



2026:CGHC:26528-DB

**AFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 2480 of 2025**

Meenu Kalmu Alias Kalmumi Manoj Alias Denga S/o Lacchu Aged About 40 Years R/o School Para, Pallevaya, Thana Bharamgarh, District Bijapur Chhattisgarh (Accused/ Appellant No. 1)

**... Appellant****versus**

State Of Chhattisgarh Through Officer-In-Charge Police Station Jangla District Bijapur Chhattisgarh

**... Respondent**

(Cause title taken from Case Information System)

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For Appellant : Mr. B.P. Rao, Advocate

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For Respondent/State : Mr. Shaleen Singh Baghel, Govt. Advocate

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**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Judgment on Board****Per Ramesh Sinha, Chief Justice****30/06/2026**

1. The present criminal appeal has been filed by the appellant against the impugned judgment of conviction and sentence dated 22.09.2025, passed by the learned Special Judge (NIA Act/Scheduled Offences Revenue District Sukma and Bijapur), Place South Bastar, Dantewada,

in NIA Scheduled Offence Case No. 26 of 2023, whereby the appellant has been convicted and sentenced in the following manner:-

CONVICTION	SENTENCE
U/s 04 of The Explosive Substance Act 1908	10 Years Rigorous Imprisonment with fine of Rs. 10,000/-. In default of Payment of Fine amount additional Rigorous Imprisonment for 6 Months.
U/s 05 of The Explosive Substance Act 1908	05 Years Rigorous Imprisonment with fine of Rs. 5,000/-. In default of Payment of Fine amount additional Rigorous Imprisonment for 3 Months.

2. The case of the prosecution, in brief, is that The police of police station Bhairamgarh received a secret information on 14-04-2023 that the members of banned Maoist organization are trying to explode the explosive substance for causing harm to police party, for which they are searching the appropriate place and gathered at village Fullod. The police also received information that they also delivered some explosive substance at their new camp Hiroli Pusnar, so that the members of the said banned organization may cause harm in a large scale. After receiving secret information and informing it to the higher police authorities, the police party, on the oral instruction of Superintendent of Police, Bijapur along with the independent witnesses proceeded towards village Fullod along with arms and ammunition. After seeing the police party, the members of banned organization started running and then they were intercepted by the police, however four persons were succeeded in fleeing and the police could arrest only one person. He disclosed his name as Meenu Kamlu @ Kalmumi Manoj @ Denga and

member of the said banned organization of Bhairamgarh Area Committee. On being searched, one electric detonator has been recovered from the pocket of his pant. He could not produce any valid document for its possession and the said detonator has been seized in presence of the witnesses. The accused was arrested on spot and his memorandum statement was recorded, in which he disclosed the involvement of other members of the said banned organization and also disclosed that, while fleeing, he thrown the explosive substance and knife in the field. Thereafter, on his instance the explosive substance and knife has been seized and F.I.R has been registered.

The absconded accused persons could not be arrested despite efforts made by the police authorities and then the investigation against the arrested accused was completed and after obtaining necessary sanction for prosecution from the District Magistrate, the charge sheet has been filed against the appellant before the learned trial Court for the offence under Sections 34, 120-B, 147, 148, 149 of IPC and Sections 4 and 5 of the Explosive Substances Act, 1908 and Sections 16, 20 and 38 of the Unlawful Activities (Prevention) Act, 1967.

3. The learned trial Court framed charge against the appellant for the offence under Section 148 of IPC, Sections 4 and 5 of Explosive Substances Act, 1908 and Sections 20, 38(2) and 39(2) of the Unlawful Activities (Prevention) Act, 1967. The appellant denied the charge and claimed trial.
4. In order to prove the charge against the appellant, the prosecution has examined as many as 11 witnesses. Statement of the appellant under

section 313 of CRPC has also been recorded, in which he denied the circumstances appears against him, pleaded innocence and have submitted that he has been falsely implicated in the offence.

