein crucial decisions were taken in furtherance of the larger conspiracy. Rejinald Jeremiah (PW-85), is also amongst other witnesses who have proved this fact. The testimony of PW-85 regarding the events and decisions taken in the meetings held at Hotel Green Park and at the CM House has neither been given weightage nor this witness was effectively cross examined nor any doubt was created in his version. The conspiracy also included calling of accused/convict-Chiman Singh by PW-85 at the behest of accused-Amit Jogi and his stay at Batra House owned by convict-Yahya Dhebar which were permanently given to Akash Channel, a TV Cable company run by Amit Jogi and his associates. The accused No. 7 to 20 were also kept in Batra House before they went with accused Chiman Singh to cause murder of the deceased.

12. Conviction of all accused persons, barring accused-Amit Jogi according to the account of the prosecution, demonstrates that the circumstances

in the chain of events have been established clearly and the chain of events is such as to rule out any likelihood of the innocence of Amit Jogi. The conspiracy behind the murder of the deceased has been proved by the deposition of Reginald Jeremiah (PW-85) whose statement was recorded under Section 164 Cr.P.C. (Ex.P-143), which has also been proved by Chandrashekhar, Metropolitan Magistrate (PW-152) beside there were other circumstantial evidence which proved the criminal conspiracy hatched up by Amit Jogi with other convicts. In his deposition before the Court, PW-85 established that apart from being a truthful witness, he knew and identified Amit Jogi amongst other convicted persons. He established that there was a meeting at Hotel Green Park, Raipur on or about 21.05. 2003. He has stated that Amit Jogi, Rohit Prasad, Raj Awasthi, Moksh Sinha, Arjun Bhagat, Michael Williams, Raj Singh, Bhupender Singh, Navneet Joshi, Sidharth Asati, Abhay Goyal, Yahya Dhebar and Luv Kumar Mishra were present at the Green Park Hotel on 21.05.2003. PW-85 also established that he had been called to Hotel Green Park by accused-Amit Jogi to attend the said meeting. In his deposition before the Court, PW-85 has stated that he was present in the room at the time when Amit Jogi stated that a leader of the NCP must be finished, and PW-85 had opposed this suggestion made by Amit Jogi who wanted to eliminate the deceased as he was the leader of the NCP. In his deposition before the Court, PW-85 further went on to establish that the task of eliminating the deceased was handed over by Amit Jogi to Chiman Singh. Upon being cross-examined in this respect, PW-85 made it clear that while convict Chiman Singh had not been present when PW-85 had first entered the room in Hotel Green Park, Amit Jogi had directed PW-85 to call Chiman Singh to Hotel Green Park. PW-85 also established the occurrence of a second meeting between

the accused persons after 21.05.2003, which took place at the CM House in Raipur. Apart from being as close to an eye witness to the main conspiracy as possible, PW-85 has proved to be a reliable, credible, courageous and truthful witness. The defence has made several attempts to threaten, coerce and otherwise force PW-85 to turn hostile to the prosecution case. PW-85, in fact, was forced to request for security during the pendency of the present trial. The evidence tendered by PW-85 must be appreciated in these circumstances and cannot be said to have been untruthful. The acts of the accused persons, including Amit Jogi inasmuch as they have, *inter alia*, made a concerted attempt to misdirect the investigation into a serious offence, leads to further proof that the testimony of PW-85 with regard to the existence of a prior conspiracy to murder the deceased was correct and ought to have been relied upon by the learned trial Court. PW-85 had secured employment at Akash Channel in Raipur, which was run by persons known to and under the direct supervision of Amit Jogi. PW-85's deposition has also been proven by testimony of other witnesses. Babu Lal Sen (PW-68), a travel agent in Raipur, has conclusively established that accused Yahya Dhebar, Abhay Goyal and Amit Jogi were in routine contact with each other and Abhay Goyal had booked tickets for PW-85. PW-68, along with documents seized from him and documents seized from other travel agencies, conclusively establishes the fact that PW-85 travelled to Calcutta after the murder of the deceased. Beside aforesaid there were other circumstantial evidences which corroborated the testimony of PW-85. Even under cross-examination by the defence, the testimony of PW-85 *inter alia* in relation to payment made to accused Chiman Singh has not been contradicted and thus stands proved. PW-85 has therefore established the main conspiracy and its participants who have been

convicted by the trial court for the charge of conspiracy other than Amit Jogi. The recoveries and seizures effected by the prosecution in the course of their investigation, when read in conjunction with the evidence of PW-85 clearly indicates the extent of the conspiracy, wherein Amit Jogi has been involved in from the very inception. The learned trial Court further erred in not appreciating the well settled law that accomplice is a competent witness even though he has participated in the commission of the offence if his evidence is corroborated by material particulars by other independent evidence. One of the accused Rakesh Kumar Sharma, vide Exhibit P-129, wrote a letter to the deceased's family, enclosing a photograph of the gold Rudraksh Mala worn by the deceased at the time of his murder. The letter has been proved as the extra Judicial confession of accused Rakesh Kumar Sharma which, establishes and corroborates the prosecution version of conspiracy. The case was built on proof and evidence and not mere suspicion. The learned trial Court ought to have seen the evidence along with the circumstances surrounding this case, namely that a heinous and brutal murder had been committed by and at the behest of powerful political persons.

- 13.** Mr. Goverdhan further submits that the scope of interference in acquittal appeal is very limited. Because at the beginning of the trial, there is presumption of "innocence" in favor of the accused, which gets reinforced by the order of acquittal passed by the trial court. If upon perusal of the evidence and materials available on record, two views are possible, then merely because, the view, which is favoring the accused, is taken by the trial court, is no ground to interfere with the findings of acquittal recorded by the appellate Court. However, the appellate Court has ample power under Section 386 of Cr.P.C, to re-appreciate the

evidence and material available on record and can also review the findings recorded by the learned trial Court, and if upon re-appreciation, the appellate Court finds that, the view taken by the learned trial Court, is palpably illegal, wrong, perverse, contrary to the evidence available on record and without any concrete basis, then under such circumstances, the appellate Court can interfere with the order of acquittal. In support of this contention, he places his reliance on the decisions of the Apex Court in ***Siju Kurian v. State of Karnataka*** {AIR 2023 SC 2239}, ***Arjun Panditrao Kotkar Vs Kailash*** {AIR 2020 SC 4908}, ***Pattu Rajan v. State of Tamilnadu*** {AIR 2019 SC 1674}, ***Suvarnamma v. State of Karnataka*** {(2015) 1 SCC 323}, ***A.N.Venkatesh and ors. v. State of Karnataka*** {AIR 2005 SC 3809} and ***State of Rajasthan v. Kashiram*** {AIR 2007 SC 144}.

14. According to Mr. Goverdhan, in the present case, a conspiracy was hatched by the accused persons including the accused-Amit Jogi. The Hon'ble Supreme Court has very specifically held in catena of its judgments that *conspiracy is hatched in secrecy and executed in darkness* and therefore, seldom, prosecution is able to bring direct evidence of criminal conspiracy and most of the time, it has to be inferred from the circumstantial evidences and materials collected by the prosecution. The conspiracy under Section 120-B of IPC is an exception to the general rule, that even one of the conspirators, who has not participated actively in execution of crime, can also be held equally liable, if he is part of the conspiracy. In support of his contention, he places reliance on the decision rendered by the Apex Court in ***Sanjeev v. State of Kerala*** {2023 INSC 998}. In order to prove the conspiracy hatched by the accused-Amit Jogi with other co-accused persons, the following evidences have been produced by the prosecution, viz. Vijay

Jain (PW-73), Reginald Jeremiah (PW-85), Siddharth Asati (PW-97), Raj Singh (PW-100), Ajit Singh (PW-104), Vishnu Prasad Thakur (PW-105), Rohit Prasad (PW-126). Further, the call details Exhibits P/101, 102, 103, 104, 105, and 106 have been proved by Bruno Frank (PW-107). Furthermore, the memorandum statement (Exhibit P/26) of main accused i.e. the assailant Chiman Singh has been proved by B.K.G.Naidu (PW-20). This accused has confessed that he was called at Raipur at the instance of the accused-Amit Jogi. He has further stated that, the accused-Amit Jogi has introduced him with the co-accused persons and directed him to do and act as per the dictates of the Rohit Prasad, Abhay Goyal, Yahya Dhebar, Ejaj Dhebar. Thereafter he has narrated the entire incident and has also stated about the involvement of co-accused Yahya Dhebar, Abhay Goyal, Rakesh Kumar @ Baba, and Vikram along with himself and therefore, this confessional statement is admissible under Section 30 of Evidence Act, not only against Chiman Singh, but also against co-accused including the accused-Amit Jogi who has been named by this accused in his statement. This goes to show that, the deceased was done to death, as a result of conspiracy hatched by the accused-Amit Jogi alongwith other co-accused persons. It is submitted that, all the accused who have been named by Chiman Singh have been tried together for same offence and this statement has been proved by PW- 20. Hence it is submitted that, as all the ingredients of section 30 of Evidence Act is proved by the prosecution, therefore, the Hon'ble Court can take into consideration such confession against Chiman Singh along with co-accused Yahya Dhebar, Abhay Goyal Rakesh Sharma, and Vikram.

15. Mr. Goverdhan further submits that visitors register of CM's house has been seized vide Exhibit P-82 and the registered has been marked as

Exhibit P-81A and P-81B and in order to prove the contents of the said register, the security guards have been examined by the prosecution as R.S.Nayak (PW-87), Kameshwar Baghel (PW-92), Patras Xalxo (PW-96), Prem Bahadur Gurung (PW-102) who have duly proved the contents of the entries of the register and have deposed that, the co-accused persons of this case, very frequently use to meet Amit Jogi at CM's house. The meeting of the accused-Amit Jogi at CM's house, with co-accused persons goes to indicate only one thing that, these meetings were convened with only one object, i.e., to sabotage the rally of NCP, in order to restrain them to come in power, at any cost.

- 16.** Mr. Goverdhan further submits that the learned trial Court has relied upon one set of evidence to hold the 28 co-accused guilty, but the same set of evidence which is available against the accused-Amit Jogi as well, has been disbelieved on flimsy grounds and only on the basis of presumption, which has got no basis, and it has been held without any foundation that accused-Amit Jogi can not be said to be a part of criminal conspiracy hatched for commission of murder of the deceased. As per the deposition of witnesses i.e. PW-73, PW-85, PW-97, PW-100, PW-104, and PW-126 there use to be meetings convened in CM's House, Butra House, Green Park Hotel etc. at the instance of accused-Amit Jogi with the object of making the Rally of NCP, of which deceased Ramawtar Jaggi was treasurer, unsuccessful, and for that, the accused-Amit Jogi was ready to go to any extent. Once the learned trial Court has arrived at a conclusion that, there was criminal conspiracy amongst original accused No. 2 to 29, then, the accused-Amit Jogi at whose instance, the meetings were called, places of meetings decided, main executant of offence Chiman Singh was chosen and asked to follow the dictates of Abhay Goyal and Yahya Sidhhiqi; given Rs. 5 lacs, vehicles

and shelters were provided, bogus/ false accused were inducted, then how it can be said that, he is not actively involved in commission of crime by hatching the criminal conspiracy? Therefore it is clear that, the finding recorded by the learned trial Court in respect of accused -Amit Jogi being innocent and not involved in criminal conspiracy is wholly perverse, unsustainable, contrary to materials available on record and therefore same is liable to be reversed. The prosecution has proved its case beyond reasonable doubt and therefore the involvement of the accused-Amit Jogi in commission of murder of Ramavtar Jaggi is fully established and hence, the judgment passed by the learned trial Court in respect of the accused-Amit Jogi requires interference of this Hon'ble Court and resultantly, the appeal filed by the CBI may kindly be allowed and he may be convicted for the offences under Sections 120-B, 302/34 and 427/34 of IPC, and sentenced suitably, in the interest of justice.

17. Dr. Sourabh Kumar Pande, learned Deputy Advocate General appearing for the State, while concurring with the submissions advanced by Mr. Goverdhan, learned Counsel appearing for the appellant-CBI submits that there is ample evidence available on record to convict the accused-Amit Jogi for the offences for which he was charged for by the learned trial Court. The acquittal of the said accused cannot be justified in any manner and he deserves to be convicted and sentenced suitably.
18. Mr. Shri Singh, learned Counsel appearing for the complainant-Satish Jaggi (respondent No. 3 in ACQA No. 66/2026) in addition to what has been argued by Mr. Goverdhan, learned Counsel appearing for the CBI as well as Dr. Pande, learned Deputy Advocate General for the State, submits that the present is a case where the deceased was murdered pursuant to a conspiracy hatched between the accused persons, several of whom (including Amit Jogi) are persons of high political influence,

authority and power. This is evident from the proven fact that even the local police machinery joined the conspiracy to deflect the investigation from the actual offenders and plant a set of five false accused (Accused No. 25 to 29) to subvert the course of justice in this most heinous crime. On account of the undue interference and illegal acts of the accused persons, as many as 27 witnesses turned hostile during the trial. Due to the pressure exerted by the accused persons, a number of witnesses also had to be given up by the prosecution as they had been pressurized/compromised by the accused persons and were not in a position to depose freely or fairly. The concerted effort to manipulate and falsify evidence by subverting the State Police machinery, and the influence exerted over multiple prosecution witnesses during the trial is necessary and relevant context for this Hon'ble Court to assess and appreciate the evidence in the present prosecution case to arrive at the truth.

19. Mr. Singh further submits that there had been defects and deficiencies in the investigation from the initial stage. The vehicles i.e., Bolero (Article R) and Maruti Van (which were recovered under Exhibit P/80) were suppressed and hidden away while Mahindra Marshall vehicles were procured and were sought to be introduced in the prosecution arising out of FIR No.104/2003. The weapon by which the death was caused was replaced with another weapon to create a conflict between the forensic evidence of the bullet which caused the death of deceased and the weapon shown to be recovered in FIR No.104/2003. The CBI was brought into the investigation only in January 2004. In the intervening period of at least six months, accused persons which included members of the State Police i.e., accused No. 22, 23 and 24, had a free rein in misdirecting the investigation into the murder of the deceased. The

prosecution has sought to prove its case by relying on oral testimony of witnesses as also the documents including documents and material utilized by the accused persons to falsely implicate accused No. 25 to 29 and to deflect the investigation from discovering the actual assailant accused No. 2 and the role of accused-Amit Jogi and other accused. The entire product of investigation including the FIR No.104/2003 has been proved and is crucial in showing the conduct of the accused persons who have taken every step to subvert the cause of justice and interfere with the investigation at the initial stage. This fact has only been discovered after the CBI took over the investigation in January 2004, and when the CBI unearthed the conspiracy based on which not only was the deceased murdered but the investigation by the local police was deliberately subverted and misdirected. The FIR registered by the Station House Officer of Police Station, Maudhapara being FIR No.104/2003, is clearly false when compared to the manner in which the investigation conducted by CBI has panned out. In the present case, the character of the approvers, Mahant @ Bulthu Pathak (PW-64) and Suresh Singh (PW-65), cannot be said to be tainted or in any manner unreliable. PW-64 and PW-65, while withstanding pressure exerted by the accused persons, have deposed freely and without any fear. Their deposition, while independently corroborated by each other, is corroborated by evidence collected from mobile phone companies, hotel records, and evidence collected through seizures and recoveries. The approvers established the case of the prosecution that the State Police investigation conducted prior to the introduction of CBI was merely an eyewash and a blatant attempt to subvert the course of justice and shield the true perpetrators. The planting of the two Marshall Vehicles was done at the instance of Suryakant Tiwari (accused No. 21) and

Rakesh Chandra Trivedi (accused No. 22). The approvers have clearly stated as to the manner in which the arrest of five put up accused was stage managed by the State Police, while hiding the true facts including the participation of Amit Jogi, Chiman Singh, Yahya Dhebar, Abhay Goyel, amongst others in the commission of the murder of the deceased. PW-64 and PW-65 have deposed in detail as to the manner in which the accused No. 25 to 29 were selected after several other persons for the position of planted accused had been rejected by accused-Suryakant Tiwari on the grounds that they were unsuitable or from the same religious background as that of Amit Jogi and his family. After the execution of the main conspiracy on 04.06.2003, the accused-Amit Jogi, Chiman Singh, Yahya Dhebar and Abhay Goyel put into motion the second limb of the conspiracy that was to escape the clutches of law and to subvert any investigation made in this regard.

- 20.** Mr. Singh further submits that the subsequent conduct of the accused-Amit Jogi is relevant to determine motive under Section 8 of the Act of 1872. Satish Jaggi (PW-41) stated that two days before arrival of V.C. Shukla i.e. on 10.04.2003, Rajendra Tiwari (a witness given up by both the prosecution as well as the defence) had called deceased which call was received by PW-41 and they were asked to see Rajendra Tiwari who told the deceased that the then Chief Minister wanted the deceased to keep away from politics and V.C. Shukla and arranged call of deceased with the Chief Minister after which the deceased was perturbed and told his son, PW-41, that the Chief Minister dissuaded him from associating with V.C. Shukla and had threatened the deceased with dire consequences. Prakash Tiwari (PW-48) states that he called deceased from his mobile number and after some time heard a voice "*Nahin Bhaiya Ab Nahin Karunga*" (which sounded terrorized). The

conduct is covered under Section 8 of the Act of 1872.

21. According to Mr. Singh, Section 8 of the Act of 1872 embodies the rule that the testimony of *res gestae* is permissible when it goes to the root of the matter concerning the commission of a crime. Section 8 deals mainly with three aspects; one, facts which show or constitute a motive for any fact in issue; second, acts constituting preparation for any fact in issue or relevant fact; and third, the conduct of the person either antecedent or subsequent to the offence. This subsequent conduct of the accused persons, apart from being *per se* dishonest and illegal, directly follows from the successful execution of the first part of the main conspiracy and strengthens the prosecution case regarding the existence of the main conspiracy between Amit Jogi and accused No. 2 to 4 to murder the deceased. The attempts to contact Satish Jaggi (PW-41) through Shekhar Singh (DW-20) and try to get him to withdraw FIR No. 105/03 is also indicative of the guilt of the accused persons. Section 8 of the Evidence Act permits a Court to take into account, conduct subsequent as well as conduct antecedent to a crime. The acts of the accused persons inasmuch as they have, inter alia, made a concerted attempt to misdirect an investigation into a serious offence, leads to further proof that the testimony of Rejinald Jeremiah (PW-85) with regard to the existence of a prior conspiracy to murder the deceased is correct and can be relied upon. This conduct of the accused persons is relevant to the fact in issue, i.e., the existence of an overarching conspiracy to murder the deceased, must be taken cognizance of while analyzing the evidence of PW-85 and other witnesses who go on to establish the existence of the main conspiracy by accused-Amit Jogi and accused No. 2 to 4 to murder the deceased solely to achieve political gain and thereafter cover up the incident by manipulating the investigation and

deflecting it from the real offenders. PW-85 also gave a statement under Section 164 CrPC reiterating his statement made to the CBI. The prosecution case, including proof regarding the procurement of five men who were willing to accept responsibility and undergo punishment for the murder of the deceased despite the fact that they had absolutely no role or part to play in the murder, goes to show that the accused persons made every possible effort to shield the main conspirators, including the accused-Amit Jogi and accused No. 2 to 4 and others. Accused No. 9- Rakesh Kumar Sharma wrote a letter to the deceased enclosing a photograph of the Gold Rudraksh Mala worn by the deceased at the time of his murder. The letter has been proved as the extra judicial confession of accused No. 9 and which establishes and corroborates the prosecution version of conspiracy and the role of accused No. 2-Chiman Singh as the person who had shot the deceased.

- 22.** Mr. Singh lastly submits that the impugned judgment has failed to consider all the evidence clearly implicating accused-Amit Jogi in the conspiracy to murder the deceased, as noted above. Instead, the impugned judgment inexplicably concludes that accused No. 2 to 4 were the key conspirators who orchestrated the conspiracy with the remaining accused- purportedly without the knowledge of Amit Jogi in order to demonstrate their loyalty either to Amit Jogi or his father. This is an absurd conclusion. Such a defence was never even pleaded by any of the accused persons, nor is it borne out by the prosecution or defence evidence. The assumption that accused-Chiman Singh, Yahya Dhebar, Abhay Goyal and Feroz Siddhiquie not only orchestrated the murder of the deceased but also went so far as to plant fake accused to cover up their crime, using the assistance of corrupt police personnel no less all without the knowledge of the sitting Chief Minister's son is inherently

preposterous. The impugned judgment's analysis of the motive, therefore, cannot even be considered a possible conclusion from the evidence, let alone a reasonable one. There is no basis for artificially distinguishing between accused-Amit Jogi and the remaining convicts when the reliability and sufficiency of the evidence have been confirmed by this Hon'ble Court in the appeals filed by the convicts/accused. Hence, the present acquittal appeal deserves to be allowed. In support of his contentions, Mr. Singh places reliance on the decisions rendered by the Apex Court in ***Narain Singh v. State of Punjab*** {(1962) SCC OnLine SC 203}, ***State of Maharashtra v. Sukhdev Singh*** {(1992) 3 SCC 700}, ***Noor Mohammad Mohd. Yusuf Momin v. The State of Maharashtra*** {(1970) 1 SCC 696}, ***Gurdeep Singh v. State of Punjab*** {2025 SCC OnLine 1669}, ***Sahadevan v. State*** {(2003) 1 SCC 534}, ***Karnel Singh v. State of M.P.*** {(1995) 5 SCC 518}, ***Paras Yadav v. State of Bihar*** {(1992) 2 SCC 126}, ***Faddi v. State of M.P.*** {1964 SCC OnLine SC 123}, ***Sarwan Singh v. State of Punjab*** {1957 SCC OnLine SC 1}, ***Maghar Singh v. State of Punjab*** {(1975) 4 SCC 234}, ***A. Devendran v. State of T.N.*** {1997) 11 SCC 720}, ***Madan Mohan Lal v. State of Punjab*** {(1970) 2 SCC 733} and the judgment in ***Dal Singh v. King Emperor*** {1917 SCC OnLine PC 16}.

23. Mr. Singh further submits that so far as the revision petition being CRR No. 232/2008 against the accused No. 2 to 29 are concerned, the said revision petition has been rendered infructuous on account of dismissal of their appeal filed before this Court.
24. Mr. Vikas Walia, learned Counsel appearing for the accused-Amit Jogi submits that today, he has filed an application (IA No. 2/2026) under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 seeking reasonable time to go through the entire voluminous record and prepare

his submissions for final argument. He submits that since the record of this case are voluminous running into thousands of pages, it is very difficult for him to go through the entire record in such a short span of time as he has been engaged in this case two days ago. He further submits that the order passed by this Court yesterday i.e. on 01.04.2026 in these cases have also been challenged before the Apex Court and the order dated 25.03.2026 passed by this Court granting leave to appeal against the acquittal of accused-Amit Jogi, has already been challenged on 30.03.2026, before the Apex Court the Diary No. of which is 19294/2026, which is likely to be taken up on coming Monday. As such, he prays that he may be allowed three or four weeks time to reply to submissions advanced by learned Counsel for the CBI, the State as well as the complainant/respondent No.3.

- 25.** It transpires from the record that this case has a chequered history. The offence was committed on 04.06.2003. The trial concluded on 31.05.2007, i.e., after approximately four years, resulting in the acquittal of the accused, Amit Jogi @ Amit Aishwarya Jogi and conviction of the remaining accused. The accused persons who were convicted, preferred appeals before this Court in the year 2007. These appeals were dismissed by this Bench vide judgment dated 04.04.2024, thereby affirming the judgment of conviction and the order of sentence passed by the learned trial Court. The complainant, Satish Jaggi, filed a revision petition being CRR No. 434/2007 challenging the acquittal of Amit Jogi, and another revision petition being CRR No. 232/2008 seeking enhancement of the sentence awarded to the convicted accused. The CBI, on 03.11.2011, filed an application seeking leave to appeal against the acquittal of Amit Jogi before this Court, registered as Cr.M.P. No. 495/2011. The said application was dismissed by a co-ordinate Bench

of this Court vide order dated 12.09.2011. Aggrieved by the said dismissal, the CBI preferred SLP(Crl) No. 3037/2012 before the Apex Court. Similar challenges were also made by the State of Chhattisgarh through SLP (Crl) No. 7331/2011, and by the complainant through SLP (Crl) Nos. 7331/2011 and 1438/2012. The SLP filed by the CBI was allowed, and the matter was remitted to this Court for fresh consideration of the application for grant of leave to appeal on merits. However, the SLPs filed by the State as well as the complainant were dismissed vide order dated 06.11.2025.

- 26.** On 24.03.2026, during the hearing of the revision petitions, namely CRR No. 434/2007 and 232/2008, it was brought to the notice of this Court that the SLP filed by the CBI had been allowed. Accordingly, directions were issued for issuance of notices to the *de facto* complainant, Satish Jaggi, and the accused, Amit Jogi, requiring their appearance either in person or through Counsel on the following day, i.e., 25.03.2026. On 25.03.2026, Mr. Shailendra Shukla, Advocate, appeared on behalf of the accused, Amit Jogi. After hearing learned Counsel for the parties, this Court allowed the petition, being Cr.M.P. No. 495/2011, and directed the Registry to register the acquittal appeal, which was also admitted for hearing. As the CBI had not taken steps to implead the *de facto* complainant as a party respondent, this Court directed that the complainant be impleaded as such in the acquittal appeal. The accused- Amit Jogi, was further directed to furnish bail bonds and sureties to the satisfaction of the concerned trial Court on or before 31.03.2026. It was also directed that the acquittal appeal be listed on 01.04.2026 along with CRR No. 434/2007 and 232/2008.
- 27.** On 01.04.2026, when these matters were taken up for hearing, this Court passed the following orders:

“Heard Mr. Vaibhav A. Goverdhan, learned counsel for the Appellant-Central Bureau of Investigation (for short, the CBI), Mr. Shree Singh alongwith Mr. Raj Bahadur Singh, learned counsel for the Complainant-Satish Jaggi, Dr. Saurabh Kumar Pande, learned Deputy Advocate General and Mr. Priyank Rathi, learned Government Advocate for the State, Mr. R.S.Marhas, learned counsel for the respondents No. 21, 22 and 23 {in Cr.R. No. 232/2008}.

At the outset, it has been pointed out that vide order dated 12.10.2023 passed by this Court, the respondent No. 7-Vikram Sharma {in Cr.R. No. 232/2008}, was directed to be deleted from the cause title as he had died on 24.02.2013 regarding which a death certificate was also placed on record. Till date, the said respondent has not been deleted from the array of the parties. In the appeal filed before this Court being Cr.A. No. 735/2007, the name of the said accused has already been deleted. Hence, the Registry is directed to delete the name of respondent No. 7-Vikram sharma in Cr.R. No. 232/2008, during course of the day.

In pursuance of the order dated 06.11.2025 passed by the Apex Court in Cr.A. No(s). 1927/2014 filed by the State of Chhattisgarh, alongwith other connected matters, Cr.M.P. No. 495/2011, filed by the CBI, was heard by this Court on 25.03.2026 and leave to appeal was granted to the CBI and the acquittal appeal was admitted for hearing and notices were also issued to the respondent No. 1-Amit Aishwarya Jogi and he was further directed to furnish his bail bond and sureties to the satisfaction of the trial Court concerned.

On the said date i.e. 25.03.2026, Mr. Shailendra Shukla, Advocate caused his appearance on behalf of the accused-Amit Aishwarya Jogi and sought time to seek instructions and to file his Vakalatnama which was allowed and the matters were directed to be listed today for final hearing.

Today, when these cases are taken up for hearing, another Advocate Mr. Vikas Walia, learned counsel appearing on behalf of the accused-Amit Aishwarya Jogi submits that though he has filed Vakalatnama on behalf of the accused today, he prays that he may

*be granted four week's time to prepare the case and the hearing of appeal be adjourned. In this regard, he has filed an application being IA No. 1/2026 under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 seeking four week's time to prepare and address final arguments in ACQA No. 66/2026. Placing reliance on the judgment of the Apex Court in **Anokhilal v. State of Madhya Pradesh** {AIR 2020 SC 232}, he submits that the accused herein is entitled to a fair hearing and to have adequate time and facilities for the preparation of his defence. It is further submitted that the order dated 25.03.2026 passed by this Hon'ble Court, granting leave to appeal against acquittal resulting in the present proceeding have been challenged before the Hon'ble Supreme Court by the accused vide Diary No. 19294/2026, on 30.03.2026 which is presently pending consideration.*

In compliance of the Apex Court's order dated 06.11.2025, the de facto complainant Mr. Satish Jaggi was also made one of the respondent in the appeal filed by the CBI (ACQA No. 66/2026) as respondent No. 3. The said complainant is being represented by Mr. Shree Singh and Mr. Raj Bahadur Singh, learned counsel, and the State is being represented by Dr. Saurabh Kumar Pande, learned Deputy Advocate General, who are present before the Court.

The order passed by the Apex Court dated 06.11.2025, in Cr.A. No. 1927/2014 and other connected matters, which is on record, on the basis of which the matter was firstly listed on 24.03.2026, this Court passed the following orders:

"Mr. B.P. Sharma, learned counsel for the applicant, submits that the matter has been remanded by the Hon'ble Apex Court for rehearing; however, he has no instructions as of today.

Mr. Vaibhav A. Goverdhan, learned counsel appearing on behalf of the CBI, along with Dr. Saurabh Pande, learned Deputy Advocate General appearing for the State, jointly submit that the State had preferred CRMP No. 137 of 2008 seeking leave to appeal against the judgment of acquittal dated 31.05.2007 passed by the

learned trial Court in favour of the accused, Amit Aishwariya Jogi. The said application was dismissed by a Coordinate Bench of this Court on 18.08.2011 on the ground that an application for leave to appeal filed by the State was not maintainable in a case investigated by the CBI.

It is further submitted that the CBI had also challenged the judgment and order dated 31.05.2007 by filing CRMP No. 495 of 2011; however, the same was rejected by a Coordinate Bench of this Court vide order dated 12.09.2011 on the ground of delay. Additionally, CRMP No. 434 of 2007, preferred by the de facto complainant, namely Satish Jaggi, seeking conversion of the revision into a criminal appeal to enable him to challenge the acquittal of Amit Aishwariya Jogi, was also dismissed vide order dated 19.09.2011.

Being aggrieved by the orders dated 18.08.2011, 12.09.2011, and 19.09.2011, the parties preferred CRA No. 1927 of 2014 and connected matters before the Hon'ble Apex Court. The Hon'ble Apex Court, vide order dated 06.11.2025, condoned the delay in filing CRMP No. 495 of 2011 and remitted the matter to this Court for fresh consideration of the application for leave to appeal filed by the CBI on merits. It was further directed that the CBI shall implead the de facto complainant as well as the State as necessary parties in the said proceedings.

Mr. Vaibhav A. Goverdhan, learned counsel for the CBI, has also produced a copy of the order dated 06.11.2025 passed by the Hon'ble Apex Court in CRA No. 1927 of 2014, which is taken on record.

Mr. Shailendra Sharma, learned counsel, submits that he had earlier appeared on behalf of respondent No. 2 in CRR No. 434 of 2007; however, he presently has no instructions, as he has since been appointed to the State panel.

Since CRMP No. 495 of 2011 is not listed before

this Court today, it is directed that the same be connected with the present cases and listed tomorrow, i.e., 25.03.2026.

As the matter has been remanded by the Hon'ble Apex Court, it is deemed appropriate to issue notice to the de facto complainant, Satish Jaggi, as well as to the accused/respondent No. 2, Amit Aishwariya Jogi, directing their appearance before this Court tomorrow, either in person or through counsel of their choice.

The notice shall be served through the Superintendent of Police, Raipur, who shall file a personal affidavit regarding service.