5. Considering the evidence produced by the prosecution, the learned trial Court has acquitted the appellant from the offence under Sections 148 of IPC and Sections 20, 38(2) and 39(2) of Unlawful Activities (Prevention) Act, 1967, however, the appellant has been convicted for the offence under Sections 4 and 5 of Explosive Substances Act, 1908 and sentenced him as has been mentioned in the earlier part of this judgment. Hence, this appeal.
6. Learned counsel for the appellant would submit that, the prosecution has failed to prove its case beyond reasonable doubt. There are material omissions and contradictions in the evidence of prosecution witnesses, which cannot be made basis to convict him for the alleged offence. The case of the prosecution has not been supported by any independent witnesses and the other witnesses have not fully supported the prosecution's case. All the witnesses are police witnesses, who are interested with the prosecution agency. There is no evidence on record that the appellant was the active member of banned organization or any explosive substance has been seized from his possession. The alleged explosive substance have been recovered by the police from a field, which is an open place and only to implicate the present appellant in the offence, he has been arrested showing the seizure made from him. Alleged memorandum of the appellant is inadmissible piece of evidence and the case of the prosecution is based on the said memorandum.

Therefore, there is lack of cogent and clinching evidence against the appellant and he is entitled for acquittal.

7. On the other hand, learned counsel appearing for the State opposes the submissions made by learned counsel for the appellant and has submitted that the prosecution has proved its case beyond reasonable doubt. But for minor omissions or contradictions the evidence of the prosecution witnesses are fully reliable, which are sufficient to hold the appellant guilty for the alleged offence. When the police proceeded for search on the secret information, the appellant started running, however he was being detained and other accused persons were succeeded in fleeing. From the appellant, one electric detonator has been seized and on his instance other explosive substances have been seized, which he thrown during his flee. The witnesses have duly supported the memorandum and seizure and the seizure of electric detonator has not been explained by the appellant, as to how he came into possession of the same. The place, where the electric detonator was seized and the appellant was found, is highly sensitive area, densely affected the naxalite activities and in such area, the appellant was found in possession of electric detonator, for which he was being prosecuted. The recovery has been duly proved and therefore, he has rightly been convicted by the learning trial Court after appreciating the evidence available on record. There is no infirmity or perversity in the impugned judgment passed by learning trial Court and the appeal of the appellant does not have any merit and same is liable to be dismissed,

8. We have heard learned counsel for the appellant and gone through the evidence of the witnesses from the paper book prepared from original record.
9. PW-1 Kamlesh Korsu, though cited by the prosecution as an independent witness, but he did not support the prosecution case during his examination-in-chief and was consequently declared hostile. He admitted his signature over the documents (exhibit P-1 to P-16).
10. PW-2 Taresh Sahu, who was posted as SDOP, Bhairamgarh at the relevant time, has fully supported the prosecution case. He categorically deposed that on 14.04.2023, after receiving credible secret information regarding the movement of members of the banned Maoist organization carrying explosive substances, he recorded the *Dehati Nalishi* (Ex. P-14), issued notices to the independent witnesses under Section 160 CrPC, and prepared the secret information panchnama (Ex. P-2). He further stated that, in the presence of the witnesses, search proceedings were first conducted by preparing the witnesses' search panchnama (Ex. P-15) and thereafter the search panchnama of the police personnel and their vehicles (Ex. P-3), so as to ensure transparency in the search operation. He deposed that the personal search of the appellant was thereafter conducted vide Ex. P-4, during which one electric detonator was recovered from the right pocket of the appellant's pant, whereafter the recovery panchnama (Ex. P-5) was prepared. On a notice (exhibit P-7) given to him failed to produce any valid licence or authority for possessing the electric detonator. He further proved that while in custody, the appellant voluntarily made a disclosure statement (Ex. P-

8), stating that he had thrown the knife and explosive substance in the field while fleeing, pursuant to which the appellant led the police party to the place of concealment and the recovered articles were seized vide seizure memos (Exs. P-9 and P-10). He also proved the preparation of the spot map (Ex. P-11), the arrest memo (Ex. P-12), and the registration of the FIR (Ex. P-16), thereby establishing the entire sequence of events from receipt of information till the registration of the crime.