The learned State counsel is directed to communicate a copy of this order to the Superintendent of Police, Raipur for necessary compliance.

Certified copy today.”

Thereafter, notices were issued to the de facto complainant-Satish Jaggi and the respondent/ accused-Amit Aishwarya Jogi, for their appearance before this Court either in person or through their respective counsel and the matters were directed to be posted on 25.03.2026 on which date, leave was granted to the CBI for filing the acquittal appeal. The accused-Amit Aishwarya Jogi was also directed to furnish his bail bonds and it is informed by Mr. Walia, learned counsel appearing for the accused-Amit Aishwarya Jogi that bail bond and sureties have been duly furnished on 30.03.2026 before the learned trial Court.

The matter was remanded by the Apex Court vide order dated 06.11.2025 for being decided by this Court, and one of the co-accused namely Yahya Dhebhar has recently been granted bail on 18.03.2026 in Cr.A. No. 4800/2024, by the Apex Court wherein the Apex Court has also observed as under:

“....

The applicant, Yahya Dhebar, has been in prison since 30.04.2024. By way of this application, he seeks suspension of the sentence imposed upon him and grant

of bail pending the disposal of his appeal.

We are now informed that a 3-Judge Bench of this Court passed judgment dated 06.11.2025 in Criminal Appeal No. 1927/2014 and batch whereby, in relation to the very same offence, the appeal of the Central Bureau of Investigation has been allowed. Consequently, the application of the CBI for grant of leave to appeal against the acquittal of one of the accused in this offence was directed to be considered by the High Court on its own merits.

We are also informed that the revisions filed by Satish Jaggi, the de facto complainant, are also pending consideration before the High Court, viz., Criminal Revision Nos. 434/2007 and 232/2008.

Given this situation and in the light of the judgment passed by the 3-Judge Bench, it would not be appropriate for this Bench to hear the appeals filed by the convicted appellants at this stage. The appeals would necessarily have to await the decision of the High Court in the aforestated pending cases, as consideration of the evidence adduced against the convicted appellants in these appeals by this Court will invariably impact the pending cases before the High Court.

In such a situation, we do not think it would be proper that the applicant, Yahya Dhebar, should continue to remain in prison, when other similarly situated co-convicts have been granted the relief of suspension of sentence and consequential bail.

The sentence of imprisonment imposed upon the applicant, Yahya Dhebar, that stood confirmed by the High Court, shall stand suspended on payment of the fine amounts. The applicant shall be released on bail on such appropriate terms and conditions as may be fixed by the trial Court.

I.A. No. 295380/2025 is disposed of accordingly.

In the light of the aforestated observations, these

appeals shall stand adjourned sine die.

Learned counsel for the parties may make a mention for re-listing of these appeals after the disposal of the matters pending before the High Court.

Lastly, as the hearing and disposal of these appeals hinges upon the disposal of the pending matters before the High Court, we would request the High Court to expedite the hearing of those pending matters to the extent possible.”

When these matters are taken up today for hearing in pursuance of the order passed by the Apex Court on 06.11.2025, dilatory tactics are being adopted by the counsel appearing on behalf of the accused-Amit Aishwarya Jogi, by praying for adjourning the matters for four weeks.

On the last date of hearing, Mr. Shailendra Shukla, learned counsel had appeared on behalf of the accused-Amit Aishwarya Jogi and had sought time to file his Vakalatnama and to seek instructions. He also requested the Court that a set of paper book may be supplied to him upon which this Court directed the learned counsel appearing for the CBI to supply a set of paper book to Mr. Shailendra Shukla which was duly complied with.

Today, Mr. Goverdhan, learned counsel for the CBI, Dr. Pandey, learned State counsel alongwith Mr. Marhas, learned counsel for the respondents No. 21 to 23 are present and a new counsel, namely, Mr. Vikas Walia has appeared on behalf of the accused-Amit Aishwarya Jogi who prays for adjournment of these cases on the ground that the paper book is voluminous and would take some time for preparing the case as he has been engaged as counsel yesterday itself.

The record reflects that on the previous date of hearing, i.e., 25.03.2026, sufficient opportunity was granted to the accused through his then counsel, Mr. Shailendra Shukla, who sought time to obtain instructions and was also furnished with a complete set of the paper book at his request. Despite this, instead of proceeding with the matter, the accused has now chosen to engage another counsel at the eleventh hour, who reiterates the same prayer for adjournment.

Such conduct, in the considered opinion of this Court, clearly indicates a deliberate attempt to delay the proceedings. The repeated change of counsel, coupled with successive requests for adjournment on identical grounds, cannot be permitted to impede the progress of a matter which has been specifically remanded by the Hon'ble Apex Court with a request for expeditious disposal. Further, the connected revision petitions filed by the complainant are pending since 2007 and 2008 respectively and the petition i.e. Cr.M.P. No. 495/2011, seeking leave to appeal against the acquittal of the accused-Amit Aishwarya Jogi was filed way back in the year 2011 by the C.B.I. and after its dismissal by this Court, the same was challenged before the Apex Court by the C.B.I. and the Apex Court, vide order dated 06.11.2025 passed in Criminal Appeal @ SLP(Crl.) No. 3037/2012, remanded the matter back to this Court for fresh consideration on the application for grant of leave to appeal, on merits. Thereafter, the Apex Court, in Cr.A. No. 4805/2024, filed by one of the convict, namely Yahya Dhebhar, while granting bail, has observed that the High Court should expedite the hearing of the pending matters to the extent possible. In this backdrop, any attempt to protract the hearing on untenable grounds deserves to be deprecated.

*Accordingly, the application (IA No. 1/2026) seeking adjournment is hereby **rejected**. However, in the interest of justice, the matters are directed to be listed tomorrow, i.e., 02.04.2026, to afford an opportunity to the learned counsel for the accused-Amit Aishwarya Jogi, to prepare the case and make appropriate submissions.*

It is further made clear that if the counsel engaged by the accused-Amit Aishwarya Jogi is not ready to argue the matter tomorrow, this Court shall pass appropriate orders.

*Let these matters be listed again tomorrow i.e. on **02.04.2026 for final hearing.**"*

28. After the arguments concluded by Mr. Goverdhan, Dr. Pande and Mr. Singh, learned Counsel for the CBI, the State as well as the complainant, when this Court asked as to what is the response of the

accused, Mr. Walia, learned Counsel for the accused/respondent No. 1- Amit Jogi reiterated that he may be granted four weeks time to reply to the submissions advanced by learned Counsel for the CBI, the State as well as the complainant/respondent No. 3 and again prayed for adjournment of the hearing of the appeal.

- 29.** It is to be noted that the request for adjournment had already been rejected on the previous day i.e. 01.04.2026 by this Court. Despite this, the same prayer has been reiterated today through another application, being IA No. 2/2026. It has also been submitted by Mr. Walia that the order dated 01.04.2026 passed by this Court has been challenged before the Apex Court.
- 30.** It is pertinent to mention here that the final hearing of the present appeal alongwith the revision petitions started today at 10:30 a.m. and the learned Counsel appearing for the CBI, the State and the complainant/respondent No. 3 duly addressed this Court for more than 1½ hours and when the learned Counsel appearing for the accused-Amit Jogi was called upon, the Counsel, Mr. Walia even did not make slightest of effort to commence his arguments except to say that he needs four weeks time to submit his reply. The conduct of the learned Counsel goes to show that he has been made to appear/stand in these cases only to seek adjournment and stall the proceedings of these cases, by any means for the reasons best known to the accused-respondent No. 1 and his Counsel Mr. Walia.
- 31.** It is difficult to comprehend how a Counsel, appearing on behalf of a party, can abruptly withdraw from the case on the instructions of the client, followed by the appearance of another Counsel who files a Vakalatnama and again seeks an adjournment, especially when the matter has been pending after being remanded by the Apex Court vide

order dated 06.11.2025 for a considerable long period of nearly five months. Such conduct on the part of the accused appears to be a deliberate attempt to delay the proceedings, which this Court cannot countenance.

32. The Apex Court, in ***Ishwarlal Mali Rathod v. Gopal & Others*** {SLP(C) Nos. 14117-14118 of 2021, decided on 20.09.2021}, while dealing with the issue of repeated adjournments sought by the Counsel appearing for the parties, observed as under:

“5. Grant of repeated adjournments in routine manner and how it affects ultimately the justice delivery system as such came to be considered by this court in catena of decisions and asking/grant of repeated adjournments have been repeatedly condemned by this court.

5.2 Commenting on the delay in the justice delivery system, although in respect of the criminal trial, Krishna Iyer, J. in the case of Babu Singh v. State of U.P. (1978) 1 SCC 579 has observed in paragraph 4 as under:

“4. ... Our justice system, even in grave cases, suffers from slow motion syndrome which is lethal to ‘fair trial’, whatever the ultimate decision. Speedy justice is a component of social justice since the community, as a whole, is concerned in the criminal being condignly and finally punished within a reasonable time and the innocent being absolved from the inordinate ordeal of criminal proceedings.”

5.3 In the case of Noor Mohammed v. Jethanand and Anr. (2013) 5 SCC 202, using very harsh words and condemning the repeated adjournments sought by the lawyers and granted by the courts, this court has observed in paragraph 1, 12, 13, 27 and 28 as under:

“

13. It has to be kept in mind that the time of leisure has to be given a decent burial. The sooner it takes place, the

better it is. It is the obligation of the present generation to march with the time and remind oneself every moment that the rule of law is the centripetal concern and delay in delineation and disposal of cases injects an artificial virus and becomes a vitiating element. The unfortunate characteristics of endemic delays have to be avoided at any cost. One has to bear in mind that this is the day, this is the hour and this is the moment, when all soldiers of law fight from the path. One has to remind oneself of the great saying, "Awake, Arise, 'O' Partha".

...

28. In a democratic setup, intrinsic and embedded faith in the adjudicatory system is of seminal and pivotal concern. Delay gradually declines the citizenry faith in the system. It is the faith and faith alone that keeps the system alive. It provides oxygen constantly. Fragmentation of faith has the effect potentiality to bring in a state of cataclysm where justice may become a casualty. A litigant expects a reasoned verdict from a temperate Judge but does not intend to and, rightly so, to guillotine much of time at the altar of reasons. Timely delivery of justice keeps the faith ingrained and establishes the sustained stability. Access to speedy justice is regarded as a human right which is deeply rooted in the foundational concept of democracy and such a right is not only the creation of law but also a natural right. This right can be fully ripened by the requisite commitment of all concerned with the system. It cannot be regarded as a facet of Utopianism because such a thought is likely to make the right a mirage losing the centrality of purpose. Therefore, whoever has a role to play in the justice dispensation system cannot be allowed to remotely conceive of a casual approach."

5.4 In the aforesaid decision, this court also considered the role of advocate in the justice delivery system and considered the earlier decisions in paragraphs 17 to 22 which read as under:

“...

18. In this context, we may refer to the pronouncement in *Pandurang Dattatraya Khandekar v. Bar Council of Maharashtra* [(1984) 2 SCC 556 : 1984 SCC (Cri) 335] , wherein the Court observed that : (SCC p. 563, para 9)

“9. ... An advocate stands in a loco parentis towards the litigants and it therefore follows that the client is entitled to receive disinterested, sincere and honest treatment especially where the client approaches the advocate for succour in times of need.”

19. In *Lt. Col. S.J. Chaudhary v. State (Delhi Admn.)* [(1984) 1 SCC 722 : 1984 SCC (Cri) 163 : AIR 1984 SC 618] , a threeJudge Bench, while dealing with the role of an advocate in a criminal trial, has observed as follows : (SCC pp. 72324, para 3)

“3. We are unable to appreciate the difficulty said to be experienced by the petitioner. It is stated that his advocate is finding it difficult to attend the court from day to day. It is the duty of every advocate, who accepts the brief in a criminal case to attend the trial from day to day. We cannot overstress the duty of the advocate to attend to the trial from day to day. Having accepted the brief, he will be committing a breach of his professional duty, if he so fails to attend.”

20. In *Mahabir Prasad Singh* [(1999) 1 SCC 37 : AIR 1999 SC 287], the Bench, laying emphasis on the obligation of a lawyer in his duty towards the Court and the duty of the Court to the Bar, has ruled as under: (SCC p. 44, paras 17-18)

“17. ... ‘A lawyer is under obligation to do nothing that shall detract from the dignity of the court of which he is himself a sworn officer and assistant. He should at all times pay deferential respect to the Judge, and scrupulously observe the decorum of the courtroom.’ [Warevelle's Legal Ethics, p. 182]

18. Of course, it is not a unilateral affair. There is a reciprocal duty for the court also to be courteous to the

members of the Bar and to make every endeavour for maintaining and protecting the respect which members of the Bar are entitled to have from their clients as well as from the litigant public. Both the Bench and the Bar are the two inextricable wings of the judicial forum and therefore the aforesaid mutual respect is sine qua non for the efficient functioning of the solemn work carried on in courts of law. But that does not mean that any advocate or a group of them can boycott the courts or any particular court and ask the court to desist from discharging judicial functions. At any rate, no advocate can ask the court to avoid a case on the ground that he does not want to appear in that court.”

21. *While recapitulating the duties of a lawyer towards the court and society, being a member of the legal profession, this Court in O.P. Sharma v. High Court of P&H [(2011) 6 SCC 86 : (2011) 3 SCC (Civ) 218 : (2011) 2 SCC (Cri) 821 : (2011) 2 SCC (L&S) 11] has observed that : (SCC p. 92, para 17)*

“17. The role and status of lawyers at the beginning of sovereign and democratic India is accounted as extremely vital in deciding that the nation's administration was to be governed by the rule of law.”

The Bench emphasised on the role of eminent lawyers in the framing of the Constitution. The emphasis was also laid on the concept that lawyers are the officers of the court in the administration of justice.

22. *In R.K. Garg v. State of H.P. [(1981) 3 SCC 166 : 1981 SCC (Cri) 663] , Chandrachud, C.J., speaking for the Court pertaining to the relationship between the Bench and the Bar, opined thus : (SCC p. 170, para 9)*

“9. ... the Bar and the Bench are an integral part of the same mechanism which administers justice to the people. Many members of the Bench are drawn from the Bar and their past association is a source of inspiration and pride to them. It ought to be a matter of equal pride

to the Bar. It is unquestionably true that courtesy breeds courtesy and just as charity has to begin at home, courtesy must begin with the Judge. A discourteous Judge is like an ill tuned instrument in the setting of a courtroom. But members of the Bar will do well to remember that such flagrant violations of professional ethics and cultured conduct will result in the ultimate destruction of a system without which no democracy can survive.”

5.5 Today the judiciary and the justice delivery system is facing acute problem of delay which ultimately affects the right of the litigant to access to justice and the speedy trial. Arrears are mounting because of such delay and dilatory tactics and asking repeated adjournments by the advocates and mechanically and in routine manner granted by the courts. It cannot be disputed that due to delay in access to justice and not getting the timely justice it may shaken the trust and confidence of the litigants in the justice delivery system. Many a times, the task of adjournments is used to kill Justice. Repeated adjournments break the back of the litigants. The courts are enjoying upon to perform their duties with the object of strengthening the confidence of common man in the institution entrusted with the administration of the justice. Any effort which weakens the system and shake the faith of the common man in the justice dispensation has to be discouraged. Therefore the courts shall not grant the adjournments in routine manner and mechanically and shall not be a party to cause for delay in dispensing the justice. The courts have to be diligence and take timely action in order to usher in efficient justice dispensation system and maintain faith in rule of law. We are also aware that whenever the trial courts refused to grant unnecessary adjournments many a times they are accused of being strict and they may face displeasure of the Bar.”

- 33.** Cr.M.P. No. 495/2011, which had earlier been dismissed by a co-ordinate Bench of this Court on 12.09.2011, was subsequently remanded to this Court pursuant to the order dated 06.11.2025 passed by the Apex Court in SLP (Crl.) No. 3037/2012. On both occasions,

learned Counsel for the accused, Amit Jogi, was present, and the accused was fully aware of the orders passed by this Court as well as by the Apex Court. CRR No. 434/2007 and 232/2008 were taken up for hearing on 24.03.2026, when Mr. Shailendra Sharma, learned Counsel for the accused was also present. At that stage, the said Counsel submitted that although he had earlier represented the accused, he presently had no instructions, and further informed the Court that he had since been appointed to the State Panel. In view of this submission, the matters were directed to be listed on the following day, i.e., 25.03.2026, along with Cr.M.P. No. 495/2011. Notices were also issued to the *de facto* complainant as well as to the accused, Amit Jogi, for their appearance either in person or through Counsel. Cr.M.P. No. 495/2011 was allowed by order dated 25.03.2026, at which time the accused, Amit Jogi, was duly represented by his Counsel, Mr. Shailendra Shukla. Consequently, the acquittal appeal was directed to be registered, and the accused was required to furnish bail bonds, which he duly complied with on 30.03.2026. It is also pertinent to note that the Apex Court, while hearing Criminal Appeal No. 4800/2024 and connected matters on 18.03.2026, requested this Court to expedite the hearing of these cases. Thereafter, on 01.04.2026, Mr. Walia sought four weeks' time to prepare and advance his submissions, which request was declined by this Court.

- 34.** The above sequence of events clearly demonstrates that the accused/respondent No. 1-Amit Jogi had sufficient opportunity of nearly five months for preparation of his case through his Counsel from 06.11.2025 when Cr.M.P. No. 495/2011 was remanded back by the Apex Court to this Court till 24.03.2026, when the revision petitions were listed and heard, and further on 25.03.2026, when the leave to appeal i.e. Cr.M.P. No. 495/2011 was allowed and Acquittal Appeal was ordered to be

registered as Mr. Shailendra Shukla had appeared on behalf of the accused/respondent No. 1-Amit Jogi on the said date. On 25.03.2026, Mr. Shukla sought time to get the paper books and prepare the case. The learned Counsel for the CBI was also directed by this Court on 25.03.2026 to supply a set of paper book to him which was duly supplied but the accused/respondent No. 1-Amit Jogi withdrew instructions from his counsel, Mr. Shukla and thereafter, on 01.04.2026, engaged Mr. Walia who appeared on behalf of the accused/ respondent No. 1-Amit Jogi on which date the prayer made by Mr. Walia (IA No. 1/2026) seeking adjournment for four weeks was rejected by this Court.

- 35.** A prayer seeking adjournment has again been made today by way of IA No. 2/2026. From the record, it is evident that the accused, Amit Jogi, has been aware from the very inception of the listing of the matters, their progress, and the orders passed by this Court as well as by the Apex Court. Despite this, the Counsel appearing on his behalf has persistently refrained from advancing arguments or even commencing submissions. The Counsel, Mr. Shailendra Shukla, who was engaged earlier, on 25.03.2026, was granted full opportunity to prepare the case but later on, he withdrew from the case stating that he had no instructions from his client accused/respondent No. 1-Amit Jogi and he had been restrained from filing his Vakalatnama. Thereafter, Mr. Walia appeared on 01.04.2026 on behalf of the accused-Amit Jogi. Such conduct reflects a deliberate effort to delay and obstruct the hearing and progress of the cases for oblique motive. No party to a case should gain by an adjournment. In these circumstances, we find no justifiable ground to grant any further opportunity to Mr. Walia. Accordingly, IA No. 2/2026 is rejected.
- 36.** It is well established that even if the accused fails to cooperate in the

hearing of an appeal against conviction, the Court cannot automatically record a conviction. The Court must independently assess whether the prosecution has proved its case beyond reasonable doubt. So far as the appeal against acquittal is concerned, an accused continues to enjoy the presumption of innocence, reinforced by the existing order of acquittal. However, the appellate Court is fully empowered to scrutinize the trial Court's judgment to determine whether it is perverse, manifestly erroneous, illegal, or contrary to the evidence on record, and lacking any reasonable basis. It may evaluate the available material and proceed to decide the matter and pass orders accordingly. In these circumstances, the responsibility of the Court is accentuated and it must diligently discharge its duty. This Court cannot sit helplessly as a silent spectator if a party to a case is deliberately trying to adopt dilatory tactics. The Court cannot evade its obligation to ensure the proper and timely dispensation of justice.

- 37.** Be that as it may, in the compelling circumstances, which have arisen due to the conduct of the accused/respondent No. 1 himself and his Counsel, this Court proceeds to consider and decide the matters on the basis of the submissions advanced by learned Counsel appearing for the CBI, the State, and the complainant, as well as the material available on record alongwith the trial Court record.
- 38.** Section 386 of the Cr.P.C. deals with the powers of the appellate Court. It would be beneficial to quote the said Section, which reads as under:

“386. After perusing such record and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and in case of an appeal under section 377 or section 378, the accused, if he appears, the Appellate Court may, if it considers that there is no sufficient ground for interfering, dismiss the appeal, or may -

(a) *in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be re-tried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;*

(b) *in an appeal from a conviction -*

(i) *reverse the finding and sentence and acquit or discharge the accused, or order him to be re-tried by a Court of competent jurisdiction subordinate to such Appellate Court or committed for trial, or*

(ii) *alter the finding, maintaining the sentence, or*

(iii) *with or without altering the finding, alter the nature or the extent, or the nature and extent, of the sentence, but not so as to enhance the same;*

(c) *in an appeal for enhancement of sentence -*

(i) *reverse the finding and sentence and acquit or discharge the accused or order him to be re-tried by a Court competent to try the offence, or*

(ii) *alter the finding maintaining the sentence, or*

(iii) *with or without altering the finding, alter the nature or the extent, or the nature and extent, of the sentence, so as to enhance or reduce the same;*

(d) *in an appeal from any other order, alter or reverse such order;*

(e) *make any amendment or any consequential or incidental order that may be just or proper;*

Provided that the sentence shall not be enhanced unless the accused has had an opportunity of showing cause against such enhancement;

Provided further that the Appellate Court shall not inflict greater punishment for the offence which in its opinion the accused has committed, than might have been inflicted for that offence by the Court passing the order or sentence under appeal.”

39. There is no dispute that the appellate Court possesses wide powers

under Section 386 of the Cr.P.C. to re-appreciate the evidence and material available on record, as well as to review the findings recorded by the trial Court. If the view taken by the trial Court is found to be manifestly erroneous, illegal, perverse, or contrary to the evidence on record, and lacking any reasonable basis, the appellate Court is justified in interfering with an order of acquittal. The Apex Court, in ***Suvarnamma & Another*** (supra), has observed that in an appeal against acquittal, no interference is warranted where the trial Court has taken a possible and plausible view. However, where the view adopted is not legally sustainable, the appellate Court is fully empowered to interfere with the order of acquittal.

40. This Bench has already upheld the conviction and sentence imposed upon the other accused/convicts. The present acquittal appeal filed by the CBI, along with the revision petition preferred by the complainant, pertains solely to the acquitted accused, Amit Jogi, though another revision has also been filed seeking enhancement of the sentence of the other convicts. This Bench has already concurred with the findings of the learned trial Court that it was the accused, Chiman Singh, who fired the gunshot at the deceased and was the actual assailant in a batch of appeals, the lead one being Cr.A. No. 426/2007, vide its judgment dated 04.04.2024. The only issue that now remains for consideration is whether the accused, Amit Jogi, was also a party to the conspiracy that led to the commission of the murder of the deceased. In the appeals filed by the convicted accused before this Court, this Bench has already held that the prosecution had successfully established the existence of a conspiracy among the said convicts for the commission of the offence.
41. It is an admitted position on record that, arising out of the same incident, i.e. the commission of murder of the deceased, two separate criminal

cases were registered, arising out of two independent charge sheets. The charge sheet in the first FIR lodged by the State Police {arising out of Crime No. 104/2003} against unknown persons led to registration of Sessions Trial No. 334/2003, whereas the charge sheet in the second FIR lodged by the complainant-Satish Jaggi specifically against Amit Jogi and his father {arising out of Crime No. 105/2003}, filed by the CBI, gave rise to Sessions Trial No. 329/2005. In Sessions Trial No. 334/2003, the accused namely Vinod Singh @ Badal, Shyam Sundar @ Anand Sharma, Jambwant Kashyap, Avinash Singh @ Lallan, and Vishwanath Rajbhar, were acquitted by judgment and order dated 31.05.2007, the learned trial Court having found that the prosecution failed to prove the charges beyond reasonable doubt.

- 42.** In the FIR investigated by the CBI, a substantially wider array of accused persons was impleaded, including Amit Jogi @ Amit Aishwarya Jogi, Chiman Singh, Yahya Dhebar, Abhay Goyal, Shivendra Singh Parihar, Feroz Siddiquie, Vikram Sharma, Vinod Singh Rathore, Rakesh Kumar, Ashok Singh Bhadoriya, Sanjay Singh Kushwaha, Raju Bhadoriya, Ravindra Singh, Narsi, Satyendra Singh, Vivek Singh, Lalla Bhadoriya, Sunil Gupta, Anil Pachauri, Harishchandra, Suryakant, Rakesh Chandra Trivedi, V.K. Pandey, Amrik Singh Gill, Avinash Singh @ Lallan Singh, Jambwant, Shyam Sunder, Vinod Singh Rajput, and Vishwanath Rajbhar. Out of the said accused, only Amit Aishwarya Jogi came to be acquitted, whereas all remaining accused persons were convicted and sentenced, as noted above.
- 43.** Significantly, three of the accused, namely Amrik Singh Gill, V.K. Pandey, and R.C. Trivedi, were police officials who had conducted the investigation in the earlier FIR bearing Crime No. 104/2003. The manner in which the said investigation was carried out is manifest from the fact

that all the accused therein were acquitted, thereby reflecting serious infirmities in the investigative process. It is evident that, but for the subsequent investigation undertaken by the CBI, the prosecution would not have been in a position to bring forth material implicating the present appellants/accused. It is further noteworthy that the CBI commenced its investigation only on 22.01.2004, whereas the incident in question had occurred on 04.06.2003. The intervening period provided sufficient scope for tampering with evidence and tutoring of witnesses. More importantly, the involvement of police officials themselves, who are well-versed in criminal procedure, lends credence to the apprehension that conscious efforts may have been made to shield the real offenders and to protect vested interests.

- 44.** The investigation conducted by the CBI reveals that accused Chiman Singh was a long-standing associate of Ajit Jogi, the then Chief Minister of Chhattisgarh, and had actively supported him in electoral constituencies such as Marwahi and Shahdol. Chiman Singh was summoned at the instance of Amit Jogi, and arrangements for his stay at Raipur were made by Yahya Dhebar. During May 2003, criminal conspiracy was hatched by Amit Jogi, Yahya Dhebar, and Abhay Goyal at Hotel Green Park, Raipur, with the object of disrupting a rally of the NCP in the run-up to the Assembly elections. Part of the conspiracy was hatched at the official residence of the then Chief Minister, with participation of Chiman Singh. In furtherance of the said conspiracy, Yahya Dhebar travelled to Gujarat, while Amit Jogi and Abhay Goyal proceeded towards Rajnandgaon and Dongargarh. Other co-accused, including Feroz Siddiquie and Chiman Singh, arranged finances and logistics. Towards the end of May 2003, several accused persons arrived at Raipur and were accommodated at Batra House, having been

received from the railway station by Chiman Singh. On 04.06.2003 at about 9:30 p.m., the conspiracy was executed. Shivendra Singh Parihar drove a Maruti Van with a manipulated registration plate, while Chiman Singh and other accused travelled in a Bolero vehicle driven by Vinod Rathore. Armed with bamboo sticks and petrol-filled bottles, they proceeded towards the vicinity of the NCP office at Budhapara, Raipur. The deceased, upon leaving the said office in his Alto car, was followed, intercepted, and forcibly stopped. Thereafter, the accused persons alighted from their respective vehicles and vandalised the vehicle of the deceased. Chiman Singh fired at the deceased, resulting in his death, while Rakesh Kumar Sharma @ Baba removed the Rudraksha mala worn by the deceased. The accused thereafter fled towards Fafadih Chowk. Subsequently, Chiman Singh informed Feroz Siddiquie telephonically that the task had been accomplished. The accused regrouped at Batra House. Feroz Siddiquie, along with Shivendra Singh, proceeded to the hospital to ascertain the condition of the deceased and, upon confirmation of his death, returned and informed the other accused. Thereafter, communications were established with Yahya Dhebar and Abhay Goyal, details whereof are elaborately set out in the charge sheet. Following the incident, Amit Jogi instructed Reginald Jeremiah (PW-85), Director of Akash Channel, to travel to Assam and deliver a sum of Rs.5,00,000/- to Chiman Singh. The travel arrangements were facilitated by Abhay Goyal, and the amount was ultimately handed over at Calcutta upon coordination between Reginald Jeremiah and Chiman Singh.

45. The CBI investigation further disclosed a parallel conspiracy involving Suryakant Tiwari, Bulthu Pathak, Suresh Yadav, R.C. Trivedi, V.K. Pandey, and Amrik Singh Gill. With the object of shielding the actual

perpetrators, certain individuals, namely Avinash Singh, Jambwant Kashyap, Shyam Sundar, Vinod Singh, and Vishwanath Rajbhar, were falsely implicated and induced to assume culpability, particularly in light of the FIR having initially named Ajit Jogi and Amit Jogi.

46. Admittedly, the accused-Amit Jogi, who is the son of the then Chief Minister of the State, was also associated with the political party that was in power in the State at the relevant time. The charge framed by the learned trial Court against the said accused is material for the adjudication of the present cases; accordingly, the same, along with its translated version, is reproduced hereinbelow:

“1— आपने दिनांक 04.06.2003 के पूर्व मई माह में होटल ग्रीनपार्क में तथा मुख्यमंत्री निवास, रायपुर में हुई बैठकों में अन्य सह-अभियुक्तों चिमन सिंह, याहया डेबर, अभय गोयल, शिवेन्द्र सिंह, फिरोज सिद्दिकी, विक्रम शर्मा, विनोद सिंह राठौर, राकेश कुमार शर्मा, अशोक कुमार भदौरिया, संजय सिंह कुषवाहा, राजू भदौरिया, रवि उर्फ रविन्द्र सिंह कुषवाहा, नरसिं शर्मा, सतेन्द्र सिंह तोमर, विवेक सिंह भदौरिया, लल्ला भदौरिया, सुनिल गुप्ता, अनिल चौधरी एवं हरीष चन्द्र आदि कई लोगों के साथ मिलकर रामावतार जग्गी जो कि, एन.सी.पी. का कोषाध्यक्ष था, और उसकी रैली को सफल बनाने के लिए जुटा था, कि हत्या करने या करवाने के लिए सहमत होकर आपराधिक षड्यंत्र किया। जो कि धारा 120(बी)(1) भा.दं.सं. के अन्तर्गत दण्डनीय अपराध है।

2— दिनांक 04.06.2023 को मौदहापारा थाना के समीप रायपुर में उक्त षड्यंत्र के अनुसरण में चिमन सिंह, शिवेन्द्र, संजय, बांके, विनोद, विक्रम, राकेश, अशोक, राजू, रवि, नरसीं, सतेन्द्र, विवेक, लल्ला, सुनील, अनिल एवं हरिषचन्द्र ने एकराय से मृतक रामावतार जग्गी की हत्या करने के सामान्य आषय से मिलकर, रामावतार जग्गी की कार को रोककर, उसे कार के अन्दर ही मारपीट किया, तथा चिमन सिंह द्वारा उसे गोली मारकर उसकी मृत्यु कारित करके हत्या की गई। जो कि धारा 302/34 भा.दं.सं. के अन्तर्गत दण्डनीय अपराध है।

3— उसी दिनांक/समय/स्थान पर मृतक रामावतार जग्गी की कार (आल्टो) को रिष्टि पहुंचाने के आषय से तोड़ फोड़ कर उसे रिष्टि कारित की। जो कि धारा 427/34 भा.दं.सं. के अन्तर्गत दण्डनीय अपराध है।

और मेरे संज्ञान क्षेत्राधिकार के अन्तर्गत है। अतः मैं आदेश देता हूं कि आपका विचारण उक्त आरोपों के लिए इस न्यायालय द्वारा किया जावे।”

Translated version:

“1-Prior to the date 4-6-2003, during the month of May, in meetings held at Hotel Green Park and the Chief Minister's Residence, Raipur, you, along with other co-accused Chiman Singh, Yahya Dhebar, Abhay Goyal, Shivendra Singh, Firoz Siddiqui, Vimal Sharma, Vinod Singh Rathore, Rakesh Kumar Sharma, Ashok Kumar Bhadoria, Sanjay Singh Kushwaha, Raju Bhadoria, Ravi alias Ravindra Singh Kushwaha, Narsi Sharma, Satyendra Singh Tomar Vivek Singh Bhadoria, Lalla Bhadoria, Sunil Gupta, Anil Pachauri, and Harish Chandra and several others, conspired to commit or cause the murder of Ramavatar Jaggi, who was the Treasurer of the NCP and was engaged in making his rally a success. This act constitutes a punishable offence under Section 120-B(1) of the IPC (Indian Penal Code).