Despite a lengthy cross-examination, the core of PW-2's testimony remained wholly unshaken. He consistently maintained that the police party had departed from Police Station Jangla at about 7:00–7:30 a.m. after recording the secret information in the rojnamcha and preparing the secret information panchnama. He denied all suggestions that no secret information had been received, that the appellant had not been apprehended at the spot, that no electric detonator had been recovered from his possession, or that no memorandum statement had been made by the appellant leading to the recovery of incriminating articles. The minor omissions elicited during cross-examination, such as non-mention of the names of individual police personnel searched, the registration numbers of the motorcycles, the size of the electric detonator in the seizure memo, or the fact that the appellant's pant was not separately seized, are merely procedural irregularities which do not strike at the substratum of the prosecution case. Likewise, the fact that the seizure memo records the time of seizure at 9:50 a.m. while the *Dehati Nalishi* was recorded at 10:00 a.m. only reflects the sequence of events and does not create any material inconsistency affecting the

genuineness of the recovery. PW-2 firmly denied the defence suggestion that the seized articles had in fact been recovered from the jungle and falsely planted upon the appellant. His testimony inspires confidence, is consistent with the documentary evidence proved by him, and stands duly corroborated by the evidence of the other official witnesses and the documents. In these circumstances, the evidence of PW-2 constitutes a reliable and trustworthy foundation for holding that the appellant was found in possession of the electric detonator and that further recoveries were effected pursuant to his voluntary disclosure.

11. PW-3 Ramdhar Jurri identified the appellant before the Court and deposed regarding the appellant's antecedents and his association with extremist activities. He stated that the appellant was responsible for the murder of his brother, Baksu Ram Jurri, by firearm and further deposed that the appellant had also committed the murder of Assistant Head Constable Bhajji Ram Atami, Sukda Netam in the year 2007, and a husband and wife belonging to the Kursam family of village Pallevaya in the year 2006. He further stated that during the period of Salwa Judum, the appellant was involved in the killing of several villagers and forcibly took young girls into the banned Maoist organisation for training and exploitation. PW-3 also deposed that after his release from jail, the appellant used to threaten the local people as well as the police with dire consequences. He further stated that the police had recorded his statement during the course of investigation. Thus, the testimony of PW-3 was led by the prosecution to establish the background, conduct and identity of the appellant as a person actively associated with the banned Maoist organisation operating in the area.

In his cross-examination, nothing material could be elicited so as to discredit his testimony. The witness consistently stated that he had disclosed all these facts to the investigating agency during investigation. Although he admitted that he could not assign any reason if certain facts were not recorded in his police statement (Ex. D-1), such omission does not by itself render his substantive evidence before the Court unreliable. He categorically denied the defence suggestion that, having previously served in the police department, he was falsely implicating the appellant due to personal animosity. The evidence of PW-3, therefore, remained substantially intact and lends corroboration to the prosecution case regarding the appellant's identity and his association with the banned Maoist organisation.

12. PW-4 Devendra Chandravanshi, who was posted as Head Constable in the Office of the SDOP, Bhairamgarh, substantially corroborated the prosecution version regarding the search operation and the apprehension of the appellant. He identified the appellant in Court and deposed that, on receiving information regarding the presence of Maoist cadres in the Jangla area, he accompanied SDOP Taresh Sahu and the police party to Village Fullod. He stated that when the police party reached near the village, certain persons, on noticing the police, started fleeing, whereupon one person was apprehended while the others escaped. Upon enquiry, the apprehended person disclosed his name as Meenu. He further deposed that during the search of the appellant, one electric detonator was recovered from the pocket of his pant. He also stated that, upon interrogation, the appellant disclosed that he had thrown away a bag while fleeing, whereafter the SDOP recorded his

memorandum statement and the bag was recovered at the appellant's instance. According to the witness, the recovered bag contained electric wire, a knife and other articles.