2- On the date 4-6-2003 near the Moudhapara Police Station, Raipur, in pursuance of the aforementioned conspiracy, the following persons - Chiman Singh, Shivendra, Sanjay, Banke, Vinod, Vimal, Rakesh, Ashok, Ravi, Narsi, Satyendra, Vivek, Lalla, Sunil, Anil, and Harishchandra, with a common intention to kill the deceased Ramaviar Jaggi, acted in unison to stop Ramavtar Jaggi's car They physically assaulted him while he was inside the car, and Chiman Singh shot him, causing his death and thereby committing murder. This act is a punishable offence under Section 302/34 of the IPC.

3- On the same date, time, and place, with the intention of causing damage to the deceased Ramavtar Jaggi's car (Alto), you/they vandalized it, thereby causing mischief/damage. This act is a punishable offence under Section 427/34 of the IPC.”

47. Section 8 of the Act of 1872 deals with the motive, preparation and previous or subsequent conduct. The same reads as under:

“8. Motive, preparation and previous or subsequent conduct.—Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The conduct of any party, or of any agent to any party, to any suit or proceeding, in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1.—The word “conduct” in this section does not include statements, unless those statements accompany and explain acts other than statements; but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.”

48. The allegation against the accused persons, including Amit Jogi, is that they intended to disrupt a rally proposed to be organized by the NCP in connection with the ensuing Assembly Elections. It is also not in dispute that the accused, Amit Jogi, was affiliated with the political party in power in the State at the relevant time. The depositions of various witnesses indicate that Amit Jogi was the principal architect of the alleged conspiracy. It is well settled that a conspiracy is to be inferred from circumstantial evidence, as direct evidence of the formulation of a conspiracy is seldom available.
49. In **Sanjeev** (supra), the Apex Court, with respect to issue of establishing a conspiracy under Section 120-B of the IPC, observed as under:

“35. After consideration of these depositions, we must decide whether the evidence on record is sufficient to establish a conspiracy under Section 120B, IPC. The ingredients to constitute a criminal conspiracy were summarised by this Court in State through

*Superintendent of Police v. Nalini & Ors.*⁶ (3-Judge Bench). They are as follows:

i. Conspiracy is when two or more persons agree to do or cause to be done an illegal act or legal act by illegal means.

ii. The offence of criminal conspiracy is an exception to the general law, where intent alone does not constitute crime. It is the intention to commit a crime and join hands with persons having the same intention.

iii. Conspiracy is hatched in private or in secrecy. It is rarely possible to establish a conspiracy by direct evidence. Usually, the existence of the conspiracy and its objects have to be inferred from the circumstances and the conduct of the accused.

iv. Where in pursuance of the agreement, the conspirators commit offenses individually or adopt illegal means to do a legal act that has a nexus to the object of the conspiracy, all of them will be liable for such offenses even if some of them have not actively participated in the commission of those offenses.

36. These principles were followed in Yakub Abdul Razak Memon v. State of Maharashtra (2-Judge Bench), wherein this Court reiterated that to establish conspiracy it is necessary to establish an agreement between the parties. Further, the offence of criminal conspiracy is of joint responsibility, all conspirators are liable for the acts of each of the crimes which have been committed as a result of the conspiracy. [See also: Arvind Singh v. State of Maharashtra⁸ (3-Judge Bench); Mohd. Naushad (supra)].

- 50.** In order to establish that the accused, Amit Jogi, was an integral part of the alleged conspiracy, the deposition of Vijay Jain (PW-73) assumes significance. The said witness was the Manager of Hotel Green Park, where meetings of the accused persons were held on various occasions.

In his deposition, the witness has stated as under:

“4— मैं अभियुक्त अमित जोगी, याहया डेबर, अभय गोयल को जानता हूँ। ये लोग होटल ग्रीनवार्क में कभी-कभी खाना खाने के लिये आते रहते थे। ये लोग प्रायः रात में आठ बजे के बाद खाने के लिये मुझे पूर्व सूचना देकर आते थे, मैं होटल में उनका स्वागत करता था। वे लोग ओपन गार्डन रेस्टोरेंट में बैठकर खाना खाते थे, उनके साथ चार-पांच एक-दो बार वे लोग थे। प्रायः एक सवा घंटे रुकते थे और खाना खाकर चले जाते थे। प्रायः हर महीने एक-दो बार वे लोग आते थे। यह वर्ष 2003 की बात है।

8— यह सही है कि अमिल जोगी, याहया डेबर, अभय गोयल महीने में कभी एक बार, कभी दो बार हमारे रेस्टारेन्ट में आते थे। जब भी वे आते थे, उनके साथ 4-5 अन्य लोग भी रहते थे। यह सही है कि उनके आने के पहले सी एम हाउस से फोन भी आ जाता था कि वे आ रहे हैं टेबल रिजर्व करके रखा जावे और आने का समय बता दिया जाता था। यह सही है कि वे अधिकतर रात आठ साढ़े आठ बजे आते थे। यह सही है कि मैं उनके आने पर स्वागत करके उन्हें टेबल तक ले जाता था। और केप्टन को बुलवाकर उनके खाने का आर्डर नोट करवाता था। और व्ही.आई.पी. का व्यवहार दिया जाता था तथा पास में एक वेटर भी दो-तीन फीट की दूरी पर रखा जाता था। और मैं भी बीच-बीच में आकर देखता रहता था। यह सही है कि ये जिस टेबल पर बैठते थे उसके आस-पास के टेबलों पर अन्य ग्राहक भी बैठा करते थे। यह सही है कि ये लोग खाना समाप्त करके वहां से चले जाते थे, तब मैं उन्हें गाड़ी तक छोड़ता था।”

- 51.** Satish Jaggi (PW-41) is the complainant and son of the deceased. He was the person who lodged the second FIR which was later on investigated by the CBI. His statement is clear and unambiguous. He has clearly deposed that the police was reluctant to add the name of Amit Jogi and his father, the then Chief Minister, in the FIR.

“10— बाद में हमने श्री पाण्डेय टी.आई. को बहुत निवेदन किया कि हम जो कह रहे हैं वह एफ.आई.आर. लिखें तब उन्होंने मुझे एक कोरा कागज देकर कहा कि आपको जो लिखना है, उसमें लिख दो। इस बीच वहां पर बहुत से लोग जिनमें कुछ पत्रकार और वकील भी थे, पहुंच चुके थे। उन सबने टी.आई. श्री पाण्डेय को यह कहा कि जब वह एफ.आई.आर. लिखाना चाहता है तो तुम क्यों नहीं लिखते। तब श्री पाण्डेय टी.आई. थाने के बाहर खड़े मुकेश गुप्ता एस.पी. के पास जाकर उन्हें बुलाए। हम लोगों ने तथा वहां पर उपस्थित जानकार लोगों ने श्री गुप्ता से भी निवेदन किया कि जब मृतक का लड़का रिपोर्ट लिखाना चाहता है तो रिपोर्ट लिख लिया जाये। तब श्री

मुकेश गुप्ता ने टी.आई. श्री पाण्डेय को कहा कि ये जो बोलता है, उसे लिख दो। तब श्री पाण्डेय ने मेरे बोले अनुसार एफ.आई.आर. लिखा था।

11— श्री पाण्डेय टी.आई. के पास में एफ.आई.आर. लिखा रहा था, उसी समय बीच-बीच में वे अपने मोबाईल फोन पर किसी से सम्पर्क करके यह बोलते थे कि सर यह तो ऐसा कह रहा है, फिर फोन कट जाता था तो आगे लिखते थे, ऐसा बीच-बीच में तीन-चार बार उन्होंने किसी से बात की। बाद में जब मैं एफ.आई.आर. लिखा चुका। और वह लिखा दिया कि घटना के पीछे साक्षी फिर कहता है कि मैं यह लिखवाना चाह रहा था कि इस घटना के पीछे अजीत जोगी एवं अमित जोगी का हाथ है, तब यह बात सुनकर श्री पाण्डेय उसे एफ.आई.आर. में लिखे नहीं और कलम छोड़कर उठकर बाहर चले गये। फिर 5-6 मिनट बाद वापस आये तब मेरी बात पूरी लिखे। एफ.आई.आर. पूरी हो गई तब उसपर हस्ताक्षर लिखे थे। और मुझे उसकी एक प्रतिलिपि प्रदान किये थे।

29— उस दिन मैं आई.जी. श्री रामनिवास के घर जाकर दरखास्त दिया था, उन्होंने दरखास्त पढ़कर कहा था कि इसमें एक बात यह भी जोड़ दो कि गार्ड का जो पेमेन्ट होगा वह हम लोग देंगे, तब मैंने कहा कि गार्ड का पेमेन्ट हम कहां से दे पायेंगे। तो श्री रामनिवास ने कहा कि आपसे पेमेन्ट कौन मांग रहा है, आप केवल लिख दो और मेरे कार्यालय में भिजवा दो। तब मैं वहां से वापस आ गया था। फिर दूसरे दिन सुबह षेखर सिंह का फोन आया और पूछा कि तुम रेडी हो तो मैं हां कहा और फिर थोड़ी देर बाद वह घर आकर मुझे अपने साथ लेकर मुख्यमंत्री निवास ले गया था। गाड़ी में मेरे और षेखर के अलावा एक अन्य व्यक्ति था जिसका नाम अभय गोयल होना मुझे षेखर सिंह ने बताया था और उसे अमित का अच्छा दोस्त होना बताया था। गाड़ी सी.एम. हाऊस के जवाहर गार्डन के पास वाली पीछे के गेट से अंदर गयी थी, गेट पर हमारी कोई एन्ट्री नहीं ली गई थी। अभय गोयल गाड़ी को चला रहा था। उसने गाड़ी रोकी तो हमलोग नीचे उतरे तो मैंने देखा की वही सूर्यकांत तिवारी जी खड़े हुये थे, जो हम लोगों को आगे तक ले गये, और एक कमरे में बिठा दिये। दो मिनट बाद अमित जोगी वहां पर आए उनसे हाय-हैलो के बाद हमलोग बैठे और सामान्य बात हो रही थी, कुछ देर में फोन आया जब अमित ने बताया कि पापा लैंड कर गये हैं। सामान्य बातचीत होती रही, थोड़ी देर में श्री अजीत जोगी आये।

30— उन्होंने मुझसे पूछा कि तुम ही सतीष हो, तो मैंने हां कहा, तब उन्होंने मेरे पापा के साथ घटना होने के संवेदना प्रकट किया। फिर यह कहा कि तुमने हमें बड़ी मुसीबत में डाल दिया और एफ.आई.आर. में हमारा नाम डलवा दिया है। जिससे हमें तकलीफ हो रही है, उसे तुम वापस ले लो, घटना की जांच चल रही है। और तुम अपने भविष्य की सोचो। उन्होंने यह भी कहा कि तुम्हारे राजनीति में रूची हो तो बताओ और व्यापार में मदद चाहिए तो बताओ। और षेखर जी की ओर इशारा करके कहा कि तुम इनके परिवार से जुड़े हो ये बहुत बड़े लोग हैं और हम तुम्हारे लिए बात

कर लेते हैं, वे तुम्हें बहुत ऊपर उठायेंगे। यह सुनकर मैंने कहा कि मुझे इन सब चीजों की आवश्यकता नहीं है। मैंने वापस जाने की इच्छा जताई तब षेखर जी मुझे रूठने का इशारा किए, फिर जोगी जी ने कहा कि आओ नाप्ता कर लें, और डायनिंग रूम में गये। वहां सब लोग डायनिंग टेबल में बैठकर नाप्ता किये, मैं केवल पोहा लिया। आपस में चर्चा चल रही थी, वहां पर मैडम जोगी तथा एक महिला और थी जो बैठी थी। इस स्टेज पर श्री सतीष दत्त अधिवक्ता ने यह आपत्ति उठाई कि श्री अजीत जोगी ने साक्षी से क्या कहा यह इस प्रकरण में ग्राह्य नहीं है। क्योंकि न तो श्री अजीत जोगी अभियुक्त है और न ही साक्षी है। चूंकि घटना के सम्बन्ध में और घटना के बाद जिनके विरुद्ध साक्षी द्वारा प्रथम इत्तला रिपोर्ट लिखाई गई थी, उन्हें श्री अजीत जोगी ने साक्षी को अपने घर बुलाकर क्या बातें की यह घटना के विचारण में किसी निष्कर्ष तक पहुंचने में सहायक हो सकता है, इसलिए साक्षी को अपनी सीधी बात कहने से रोकना उचित नहीं है, अतः आपत्ति अमान्य करके साक्षी का कथन आगे अंकित किया गया।”

From the above deposition, it is clear the then Chief Minister was not happy with the fact that his name alongwith his son's name i.e. Amit Jogi was included in the FIR and he was being lured to take back his complaint and was also threatened in a way.

52. Dr. Anil Verma, (PW-89), who is one of the acquaintance of the complainant-Satish Jaggi (PW-41) has deposed as under:

“1— मैं रामावतार जग्गी को पिछले 15-20 वर्षों से जानता था। उनकी हत्या हो गई है। रामावतार जग्गी बहुत मिलानसार तथा आस्तिक स्वभाव के व्यक्ति थे।
2— वर्ष 2003 में स्वर्गीय रामावतार जग्गी एवं मैं दोनों एन.सी.पी. पार्टी में पदाधिकारी चुने गए थे। श्री जग्गी उक्त पार्टी के कोषाध्यक्ष और मैं महासचिव प्रशासनिक प्रभारी के पद पर थे।
3— दिनांक 10 अप्रैल 2003 को मैं रात करीब ग्यारह, साढ़े ग्यारह बजे का समय था, जब मैं भोजन कर रहा था, तभी रामावतार जग्गी का फोन मेरे मोबाईल नम्बर 98261-62600 पर आया, मैं फोन उठाया तब जग्गी का पुत्र सतीष बोला कि पापा बात करेंगे और उन्हें फोन दिया, तब श्री रामावतार जग्गी जिन्हें हम लोग तारू जग्गी भी कहते थे, ने मुझसे बात की। वे उस समय बहुत घबराये हुये और रोते-रोते मुझसे कहा कि तत्कालीन मुख्यमंत्री श्री अजीत जोगी से मेरी फोन पर बात हुई है और उन्होंने मुझसे कहा है कि तुम्हारा जितना बिजनेस है, उससे षायद तुम्हारा कोई लगाव नहीं है। यदि तुमने विद्याचरण शुक्ल का साथ नहीं छोड़ा या उनके स्वागत में गए तो तुम्हें इसके भयंकर दुष्परिणाम भोगना पड़ेगा। तुम्हें नेस्तनागबूत कर दिया जायेगा।

4— तारू जग्गी ने यह भी बताया कि उसने यह सारी बातें पांच मिनट पहले ही दिल्ली में विद्याचरण शुक्ल को फोन करके बता दिया है। और विद्याचरण शुक्ल ने समझाया है कि कोई बात नहीं है, घबराओ मत, रायपुर से बाहर चले जाओ। और ये बातें डॉ. अनिल वर्मा को बता दो।”

53. Reginald Jeremiah (PW-85) deposed that he had known the accused, Amit Jogi, since their time as students at St. Stephen’s College, Delhi. According to this witness, on 21.05.2003, he was summoned by Amit Jogi to Hotel Green Park, where a meeting was convened to deliberate upon a plan to disrupt an NCP rally. He affirmed the presence of several individuals at the meeting, including Amit Jogi, Rohit Prasad, Raj Awasthi, Moksh Sinha, Arjun Bhagat, Michael Williams, Raj Singh, Bhupinder Singh, Navnit Joshi, Siddharth Asati, Abhay Goyal, and Yahya Dhebar. During the course of the meeting, Amit Jogi proposed that Balwinder Jaggi, Pramod Choubey, and the deceased, who were associated with the NCP, be eliminated. The witness stated that he, along with two or three others present, objected to this suggestion and urged accused-Amit Jogi not to cause harm to any NCP members; however, their objections were disregarded. He further deposed that, upon Amit Jogi’s inquiry, he disclosed that he had telephonically summoned Chiman Singh to the hotel. When Chiman Singh arrived, Amit Jogi directed all others to leave the room, retaining only himself, Rohit Prasad, and Chiman Singh inside. The relevant part of the deposition is quoted hereunder:

“2— मैं जब सेन्ट स्टीफन कॉलेज नई दिल्ली में पढ़ता था, तब अभियुक्त अमित जोगी भी उसी कॉलेज में पढ़ता था। तभी उससे जान-पहचान हुई थी और कॉलेज के बाद भी जान-पहचान एवं मुलाकात होते रही। मैं छत्तीसगढ़ के मुख्यमंत्री के रूप में अजीत जोगी के षपथ ग्रहण समारोह में भी अभियुक्त अमित के साथ दिल्ली से रायपुर दिसंबर माह में आया था। और दिसंबर 2002 में दिल्ली में छत्तीसगढ़ भवन में भी गया था, वहीं मेरा परिचय राज अवस्थी से हुआ था। और उससे मेरा परिचय अमित जोगी ने करवाया था। वही राज अवस्थी ने मुझसे कहा था कि वह छत्तीसगढ़

में केबल का व्यवसाय करता है। उसने मुझे आकाष चैनल के नाम के केबल व्यवसाय में डायरेक्टर के रूप में आने का आफर दिया था।

3— दिल्ली में आने-जाने के दौरान ही चिमन सिंह से भी मेरा परिचय अमित जोगी के षाहजहां रोड़ स्थित घर में ही हुआ था। मैं जनवरी 2003 में हवाई जहाज से रायपुर आया तब एयरपोर्ट पर मुझे लेने के लिए नवनीत जोषी और सिद्धार्थ असाठी आए हुए थे, उनसे भी अमित जोगी ने मेरा परिचय दिल्ली में करवाया था। मैं उनके साथ होटल बेबीलॉन में गया था जहां मेरे लिए एक कमरा बुक करवाया गया था।

7— दिनांक 21 मई, 2003 को अमित जोगी ने मुझे फोन करके बोला था कि तुम ग्रीनपार्क होटल आ जाओ और लव कुमार मिश्रा को भी साथ ले आओ। तब मैं बोलेरो क्रमांक— C.G.-04 B-7878 से लव कुमार मिश्रा के साथ ग्रीनपार्क होटल गया था। यह बोलेरो गाड़ी आकाष चैनल की थी और उसे मैं चलाया करता था। हम होटल में पहुंचे उस समय वहां एक मीटिंग चल रही थी, जिसमें एन.सी.पी. की रैली को सपोटेज करने का प्रोग्राम बनाया जा रहा था। उस मीटिंग में अभियुक्त अमित जोगी, रोहित प्रसाद, राज अवस्थी, मोक्ष सिन्हा, अर्जुन भगत, माईकल विलियम्स, राज सिंह, भूपेन्द्र सिंह, नवनीत जोषी, सिद्धार्थ असाठी, अभय गोयल, याहया ढेबर, लोग मौजूद थे। मैं और लव कुमार मिश्रा भी वहां पहुंचे थे। उस मीटिंग में अभियुक्त अमित जोगी ने यह आइडिया दिया था कि एन.सी.पी. के कुछ खास लोग जैसे बलविन्दर जग्गी, प्रमोद चौबे, रामावतार जग्गी जैसे लोगों को खत्म कर देंगे। जिसपर मैंने तथा दो-तीन लोगों ने उसे मना किया और कहा कि यह गलत बात होगी, किन्तु वह नहीं माना। और उसने रामावतार जग्गी का नाम चुना जो कि एन.सी.पी. की रैली के लिए फायनेंस का काम देख रहा था।

8— इस काम के लिए अभियुक्त अमित जोगी ने बोला कि यह काम चिमन सिंह को सौंपते हैं। फिर अमित जोगी ने मुझसे कहा कि चिमन सिंह को फोन करके बुलाओ। चिमन सिंह उस दिन रायपुर में ही था। मैंने चिमन सिंह को मोबाइल से फोन करके ग्रीनपार्क होटल में बुलाया। फिर चिमन सिंह होटल में आया, तब अभियुक्त अमित जोगी ने षेष लोगों को कमरे से बाहर जाने के लिए कहा और कमरे के अंदर केवल अमित जोगी, चिमन सिंह एवं रोहित प्रसाद रह गए, हम सभी बाहर आ गये थे। फिर पता नहीं कि वे लोग कमरे के अंदर क्या किये। किन्तु जब चिमन सिंह कमरे के बाहर निकला तो उसके हाथ में एक बैग था। उस बैग के अंदर क्या था यह मुझे पता नहीं उसके बाद सभी लोग वहां से चले गये।

9— उसके दो-तीन दिन बाद मेरे पास अमित जोगी का फोन आया और उसने मुझे मुख्यमंत्री निवास में बुलाया। तब मैं मुख्यमंत्री निवास गया था, वहां पहुंचा तो देखा कि वहां भी मीटिंग चल रही थी और उस मीटिंग में भी राज अवस्थी, रोहित प्रसाद, माईकल विलियम्स, अर्जुन भगत, राजवीर सिंह, मोक्ष सिन्हा, राज सिंह, जितेन्द्र सिंह, अभय गोयल, याहया ढेबर आदि वही लोग थे जो होटल ग्रीनपार्क मीटिंग में थे। इस मीटिंग में भी एन.सी.पी. की रैली को कैसे सपोटेज किया जाये, इसी पर चर्चा हो

रही थी। उसमें कई लोग अपने-अपने आईडिया दे रहे थे। चिमन सिंह ने यह आईडिया दिया कि वह भीड़ में जहरीले सांप छोड़ देगा, ताकि भीड़ छंट जाये। राज अवस्थी ने कहा कि रैली के दिन सारे बस, टेक्सियां आदि रायपुर शहर के अंदर ही न आने दिया जाये। मार्कल विलियम्स और अर्जुन भगत ने कहा कि हम रैली के दृष्य का प्रसारण नहीं करेंगे और उसके स्थान पर खाली मैदान दृष्य दिखा देंगे।

12— फिर कुछ दिन बाद अमित जोगी का फोन आया और उसने मुझे मुख्यमंत्री निवास आने के लिए कहा। तब मैं वहां गया। उस दिन वहां केवल रोहित प्रसाद और अमित जोगी थे। वहां अमित जोगी ने मुझसे कहा कि आपको आसाम जाना है और चिमन सिंह को चार-पांच लाख रुपये देकर आना है। उसने यह भी कहा कि आपके टिकट का इंतजाम हो जाएगा और टिकट तथा रुपये एयरपोर्ट पर ही मिलेंगे। उसने वहीं से अभय गोयल को मोबाइल पर फोन करके यह कहा कि उसकी टिकट का इंतजाम कर दो। फिर जब अगले दिन मैं एयरपोर्ट जा रहा था तब रास्ते में याहया डेबर ने मेरी गाड़ी रुकवाई और मुझे प्लेन का टिकट और नोट के बंडल दिये, कहा कि पांच लाख रुपये हैं। मैं एयरपोर्ट जाकर रायपुर से भुवनेश्वर की फ्लाईट पकड़ी, वह फ्लाईट भुवनेश्वर गई। भुवनेश्वर से मैंने कलकत्ता के लिए दूसरी फ्लाईट पकड़ी। और कलकत्ता जाकर पार्क होटल में रुका, उसके दो दिन बाद आसाम जाने की फ्लाईट थी, किन्तु वह फ्लाईट मेरे से चूक गई यह बात मैंने अमित जोगी को फोन करके उसे बताया कि फ्लाईट चूक गई है, तो अमित जोगी ने कहा कि वह चिमन सिंह को फोन करके कलकत्ता में बुलवा ले और उसने मुझे चिमन सिंह के घर का नम्बर भी बताया और उसे फोन करने के लिए कहा। तब मैंने चिमन सिंह को उस नम्बर पर फोन किया, किन्तु वह घर पर नहीं था। तब मैंने यह संदेश छोड़ दिया था कि वह मुझसे मेरे मोबाइल फोन पर सम्पर्क करें। बाद में चिमन सिंह से मेरी बात फोन पर हुई, तब मैंने उसे कलकत्ता आने के लिए कहा था। अभियुक्त चिमन सिंह कलकत्ता आया, तब मैंने उसे होटल पार्क के कमरे में ही नोट के बंडल दिये थे, जो याहया डेबर ने मुझे उसे देने के लिए दिया था। उस दिन मेरी रायपुर की फ्लाईट मिस हो गई, तब फिर मैंने अमित को फोन करके बताया था कि फ्लाईट मिस हो गई है। हमारी बात हो रही थी, उस समय रोहित प्रसाद के साथ था, जो कि उससे फोन लेकर मुझसे बात किया और कहा कि तुम ट्रेन से रायपुर आ जाओ, तब मैं हावड़ा स्टेशन से बिलासपुर का टिकट लेकर ट्रेन से बिलासपुर आया और बिलासपुर से रायपुर अखिल सिंह की गाड़ी से आया था।

26— मैं मजिस्ट्रेट साहब के समक्ष बयान देते समय शायद यह नहीं बताया था कि अमित जोगी ने एन.सी.पी. के तीन लीडर बलविन्दर गग्गी, प्रमोद चौबे एवं रामावतार जग्गी को खत्म कर दो कहा था। मैंने मजिस्ट्रेट साहब को पूरा तथा सच-सच बयान दिया था, जितना मुझे उस समय याद था। यह कहना सही है कि जब अमित जोगी ने लीडर्स को खत्म करने की बात कहा, तब मैं चौंक गया था और घबराया भी था। अमित जोगी को किस-किस ने यह कहा था कि ऐसा करना गलत होगा, उनके नाम

मैं आज नहीं बता सकता। किन्तु मैंने कहा था कि यह ठीक नहीं है, इतना बड़ी कदम नहीं उठाना चाहिए। मैंने सी.बी.आई. को बयान देते समय यह बता दिया था कि मैंने अमित जोगी को मना किया था। सी.बी.आई. ने क्यों नहीं लिखा है, इसका मैं कोई कारण नहीं बता सकता। काफी समय हो जाने के कारण आज ठीक से याद नहीं आ रही है कि मैंने यह बात बयान देते समय मजिस्ट्रेट साहब को बताया था या नहीं कि मैंने जोगी के विचारों से एतराज किया था। यह कहना सही है कि अभियुक्त अमित जोगी ने यह कहा था कि चूंकि रामावतार जग्गी एन.सी.पी. को फायनेंस कर रहा है इसलिए इसी को मरवाना चाहिए। मुझे आज याद नहीं है कि मजिस्ट्रेट को बयान देते समय मैंने यह बात बताया था या नहीं कि अमित जोगी ने रामावतार जग्गी को मरवाने की बात इसलिए कहे थे कि वह एन.सी.पी. को फायनेंस कर रहा है।”

- 54.** Siddharth Asati (PW-97), is also the school friend of accused Amit Jogi. He was in touch with him during college days and when he was working in Delhi, he used to visit his place very often. He also knew the accused Chiman Singh as Chiman Singh's son was studying in Modern School at Bara Khambha, Delhi. Amit Jogi had recommended him to join his cable company. He deposed before the learned trial Court as under:

“6. आकाष चैनल, रायपुर का कार्यालय पगारिया कॉम्प्लेक्स में था। आकाष चैनल के अधिकारियों की मिटींग कन्ट्री क्लब और डेबर हाऊस में प्रायः हुआ करता था। मिटींग में मैं, राजसिंह, नैवनीत जोषी, मोक्ष सिन्हा, भुपेन्द्र सिंह, रोहित प्रसाद, राज अवस्थी आदि भाग लेते थे।

7. छत्तीसगढ़ में राष्ट्रवादी कांग्रेस का गठन हुआ था, जिसकी रैली होने वाली थी। हम लोग मिडिया में उस रैली को असफल बताने के प्रयास में जुटे हुये थे। मैं आकाष चैनल के बिलासपुर शाखा में काम करता था। और व्यावसायिक मिटिंग में शामिल होने के लिये रायपुर आया करता था। मिटिंग में रैली को असफल बनाने के संबंध में याहया डेबर, अभय गोयल अमित जोगी का समर्थन करते थे। मिडिया में किस प्रकार रैली को असफल दर्शाया जाये इस संबंध में सुझाव दिये जाते थे। मैंने इसका कुछ विरोध भी किया था कि इकदम से रैली को असफल बताना भी ठीक नहीं होगा।

9. साक्षी घबराहट में दिखाई पड रहा है, उसे पानी पिलवाया गया, फिर बयान जारी रखा।

11. बिलासपुर में चिमन सिंह के साथी लोग जा चुके थे, किन्तु चिमन सिंह चार – पांच दिन वही हमारे गेस्ट हाउस में रहे। चिमन सिंह से बाते होती थी, तो वह बताता था कि वह राजनैतिक कार्य के लिये वहां आया हुआ हैं। अजित जोगी एवं अमित जोगी ने उसे राजनैतिक कार्य के लिये बुलाये थे, तब वह आया था, किन्तु

उसे गाडी एवं पैसा वैगरहा नही मिल रहा है। और अमित जोगी, रोहित प्रसाद के प्रभाव में आ गया है, इस कारण उसके जोगी परिवार की वर्षों की निष्ठा व्यर्थ जा रही है। चार-पांच दिन बाद चिमन सिंह भी मुझे बिना कुछ बताये चला गया था। उन लोगो का समान वहीं पड़ा रह गया। बाद में नवम्बर के तीसरे सप्ताह असम से कही चिमन सिंह का फोन मेरे पास आया, उसने कहा की उन लोगो का जो समान पडा है, उसे अमित दास नाम का आदमी लेने आयेगा तो दे देना। बाद में अमित दास समान लेने आया था, तब हमने उनके समान को दे दिया था।”

This witness was confronted with his statement made under Section 164 on 27.05.2005 upon which he deposed as under:

“13. यह कहना सही है कि हमारे मिटिंग रायपुर के ग्रीनपार्क होटल में भी हुई थी, ऐसा मैंने नागपुर में मजिस्ट्रेट साहब को दिये गये बयान में बताया था। मुझे आज याद नहीं है कि सी0बी0आई0 द्वारा पुछताछ किये जाने पर मैंने होटल ग्रीनपार्क में मिटिंग होने बताया था या नहीं। नागपुर में मजिस्ट्रेट साहब के समक्ष मेरा बयान अंग्रेजी में हुआ था और उसमें मैंने बताया था कि मई 2003 के तीसरे सप्ताह में कंट्रीक्लब में हुई मिटिंग में एन0सी0पी0 के रैली को “डिसरप्ट” करने की योजना पर डिस्कषन हुआ था। और उस सुझाव का मैंने विरोध किया था तथा अमित के उस सुझाव का सपोर्ट याहया ढेबर एवं अभय गोयल ने किया था।”