During cross-examination, although PW-4 admitted that certain particulars such as the identity of the police personnel who apprehended the appellant, the exact pocket from which the detonator was recovered, the colour of the appellant's clothes, and the detailed writing work carried out by the SDOP were not within his personal knowledge as he was standing at some distance for security purposes, these admissions do not undermine the substance of his evidence. The witness consistently maintained that he was a member of the raiding party, and the appellant was apprehended during the operation, and also that the recovery proceedings took place at the spot. His statement that he came to know about the recovery of the detonator from the SDOP while remaining present at the scene is a natural explanation considering the security arrangement adopted during anti-Naxal operations, where every member of the police party cannot be expected to remain at the exact place where the formal search and documentation are being conducted. He categorically denied the defence suggestion that he had never visited the spot and was merely deposing at the instance of the SDOP.

13. PW-6 Mahendra Pathak, who was posted as Sub-Inspector in the Bomb Disposal Squad, Reserve Centre, Bijapur, is a witness who proved the safe handling and disposal of the explosive substances seized during the investigation. He deposed that on 07.05.2023, in connection with Crime No. 07/2023 of Police Station Jangla registered under Sections 4

and 5 of the Explosive Substances Act, the seized explosive articles, namely 10 gelatin sticks, 6 electric detonators, approximately 5 metres of red codex wire and green safety fuse wire, were brought to the Bomb Disposal Squad for disposal. In the presence of two witnesses and by following all prescribed safety protocols, the explosive substances were destroyed at the Reserve Centre firing range by burying them in a pit and causing a controlled explosion. Thereafter, the remnants of the exploded materials were collected separately in sealed plastic containers for its examination from the Regional Forensic Science Laboratory, Jagdalpur. He proved the panchnama (exhibit P-18, P-19 and P-20).

14. PW-7 Dharmaram Tirkey, who was posted as Station House Officer of Police Station Jangla from 07.10.2022 to October, 2023, proved the investigation conducted after registration of the offence and established the continuity of the chain of investigation. He identified the appellant before the Court and deposed that, on 14.04.2023, on the basis of the *Dehati Nalishi* submitted by SDOP Tareh Sahu, he registered the First Information Report (Ex. P-16) against the appellant for the offences punishable under Sections 4 and 5 of the Explosive Substances Act, 1908. During the course of investigation, he addressed communications to the Tahsildar, Bhairamgarh for preparation of the spot map by the Patwari (Exs. P-21 and P-26). He further proved that the remnants of the defused explosive materials were seized from Constable Irpa Chandru vide seizure memo (Ex. P-22). PW-7 also proved the forwarding memorandum (Ex. P-23) sent through the Superintendent of Police, Bijapur, for chemical examination of the seized exhibits to the

Regional Forensic Science Laboratory, Jagdalpur, the acknowledgement of receipt (Ex. P-24), and the forensic examination report (Ex. P-25). He further deposed that, during investigation, he recorded the statements of material witnesses, including Devendra Chandravanshi (PW-4), Taresh Sahu (PW-2), Arjun Tamo, Kamlesh Korsa (PW-1) and Gokul Sahu, thereby completing the investigation in accordance with law.

In his cross-examination, PW-7 remained firm and denied all suggestions put forth by the defence. He denied the suggestion that the FIR had been registered merely at the dictation of SDOP Taresh Sahu without following due procedure. He also denied the suggestion that the articles mentioned in seizure memo (Ex. P-22) had not been seized in the presence of witnesses or that the witnesses' signatures had been subsequently obtained at the police station. Likewise, he refuted the suggestion that the statements of the prosecution witnesses were not recorded as narrated by them and had instead been fabricated by him. No material contradiction or omission affecting the fairness or legality of the investigation could be elicited from his testimony. The evidence of PW-7 is consistent with the documentary record proved by him and corroborates the evidence of PW-2 and other prosecution witnesses regarding the registration of the crime, preservation of the seized exhibits and their forwarding for forensic examination.