55. Raj Singh (PW-100) is also the school friend of accused-Amit Jogi. He had accompanied Amit Jogi during election campaigns on earlier occasion. While he was residing with Amit Jogi, he met with various other accused persons. In his deposition, he stated as under:

“7. जब मैं बिलासपुर ज्वाइन किया था, उसके दो-तीन महीने बाद अभियुक्त चिमन सिंह भी वहां मुझसे मिलने आया था। वह कहता था कि हमें छत्तीसगढ में ही सेटल होना है, और यही व्यापार करेगा। अभियुक्त चिमन सिंह जब पहली बार मेरे पास बिलासपुर आये थे, तो उसके पास एक बोलेरो गाडी थी।

8. एन0सी0पी0 की रैली पूरे स्टेट में हो रही थी। आकाष चैनल के अधिकारियों की मिटिंग में जो चर्चा होती थी, उसमें एन0सी0पी0 की रैली को असफल दर्शाने के लिये खाली जगहो को कैमरे पर कवर करने आदि के सुझाव दिये जाते थे। रैलीयों को असफल करने के लिये कई तरह के सुझाव लोग देते थे। रैली के संबंध में बड़े नेता को बुला कर नाच, गाने का कार्यक्रम करवा के भीड़ को उधर खिंचने के संबंध में सुझाव आये थे।”

This witness was confronted with his statement made under Section 164 upon which he deposed as under:

“10. साक्षी को उसके धारा – 164 द0प्र0सं0 के तहत दर्ज बयान प्रदर्ष पी-91 के पृष्ठ क्रमांक 2 के दुसरे पैरा के वाक्य – “टू स्टॉप सच रैलीज – – – सबटोजिंग दी रैली” को पढकर सुनाया गया और पुछा गया कि ऐसा बयान उसने मजिस्ट्रेट साहब के समक्ष दिया था, तो साक्षी ने यह स्वीकार किया कि उसने ऐसा बयान दिया था।

11. चिमन सिंह अपनी टीम के साथ चुनाव प्रचार के लिये आता था। तथा अमित जोगी ने मेरी सिफारिष तथा सिद्धार्थ कि सिफारिष अकाष चैनल केबल कंपनी ज्वाइन करने के लिये कि थी इस लिये हम लोग छत्तीसगढ आये थे। साक्षी को उसी बयान के दुसरे पृष्ठ दुसरा पैरा के वाक्यांश – “ही विजिट एट छत्तीसगढ” कि और दिलाने पर साक्षी ने ऐसा बयान मजिस्ट्रेट साहब के समक्ष देना बताया। इसी प्रकार साक्षी को उसके आगे का बयान का अंश – “ ही वॉज – – – डूईंग सो ” की ओर दिलाने पर उसने ऐसा बयान मजिस्ट्रेट के समक्ष देना स्वीकार किया।

13. उसके बाद मैं बिलासपुर वापस आया था, सिद्धार्थ ने बताया की जिस दिन मर्डर हुआ था, उसके एक-दो दिन बाद चिमन सिंह भी आया था और उसके साथ दो-तीन और लोग भी आये थे। और एक चिमन सिंह के रिस्तेदार तथा दो-तीन लोग के लिये जॉब के लिये प्रयास कर रहे थे, और एक दिन रुक कर चले गये थे। साक्षी का ध्यान उसके धारा 164 द0प्र0सं0 के बयान पृष्ठ 2 के पैरा तीन के नौवीं पंक्ती के वाक्यांश “ सिद्धार्थ टोल्ड मी – – – ऑलसो लेफ्ट ” की ओर दिला कर पुछने पर साक्षी ने ऐसा बयान मजिस्ट्रेट के समक्ष देना स्वीकार किया। सिद्धार्थ ने मुझे यह भी बताया था कि चिमन सिंह वहां रुका था, तो यह कह रहा था कि उसने अपना काम किया है, फिर भी उसकी मदद नहीं कर रहा है और उसको दी गई बोलेरे गाड़ी भी वापीस ले ली गई है।

14. चिमन सिंह ने ऐसी शिकायत मुझसे भी अप्रैल माह में आया था, तब किया था। साक्षी का ध्यान उस की धार 164 द0प्र0सं0 के अंतर्गत दर्ज बयान के अंतिम तीन पंक्तीयों के वाक्यांश – “ दीस एटिट्यूट – – – मर्डर ऑफ जग्गी ” की ओर दिला कर यह पुछने पर की उसने ऐसा बयान मजिस्ट्रेट के समक्ष दिया था, तो साक्षी ने सही स्वीकार किया कि उसने ऐसा बयान दिया था।

20. यह सही है कि एन0सी0पी0 की रैलिया पूरे छत्तीसगढ जगह-जगह पर हो रही थी। और रैलीज को लेकर हमारी मीटिंग में चर्चा होती थी। यह कहना सही है कि मई के तीसरे सप्ताह में कंट्री क्लब रायपुर में हमारी मीटिंग हुई थी। जिसमें भी चर्चा का एक विषय था कि रैली को कैसे असफल होना दिखाया जाए। यह सही है कि नागपुर में मजिस्ट्रेट साहब के पास दिये गए बयान में जो मैंने “टू स्टॉप सच रैलीज” शब्द का इस्तेमाल किया है, उससे मेरा आशय उन रैली को असफल कैसे दिखाया जाए, से था। यह कहना गलत है कि मीटिंग में राष्ट्रीय स्तर के नेताओं को एन0सी0पी0 छोडकर कांग्रेस में कैसे शामिल किया जाए, इस पर भी चर्चा हुई थी।”

56. Ajit Singh (PW-104) used to work in Park Hotel, Kolkata. On

17.05.2005, he was posted there as Manager. He has proved that Rejinald Jeremiah (PW-85) stayed in the hotel 25.06.2003 to 29.06.2003. The relevant part of the deposition reads as under:

“2. उस दिन सी0बी0आई के आधिकारी मेरे पास आकर दिनांक 25.06.2003 से 29.06.2003 तक पार्क होटल में ठहरने वाले मिस्टर रेजिनाल्ड जेरेमिया के बिल के प्रतिलिपि के मांग किए थे, तो मैंने उन्हें उक्त बिल की कंप्यूटर जेनेरेटेड कापी प्रदान किया था। उक्त बिल चार पृष्ठों में हैं, जिसे सी0बी0आई वालों ने जप्ती पत्रक प्रदर्ष पी-96 के अनुसार मुझसे जप्त किया था। जप्ती पत्रक प्रदर्ष पी - 96 के अ से अ भाग पर मेरे हस्ताक्षर है। जप्तपुदा बिल प्रदर्ष पी -96“ए है जिसके ऊपर सत्यप्रतिलिपि प्रमाणित करते हुए मैंने अ से अ भाग पर अपने हस्ताक्षर किया था।

3. मैं आज अपने साथ होटल में रखे जाने वाला यात्रियों के एराइवर डिपारचर रजिस्टर को मूलतः ले कर आया हूँ। इस रजिस्टर प्रदर्ष पी- 97 के पृष्ठ क्रमांक 126 पर रेजिनाल्ड जेरेमिया का रूम नंबर- 314 में ठहरने की प्रवृष्टि अ से अ भाग पर है तथा पृष्ठ नंबर - 138 पर उनके होटल छोड़ने संबंधी प्रवृष्टि अ से अ भाग पर है। इन दोनों पृष्ठों की फोटोकापी होटल के फायनेंस डायरेक्टर द्वारा प्रमाणित है, जिसे पेश कर रहा हूँ जो प्रदर्ष पी- 97 “सी” एवमं प्रदर्ष पी- 97 “सी” - 2 है। मूल रजिस्टर से फोटोकापी का मिलन कर मूल रजिस्टर साक्षी को वापिस किया गया।

4. मैं आज पार्क होटल का कैष स्टेटमेंट रजिस्टर मूलतः अपने साथ लेकर आया हूँ। इस रजिस्टर में पृष्ठ क्रमांक - 1701 पर श्री रेजिनाल्ड जेरेमिया द्वारा दिनांक 25.06.2003 को होटल में रूम नंबर - 314 में ठहरने पर एडवांस के रूप में जमा कराई गई राशि पंद्रह हजार रुपये की प्रवृष्टि है। मूल रजिस्टर पर वहीं प्रवृष्टि प्रदर्ष पी - 98 है। संबंधित पृष्ठ की फोटोकापी प्रदर्ष पी - 98 “सी” है। संबंधित प्रवृष्टि अ से अ भाग पर है। मूल से फोटोकापी का मिलन कर मूल साक्षी को वापिस किया गया।”

- 57.** Vishnu Prasad Thakur (PW-105) is the employee of Ajay Travels. He has proved the Air Tickets (Exhibit P/69, P/70 and P/71) issued in favour of Reginald Jeremiah (PW-85) which were from Raipur to Bhubaneshwar and Kolkata to Gauhati and return from Kolkata.
- 58.** Rohit Prasad (PW-126), is also one of the founder member of Akash Channel which was started in the month of October, 2002 in Chhattisgarh. He was acquainted with Chimam Singh also. This witness stated that Chimam Singh and the then Chief Minister had good relations.

He stated that Chiman Singh was residing at Batra House which belonged to Yahya Dhebar and Chiman Singh was staying in the said place on being instructed by the then Chief Minister. The relevant part of the deposition reads as under:

“4. बत्रा हाउस रायपुर में आकाष चैनल के करीब 15 आदमी जो दिल्ली से आये हुये थे, वह स्थायी रूप से रहते थे तथा अन्य कर्मचारी लोग बाहर से आते थे, वे भी वहां रुका करते थे। बत्रा हाउस याहया डेबर का था। याहया डेबर तथा उसके भाई एजाज डेबर को जानता हूं। एजाज डेबर उस समय छत्तीसगढ़ एन0एस0यू0आई0 का प्रिसिडेंट था। मैंने याहया डेबर को यह कहा था कि यदि चिमन सिंह बत्रा हाउस में रुकने के लिये आता है, तो उसे कहे कि यह अकाष चैनल के कर्मचारियों के लिये है और उसे वहां न रुकने दे। मैंने याहया डेबर से चिमन सिंह के बारे में पूछा था, तब याहया डेबर ने बताया था कि चिमन सिंह के संबंध में कांग्रेस पार्टी सी0एम0 हाउस से उनके पास फोन आया था कि चिमन सिंह के रुकने का इंतजाम करने में मदद कर दें।

6. यह सही है कि सी0बी0आई0 वालो ने मुझसे पूछताछ करके बयान लिया था। यह कहना सही है कि मैंने सी0बी0आई0 को बयान देते समय यह कहा था कि मिस्टर राज अवस्थी जोगी फ़ैमलि को पहले से जानता था और उनके साथ निकट सहयोग रखता था। यह सही है कि मैंने सी0बी0आई0 को बयान देते समय यह बताया था कि मैं रायपुर आता था। तब अमित जोगी के साथ डिनर आदि में मिलता था, तब उसके साथ सिद्धार्थ असाठी, मोक्ष सिन्हा, नवनीत जोषी, भूपेन्द्र सिंह, राज अवस्थी, राजवीर सिंह, लव कुमार मिश्रा, माईकल विलियम्स, अर्जुन भगत, रेजिनाल्ड जेरेमिया और रायपुर के निवासी अभय गोयल, याहया डेबर आदि उपस्थित रहते थे। डिनर आदि का कार्यक्रम कंट्री क्लब अग्रेरोकिषिया रेस्टोरेंट, ग्रीन वार्क क्लब आदि स्थानों में हुआ करता था।

7 मैंने सी0बी0आई0 को ऐसा बयान नहीं दिया था कि एक मिटिंग में विद्याचरण शुक्ल की रैली को बाधित करने के संबंध में चर्चा हुई थी, जिसमें मैं उपस्थित था मैंने सी0बी0आई0 को यह बयान दिया था कि एक मिटिंग में अमित जोगी के दोस्तों के द्वारा रैली को डिस्टर्ब करने के संबंध में विभिन्न सुझाव दिये थे जिनमें परिवाहन जीप को बंद करने का सुझाव शामिल था और मैंने अकाष चैनल प्रतिनीधि के रूप में रैली से संबंधित समाचारों के कवरेज को रोकने के लिये कहा था तथा अमित जोगी, याहया डेबर ने निर्णय किया था कि एन0सी0पी0 के नेता जिसमें रामावतार जगगी शामिल हैं, को हर कीमत पर रोका जाये, जिसमें भैतिक बल द्वारा रोकना भी शामिल है।

8 मुझे आज याद नहीं है कि मैंने सी0बी0आई0 को बयान देते समय यह कहा था कि 2003 में चिमन सिंह मुझ से मिल कर यह कहा था कि उसे अमित जोगी ने

राजनितिक कार्य के लिये बुलाया है। यह सही है कि मैंने चिमन सिंह को कहा था कि वह भिलाई क्षेत्र का सर्वे करें और वह भिलाई गया भी था। किन्तु उसने आगे क्या किया मुझे पता नहीं है। मैंने सी0बी0आई0 को बयान देते समय यह नहीं कहा था कि उन्हें नें चिमन सिंह को अकाष चैनल में काम देने से इंकार कर दिया था मैंने सी0बी0आई0 को बयान नहीं दिया था कि मैंने चिमन सिंह की यह कहा था कि वह और उसके आदमी पूरे दिन षराब पिते है और काम करने के स्थान पर समस्या खडी करते है इसलिए मुझे उसकी और उसके आदमियों की आवश्यकता नहीं है। मैंने सी0बी0आई0 को बयान देते समय यह नहीं बताया थी कि चिमन सिंह के भिलाई से लैटने के बाद मुझे ज्ञात हुआ कि वह बत्रा हाउस में, जहां अकाष चैनल के स्टॉफ रहता है वहां रुका है तब मैं याहया डेबर से पूछा था कि चिमन सिंह वहां क्यूं ठहर रहा है, तब याहया डेबर ने मुझसे कहा था कि उसे अजित जोगी से एक कॉल प्राप्त हुआ है, जिसमें चिमन सिंह एवं उसके आदमियों के ठहराने के लिए कहा गया था।

12. मैं रंजित बुसरी को अपने स्कूल के दिनों से ही जानता हूं। और उससे मेरी अक्सर मुलाकाते होती रहती है हम अच्छे दोस्त है। यह सही है कि मैंने दिल्ली में मजिस्ट्रेट साहब को बयान देते समय यह कहा था कि मई 2003 के प्रथम सप्ताह में चिमन सिंह मेरे पास आकर कहा था कि उसको अमित जोगी ने रायपुर बुलाया है और चिमन सिंह ने कहा था कि वह बत्रा हाउस में ठहरा है, जहां अकाष चैनल के अन्य कर्मचारी रहते है। मैंने मजिस्ट्रेट साहब को यह भी बताया था कि मैंने याहया डेबर से जो कि बत्रा हाउस का स्वामी है, से यह पूछा था कि चिमन सिंह का उसके साथी बत्रा हाउस में क्यूं ठाहरे है, तब याहया डेबर यह कहा था कि अमित जोगी ने उससे चिमन सिंह और उसके साथियों के लिए रहने की व्यवस्था करने को कहा था। यह सही है कि मैंने मजिस्ट्रेट साहब को प्रदर्ष पी – 119 ब से ब चिन्हांकित अंश “ मिस्टरअमित जोगी – – – द इन्स्ट्रक्शन ” का कथन दिया था। साक्षी ने ब से ब चिन्हांकित अंश को पढकर ऐसा कथन देना स्वीकार किया।

13. ए0बी0सी0 पब्लीसिटी के नाम से खरीदी गई बोलेरो वाहन सिलवर कलर की थी, उसका नंबर आज मुझे याद नहीं है। वर्ष 2003 में हमारे पास 6 बोलेरो गाडीयां थी। जिनमें से एक ए0बी0सी0 पब्लीसिटी के नाम से थी। यह सही है कि मैंने दिल्ली के मजिस्ट्रेट साहब के समक्ष प्रदर्ष पी – 119 के स से स चिन्हांकित अंश “ आई यूज्ड टू – – – ग्रीन पार्क होटल ” का कथन दिया था और यह अंश मेरे बताये अनुसार लिखा गया है। यह सही है कि मैंने मजिस्ट्रेट के समक्ष बयान में प्रदर्ष पी- 119 का ड से ड चिन्हांकित अंश “ सम टाईम – – – फॉर दिसवर” का संपूर्ण कथन दिया था। साक्षी को ड से ड अंश पढ कर सुना कर पूछने पर उसने ऐसा कथन देना स्वीकार किया।

14. यह सही है कि मैंने प्रदर्ष पी – 119 का ई से ई चिन्हांकित अंश “ ऑन आर एराउंड – – – इन बिटविन ” का कथन मजिस्ट्रेट साहब कि समक्ष दिया था और यह संपूर्ण पैरा मेरे बताये अनुसार ही लिखा गया है। यह सही है कि मैंने

मजिस्ट्रेट साहब के समक्ष बयान देते समय उन्हें यह बताया था की जून 2003 के अंत एवं जुलाई के प्रथम सप्ताह में इसी समय अमित जोगी ने दिल्ली में मुझे 5 लाख रुपये याहया डेबर को रायपुर में देने के लिये कह कर दिया था, इन रूपयों को मैं याहया डेबर को दे दिया था। यह सही है कि मैं ने मजिस्ट्रेट साहब को बयान देते समय प्रदर्ष पी- 119 का फ से फ अंश " आई केम टू - - - पोलिटिकल डिस्कषन " का कथन दिया था। साक्षी को उक्त अंश पढ कर सुनाये जाने पर उसने ऐसा बयान देना स्वीकार किया। यह सही है कि मुझे दिल्ली में वाहन की आवश्यकता हुई तो मैंने याहया डेबर को रायपुर में मेरे चार बोलेरो वाहन में से एक बोलेरो गाडी भेजने के लिये कहा था, तब याहया डेबर ने एक सिलवर बोलेरो वाहन नंबर - 3835 को दिल्ली भेजा था, जो वाहन बाद में सी0बी0आई0 द्वारा जप्त कि गई है यह कहना कहना सही है कि यह बोलेरो वाहन नंबर - 3835 श्री रंजित बुसरी की फेक्ट्री से जप्त हुई थी और रंजित को वह वाहन मैंने ही दिया था।"

59. In the memorandum statement (Exhibit P/26) of accused-Chiman Singh which has been proved by B.K.G.Naidu (PW-20), Chiman Singh has stated that he was associated with the then Chief Minister and father of accused-Amit Jogi as political worker. He was called by Amit Jogi over phone and asked to come to Raipur. He met Amit Jogi where he was introduced to Abhay Goyal, Yahya Dhebar, Ejaj Dhebar, Rohit Prasad. He was instructed by Amit Jogi that he has to perform the works as directed by Abhay Goyal, Rohit Prasad and Yahya Dhebar. He was instructed to keep an eye on four persons belonging to NCP and that if required, he will have to threaten them also.
60. Mahant @ Bultu Pathak (PW-64), one of the approver, in his deposition before the learned trial Court, has stated as under:

"12- सूर्यकांत तिवारी ने सुरेश सिंह को बुलवाकर यह बताया था कि उन लड़कों को बनारस भेज दो, वहीं से इन्हें गिरफ्तार करवाना है। सूर्यकांत तिवारी ने सुरेश सिंह को इस काम के लिए तीनों लड़के विनोद सिंह, आनंद कुमार और बाबू उर्फ जामवंत को पंद्रह लाख रुपये देने के लिए सुरेश सिंह को दिया था, उस समय सुरेश सिंह ने यह कहा था कि इतना ज्यादा रुपये इन लोगों को क्यों दे रहे हो, जब 4-6 महीने में छुड़ा लेना है, इससे अच्छा जिसने हत्या की है उसे ही इतना रुपया दे दो और उसी को जेल भेजकर छुड़ा लो। तब सूर्यकांत तिवारी ने यह कहा कि वे बड़े लोग हैं और साहब के नजदीकी लोग हैं, इसमें हम लोगों को फर्जी मुलजिम ही

प्रस्तुत करना है, नहीं तो साहब का आ जायेगा। सूर्यकांत तिवारी श्री अजीत जोगी साहब बोलते थे और अमित जोगी को कभी छोटे सरकार तो कभी साहब बोलते थे। अमित जोगी आज न्यायालय में उपस्थित है।”

61. Further, from perusal of another approver, namely Suresh Singh (PW-65), it transpires that the investigation conducted by the State Police prior to the introduction of the CBI was nothing but an attempt to take the entire investigation into a wrong track so as to give a safe passage to the real assailants.
62. A perusal of the testimonies of Madan Singh (PW-59), Patras Khalkho (PW-96), Prem Bahadur Gurung (PW-102), Kameshwar Baghel (PW-92), and R.S. Nayak (PW-87), all of whom were posted on security duty at the CM House, indicates that they have, in one form or another, stated that individuals such as Chiman Singh, Surya Kant Tiwari, Law Kumar Mishra, Moksh Sinha, Raj Awasthi, Abhay Goyal, and Yahya Dhebar were among those who used to visit the CM House. However, they have also categorically deposed that numerous other persons frequently visited the premises as well.
63. From perusal of the deposition made by Reginald Jeremiah (PW-85) it is amply clear that he was acquainted with Amit Jogi from their time as students at St. Stephen's College, Delhi. According to him, on 21.05.2003, Amit Jogi called him to Green Park Hotel, where a meeting was held to discuss plans to sabotage an NCP rally. He confirmed the presence of several individuals, including Rohit Prasad, Raj Awasthi, Moksh Sinha, Arjun Bhagat, Michale Williams, Raj Singh, Bhupinder Singh, Navnit Joshi, Siddharth Asati, Abhay Goyal, and Yahya Dhebar. During the meeting, Amit Jogi suggested eliminating Balwinder Jaggi, Pramod Choubey, and another individual associated with the NCP. PW-85, along with a few others, objected and urged him not to harm anyone,

but Amit Jogi ignored their objections. He has further stated that Amit Jogi asked who had called Chiman Singh to the hotel. When Chiman Singh arrived, all others were asked to leave the room, leaving only Amit Jogi, Rohit Prasad, and Chiman Singh inside. Similarly, Siddharth Asati (PW-97), who was also associated with Akash Channel in 2003, corroborated the occurrence of this meeting and confirmed the presence of the accused persons. He has stated that he had recorded his statement (Exhibit P/87) before a Magistrate in Nagpur. He mentioned that he frequently met Amit Jogi in Delhi and later joined Akash Channel in Raipur at his request. He described that meetings of Akash Channel officials were held at Country Club and Dhebar House, attended by individuals such as Raj Singh (PW-100), Navneet Joshi, Moksh Sinha, Bhupendra Singh, Rohit Prasad, and Raj Awasthi. During this time, the NCP had been formed in Chhattisgarh, and efforts were being made to portray its rally as unsuccessful. He deposed that Amit Jogi, Yahya Dhebar, and Abhay Goyal were actively involved in plans to disrupt the rally, which he opposed. He further stated that in the third or fourth week of May 2003, Chiman Singh came to Bilaspur seeking accommodation for political work. Siddharth Asati arranged a guest house for him, where 5-6 other individuals also stayed. After the incident involving the deceased, the others left, but Chiman Singh remained for 4-5 days. Chiman Singh allegedly told him that he had come on the instructions of Amit Jogi and Ajit Jogi but had not been provided with financial or logistical support. He also expressed dissatisfaction, stating that Amit Jogi was influenced by Rohit Prasad. Later, Chiman Singh left Bilaspur without notice, leaving behind his belongings. In November, Siddharth received a call from him from Assam requesting that his belongings be handed over to one Amit Das. Siddharth also admitted that in his earlier

statement before the Magistrate, he had mentioned a meeting at Country Club in May 2003 regarding disrupting the NCP rally, where Amit Jogi's proposal was supported by Yahya Dhebar and Abhay Goyal.

- 64.** Raj Singh (PW-100), who had known Amit Jogi since school days, stated that he first met Chiman Singh in 1995 at Amit Jogi's residence in Delhi. He explained that Raj Awasthi was seeking business associates for Akash Channel, leading to the involvement of individuals like Siddharth Asati, Moksh Sinha, Reginald Jeremiah (PW-85), and Navneet Joshi. He described how strategies were devised to disrupt the NCP rally and portray it as a failure. In his statement under Section 164 Cr.P.C., he mentioned that Chiman Singh was provided with a Bolero vehicle by Yahya for political activities. After the murder of the deceased, Chiman Singh reportedly told Siddharth that he had "done the work" but was no longer receiving support, and his vehicle had been taken back. Raj Singh inferred from this behavior that Chiman Singh had been involved in wrongdoings.
- 65.** When the prosecution case against all the accused persons is founded upon a common, cogent, and interlinked body of evidence, such evidence must be assessed uniformly, unless there exist clear and discernible grounds for differentiation. Where the same set of witnesses, documentary materials, and surrounding circumstances have been relied upon to sustain the conviction of the co-accused, the acquittal of the principal or main accused, whose role is alleged to be central to the commission of the offence calls for strict judicial scrutiny. In the absence of any material inconsistency, contradiction, or specific exculpatory circumstance distinguishing his case from that of the convicted co-accused, such an acquittal would be inherently incongruous and legally unsustainable. It is particularly significant that the main accused is often

attributed a more active, decisive, or supervisory role in the commission of the crime. Therefore, if the evidence is found sufficient to establish the guilt of the co-accused, who are alleged to have acted in furtherance of a common intention or conspiracy, the same evidentiary foundation would, a fortiori, apply with greater force to the principal accused. To hold otherwise would result in a manifest inconsistency, whereby the substratum of the prosecution case is accepted for some accused while being rejected for another, without any rational basis. Such an approach undermines the principle of parity and erodes the logical coherence of judicial findings. Moreover, criminal courts are obligated to ensure that findings are not only legally sound but also internally consistent. Selective appreciation or rejection of evidence, without assigning cogent and convincing reasons, amounts to arbitrariness and vitiates the judgment. If no distinguishing feature, such as absence from the scene, lack of participation, credible alibi, or material contradictions in testimony vis-à-vis the main accused is brought on record, the grant of acquittal to him alone would amount to a perverse finding. It would suggest either misappreciation of evidence or an erroneous application of legal principles, thereby occasioning a failure of justice. Thus, in such circumstances, the acquittal of the main accused, despite the conviction of co-accused on identical evidence, cannot be sustained unless it is supported by compelling reasons demonstrating that his case stands on a clearly different and distinguishable footing. In the absence of such justification, the only logical and legally permissible conclusion would be to extend the same finding of guilt to the principal accused, so as to preserve consistency, fairness, and the integrity of the judicial process.

- 66.** Upon a comprehensive evaluation of the foregoing analysis, this Court is of the considered view that the findings recorded by the learned Special

Judge, insofar as they relate to the acquittal of the accused, Amit Jogi, are erroneous and not borne out by the evidence on record. On the contrary, from the entire evidence, it is amply clear that Amit Jogi was the mastermind of the entire conspiracy and he was also having the commanding position being the son of the then Chief Minister. He was an influential person to such an extent that he could manage Police authorities to arrange for persons who could forge themselves as the assailants. The transaction of funds, evidence of frequent meetings in Batra House, Hotel Green Park and CM House of the accused persons alongwith Amit Jogi clearly demonstrates that he was aware of all the activities right from the very beginning and the entire offence was orchestrated as per the directions of Amit Jogi. The learned trial Court has not assigned any reason to distinguish the case of the accused-Amit Jogi with that of other conspirators.

- 67.** It is pertinent to note that the learned trial Court, by judgment dated 31.05.2007 in Sessions Trial No. 334/2003, acquitted the accused—Vinod Singh @ Badal, Shyam Sundar @ Anand Sharma, Jambwant Kashyap, Avinash Singh @ Lallan, and Vishwanath Rajbhar, who had allegedly impersonated the assailants. However, the manner in which the offence was conceived, coordinated, and executed unmistakably reflects a well-entrenched and centrally directed conspiracy. The orchestration of such a sophisticated and high-level organized crime, particularly one involving imposters, pre-planned execution, and apparent compromise of the State Police machinery could not have been possible without the active involvement, guidance, and protection of a person wielding considerable influence and authority. In this backdrop, the role of accused-Amit Jogi assumes critical significance. The material on record, when appreciated holistically, points towards his position not

merely as a passive or incidental beneficiary, but as the principal architect and driving force behind the conspiracy and the ultimate beneficiary. The scale of planning, the coordination among multiple actors, and the systemic shielding of the perpetrators collectively indicate that such an operation required a commanding figure exercising control and instilling confidence among the co-conspirators attributes that are clearly attributable to Amit Jogi. Consequently, his involvement stands on a higher footing than that of the other accused, and his acquittal, in the face of such compelling circumstances, is rendered wholly unsustainable and contrary to the weight of evidence on record.

- 68.** It is pertinent to note that the learned Trial Judge has unnecessarily attempted to distinguish the role of accused-Amit Jogi from that of the other co-accused/convicts. The finding that the co-accused acted independently to please Amit Jogi, without his knowledge, and in a manner not contemplated by him, is unsustainable. On the contrary, the evidence indicates that the plan to eliminate the NCP office bearers originated from Amit Jogi himself. Therefore, the distinction drawn by the learned Trial Judge is artificial, unwarranted, and devoid of merit.
- 69.** In view of the foregoing discussions, we are of the considered opinion that the judgment passed by the learned trial Judge acquitting the accused-Amit Jogi is palpably illegal, wrong, perverse, contrary to the evidence available on record and without any concrete basis. As such, the judgment dated 31.05.2007 passed in Sessions Trial No. 329/2005 by the learned Special Judge (Atrocities), Raipur, so far it relates to the acquittal of the accused-Amit Jogi, being untenable, is liable to be and is accordingly set aside. The accused-Amit Jogi is also liable to be convicted and awarded sentence as has been awarded to the other

convicts, namely Chiman Singh, Yahya Dhebar, Abhay Goyal and Feroz Sidhiquie.

70. Accordingly, the accused-Amit Jogi @ Amit Aishwarya Jogi, is held guilty and is convicted for the offence punishable under Section 302 read with Section 120-B of the IPC and is sentenced to undergo imprisonment for life with fine of Rs.1,000/-, and in default thereof, to undergo additional six months of rigorous imprisonment.
71. Resultantly, **ACQA No. 66/2026**, filed by the appellant-CBI stands **allowed**. The revision petition being **CRR No. 434/2007**, filed by the complainant-Satish Jaggi, also stands **disposed of**. Since we have already affirmed the conviction and sentence awarded to other accused/convicts in Cr.A. No. 426/2007 and other connected appeals vide judgment dated 04.04.2024, the revision petition being **CRR No. 232/2008**, filed by the complainant-Satish Jaggi, is **dismissed** as having become infructuous.
72. Consequently, the application(s) pending if any, also stand disposed of.
73. It is stated that the accused-Amit Jogi @ Amit Aishwarya Jogi is on bail. His bail bonds shall remain operative for a period of three weeks from today during which period he shall surrender before the concerned trial Court, failing which the learned trial Court shall take him into custody and send him to jail for serving out the sentence as has been awarded by this Court.
74. The Registry is directed to forward a copy of this judgment to the respondent No. 1/accused- Amit Jogi @ Amit Aishwarya Jogi, informing him of his right to challenge the present judgment before the Hon'ble Supreme Court, either independently or with legal assistance from the

High Court Legal Services Committee or the Supreme Court Legal Services Committee.

- 75.** The Registrar (Judicial) is also directed that a certified copy of this judgment, along with the original trial Court records, be transmitted to the concerned Trial Court for information and necessary action, if any, within a period of one week from today.

Sd/-

(Arvind Kumar Verma)
JUDGE

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE

Head Note

An artificial distinction cannot be drawn in favour of a particular accused when all are charged with participation in a common offence. Where the prosecution case rests on the same set of evidence against all accused, it would be impermissible to acquit one accused while convicting the others on that very evidence, unless a strong and compelling case for acquittal is independently made out in favour of such accused.