15. PW-8 Gokul Ram Sahu, a Head Constable who was posted at Police Station Jangla from 01.01.2023 to 02.02.2024, has substantially corroborated the prosecution case regarding the apprehension of the appellant Meenu Kalmu @ Manoj and the recovery of the electric

detonator from his possession. He identified the appellant before the Court and deposed that on 14.04.2023, while accompanying the Station House Officer during an area domination operation towards Village Fullod, the police party reached the nearby forest where one person, on noticing the police, attempted to flee. The said person was surrounded and apprehended, and on enquiry disclosed his name as Meenu Kalmu @ Manoj. He stated that, during the personal search of the appellant conducted by SDOP Tareh Sahu, one electric detonator was recovered from the pocket of the appellant, which was seized on the spot. He further deposed that, during interrogation, the appellant disclosed his involvement in the murder of a police constable who had gone to Belchar to attend a marriage and also admitted his involvement in the murder of Maniram, a resident of Godarapal.

In his cross-examination, he remained firm on all material aspects. He admitted that the police party consisted of about nineteen personnel and that they had divided themselves into different teams for the purpose of cordoning the forest area. He denied the suggestion that he had not apprehended the appellant or that the appellant had been apprehended by another team and subsequently brought before him. He stated that the search of the appellant was conducted by SDOP Tareh Sahu and denied the defence suggestion that no electric detonator had been recovered from the appellant. The witness also affirmed that his statement under Section 161 CrPC had been recorded on the very day the appellant was brought to the police station and denied that he was deposing at the instance of his superior officers. The minor discrepancy regarding the time of search, or his lack of knowledge about certain

procedural formalities, is inconsequential and does not erode the substantive value of his testimony.

16. PW-11 Jitendra Kumar Chandravanshi, who was posted as Deputy Superintendent of Police, DRG/Naxal Operations, Kutru, Bijapur during the relevant period, is the subsequent Investigating Officer who completed the remaining investigation and proved the statutory compliances necessary for prosecution of the appellant. He identified the appellant and deposed that, pursuant to the written order of the Superintendent of Police, Bijapur dated 23.06.2023 (Ex. P-29), the investigation of Crime No. 07/2023 of Police Station Jangla, registered under Sections 4 and 5 of the Explosive Substances Act, 1908, Section 34 IPC and Sections 16, 20 and 38 of the Unlawful Activities (Prevention) Act, 1967, was entrusted to him. During the course of investigation, he addressed correspondence dated 06.08.2023 to the Superintendent of Police, Naxal Cell, DCRB, Bijapur, seeking the criminal antecedents of the arrested and absconding accused persons (Ex. P-30). He further proved the communication dated 29.09.2023 (Ex. P-31) seeking permission to submit a charge-sheet under Section 299 CrPC against the absconding accused persons. He also proved the correspondence made for obtaining statutory sanction for prosecution under the Explosive Substances Act, namely the communication sent by the Superintendent of Police to the District Magistrate, Bijapur (Ex. P-32), the sanction order granted by the District Magistrate under Sections 4 and 5 of the Explosive Substances Act (Ex. P-33), his own communication dated 11.09.2023 requesting sanction under the Explosive Substances Act and the Unlawful Activities (Prevention) Act

(Ex. P-34), and the sanction order issued by the competent authority at Nava Raipur, Atal Nagar (Ex. P-35). He further deposed that, during investigation, he recorded the statements of witnesses Sukaru Madkam, Ramdhar Jurri and Kishore Karam in accordance with their narration and, after completion of the investigation, submitted the charge-sheet before the competent Court. His evidence, therefore, establishes that all mandatory statutory requirements and procedural formalities preceding the prosecution were duly complied with.

In his cross-examination, nothing of substance could be elicited to impeach either his credibility or the fairness of the investigation conducted by him. He categorically denied the defence suggestion that the statements of witnesses Sukaru Madkam, Ramdhar Jurri and Kishore Karam had not been recorded as narrated by them and had instead been fabricated by him.

17. Upon a comprehensive appreciation of the entire oral and documentary evidence available on record, we are of the considered opinion that the prosecution has succeeded in proving beyond reasonable doubt that the appellant was found in conscious possession of one electric detonator and that, pursuant to his voluntary disclosure statement, further explosive articles were recovered from the place pointed out by him. The testimony of PW-2 Taresh Sahu, who conducted the search proceedings, is natural, cogent and inspires confidence. His evidence has received substantial corroboration from PW-4 Devendra Chandravanshi, PW-7 Dharmaram Tirkey and PW-8 Gokul Ram Sahu, all of whom consistently supported the material circumstances relating to the apprehension of the appellant, recovery of the electric detonator,

recording of the memorandum statement, subsequent seizure of explosive articles and completion of the investigation. The evidence of PW-6 Mahendra Pathak further establishes that the seized explosive substances were disposed of strictly in accordance with the prescribed procedure and their remnants were duly preserved and forwarded for forensic examination, thereby maintaining the sanctity of the chain of custody. PW-11 Jitendra Kumar Chandravanshi has further proved that all statutory sanctions and procedural requirements for prosecution were duly complied with. The documentary evidence, including the search panchnamas, seizure memos, memorandum statement, FIR, forensic documents and sanction orders, fully corroborates the oral testimony of the prosecution witnesses and leaves no room for doubt regarding the recovery and possession of the explosive substances by the appellant.

18. The defence has primarily assailed the prosecution case on the grounds that the independent witness did not support the prosecution, that the recovery proceedings suffer from procedural irregularities, and that the prosecution witnesses are police officials interested in securing conviction. We are unable to accept any of these submissions. The so-called discrepancies pointed out by the defence relate only to insignificant procedural details, such as the registration numbers of vehicles, description of the electric detonator, colour of the appellant's clothes, identity of every police personnel participating in the search, or similar omissions, none of which go to the root of the prosecution case. These are minor discrepancies naturally arising from lapse of time and do not affect the core prosecution story regarding the seizure of the

electric detonator from the possession of the appellant and the consequential recovery of additional explosive substances at his instance. The defence has also failed to establish any motive on the part of the investigating agency to falsely implicate the appellant by planting explosive articles upon him. In the absence of any material demonstrating mala fides, bias or unfair investigation, the evidence of the official witnesses cannot be discarded merely because they belong to the police department.

19. Furthermore, the learned trial Court has rightly appreciated that the hostility of an independent witness does not eclipse the otherwise cogent and convincing evidence of the official witnesses. In **Nathusingh v. State of M.P.**, (1974) 3 SCC 584, the Hon'ble Supreme Court categorically held that "the mere fact that they are police officers was not enough to discard their evidence. No reason was shown for their hostility to the appellant." The same principle has consistently been reiterated by the Supreme Court that the evidence of police officials is to be tested on the same parameters as that of any other witness and cannot be rejected merely because of their official status.
20. The aforesaid principle has been further elaborated by the Hon'ble Supreme Court in **Anil v. State of Maharashtra**, (1996) 2 SCC 589, wherein it was held in paragraph 5 that:-

"5. .... There is, however, no rule of law that the evidence of police officials has to be discarded or that it suffers from some inherent infirmity. Prudence, however, requires that the evidence of the police officials, who are interested in the

outcome of the result of the case, needs to be carefully scrutinised and independently appreciated. The police officials do not suffer from any disability to give evidence and the mere fact that they are police officials does not by itself give rise to any doubt about their creditworthiness.”

21. Similar principles have been reiterated in **State (Govt. of NCT of Delhi) v. Sunil**, (2001) 1 SCC 652, wherein the Hon'ble Supreme Court authoritatively held that there is no legal presumption that police officers are untrustworthy witnesses and that the Court cannot approach their evidence with an initial distrust merely because they are official witnesses. Their Lordships observed that, unless there are compelling reasons to doubt the fairness of the investigation, the testimony of police personnel cannot be discarded solely for want of independent corroboration.
22. Likewise, in **Ajmer Singh v. State of Haryana**, (2010) 3 SCC 746, while dealing with the objection regarding absence of independent witnesses during recovery proceedings, the Hon'ble Supreme Court held that non-association or non-support of independent witnesses is not by itself fatal to the prosecution and that the Court is required to evaluate whether the evidence of the official witnesses is otherwise trustworthy and reliable. In the present case, after carefully scrutinising the evidence of the prosecution witnesses, we find their testimony to be consistent, reliable and fully corroborated by the documentary record. Consequently, the mere fact that PW-1 did not support the prosecution does not in any

manner weaken the otherwise convincing prosecution case. In **Ajmer Singh** (supra) the Hon'ble Supreme Court has held that:-

“19. ....it is normally expected that there should be independent evidence to support the case of the prosecution. However, it is not an inviolable rule. Therefore, in the peculiar circumstances of this case, we are satisfied that it would be travesty of justice, if the appellant is acquitted merely because no independent witness has been produced.

20. We cannot forget that it may not be possible to find independent witness at all places, at all times. The obligation to take public witnesses is not absolute. If after making efforts which the court considered in the circumstances of the case reasonable, the police officer is not able to get public witnesses to associate with the raid or arrest of the culprit, the arrest and the recovery made would not be necessarily vitiated. The court will have to appreciate the relevant evidence and will have to determine whether the evidence of the police officer was believable after taking due care and caution in evaluating their evidence.”

23. It is also significant to note that the appellant has failed to offer any plausible explanation as to how he came into possession of the electric detonator recovered during his personal search. The place of occurrence is a densely forested and highly Naxal-affected area where the police party had proceeded on specific secret information regarding the movement of members of the banned organisation carrying explosive substances. The recovery of the electric detonator from the

appellant, followed by the recovery of additional explosive articles pursuant to his disclosure statement, constitutes a complete chain of incriminating circumstances establishing his conscious possession of explosive substances. The acquittal of the appellant from the offences under the Unlawful Activities (Prevention) Act, 1967 and the Indian Penal Code does not dilute the independent evidence proving the offences punishable under Sections 4 and 5 of the Explosive Substances Act, 1908. The ingredients of the said offences stand fully established from the evidence adduced by the prosecution.

24. In view of the foregoing discussion, we find that the learned Special Judge has meticulously appreciated the oral and documentary evidence in its proper perspective and has rightly recorded the finding that the prosecution has proved the guilt of the appellant for the offences punishable under Sections 4 and 5 of the Explosive Substances Act, 1908 beyond all reasonable doubt. The findings recorded by the learned trial Court are based upon proper appreciation of evidence and do not suffer from any perversity, illegality or misapplication of law warranting interference by this Court in the exercise of appellate jurisdiction.
25. Consequently, the conviction and sentence imposed upon the appellant under Sections 4 and 5 of the Explosive Substances Act, 1908 by the judgment dated 22.09.2025 passed by the learned Special Judge (NIA Act/Scheduled Offences Revenue District Sukma and Bijapur), Place South Bastar, Dantewada, in NIA Scheduled Offence Case No. 26 of 2023 are hereby **affirmed**. The present criminal appeal, being devoid of merit, is accordingly **dismissed**.

26. The appellant shall undergo the remaining part of the sentence awarded to him.
27. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the appellant is undergoing his jail sentence to communicate the same to the appellant informing him that he is at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of High Court Legal Services Committee or the Supreme Court Legal Services Committee.
28. Let a copy of this judgment and the original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice

ved

## **HEAD NOTE**

In cases arising from a Naxalite-affected area, where availability of independent witnesses may not always be practicable, the testimony of police officials cannot be rejected merely because they are official witnesses and may be relied upon if it is found trustworthy, reliable and credible.