



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 363 of 2025

1 - State Of Chhattisgarh Through Its Station House Officer, Police Station Gariyaband, District Gariyaband (C.G.)

---Appellant

versus

1 - Gangaram Sinha S/o Shri Kashiram Sinha, Aged About 26 Years R/o Village Majarkatta, District Gariyaband (C.G.)

--- Respondent

For Appellant/State	:	Mr. Dharmesh Shrivastava, Deputy Government Advocate
For Respondent	:	Mr. Krishna Tandon, Advocate

CRA No. 607 of 2024

1 - Ganga Ram Sinha S/o Kanshiram Sinha Aged About 26 Years R/o Village Majarkatta, District : Gariyabandh, Chhattisgarh

---Appellant

Versus



1 - State Of Chhattisgarh Through Station House Officer P.S. -
Gariyaband, District : Gariyabandh, Chhattisgarh

... Respondent

For Appellant	:	Mr. Krishna Tandon, Advocate
For Respondent/State	:	Mr. Dharmesh Shrivastava, Deputy Government Advocate

Division Bench

Hon'ble Shri Justice Sanjay S. Agrawal, J. &

Hon'ble Shri Justice Amitendra Kishore Prasad, J.

Judgment on Board

01.04.2026

Per, Amitendra Kishore Prasad, J.

1. Since both the above-captioned appeals arise out of the common judgment dated 17.10.2022 passed by the learned Special Judge (Atrocities), Raipur, in Special Criminal Case No.06/2020, they are being heard together and disposed of by this common judgment.
2. **Criminal Appeal No.607 of 2024** has been preferred by the appellant/accused, Gangaram Sinha, under Section 374(2) of the Code of Criminal Procedure, assailing the impugned judgment dated 17.10.2022 whereby he has been convicted and sentenced as under:—

Conviction	Sentence
------------	----------



Under Section 376 of Indian Penal Code (in short, 'IPC')	Rigorous imprisonment for ten years with fine of Rs.500/-, in default of payment of fine, further rigorous imprisonment for three months
--	--

3. **Acquittal Appeal No.363 of 2025** has been preferred by the State under Section 14-A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act, 1989"), questioning the acquittal of the accused, Gangaram Sinha, from the charge under Section 3(2)(v) of the Act, 1989.

4. Case of the prosecution, in brief, is that victim is a deaf and mute girl belonging to Scheduled Tribe community. On 26.02.2020, her mother Chameli Bai (PW-2) submitted a written complaint (Ex.P-6) at Police Station Gariyaband stating that the victim is her eldest daughter, deaf and mute since childhood, educated up to Class VIII and capable of understanding signs. On the date of incident i.e. 26.02.2020, she and her husband had gone to the agricultural field in the morning at about 7:00 a.m. At about 10:00 a.m., her son Satish (PW-3) came to the field and informed that the victim had gone to the toilet situated in the *badi* near their house



and had not returned for some time. When he went near the toilet and knocked the door, he heard sounds from inside. Thereafter, through an opening in the rear wall, he saw accused- Gangaram Sinha and the victim inside the toilet without lower garments. Shortly thereafter, accused opened the door and fled away. It was further alleged that after returning home, when the victim was asked through signs, she disclosed that while she had gone to the toilet, accused followed her, pushed her inside, closed the door, forcibly removed her clothes and committed sexual intercourse against her will. It was also stated that accused used to come near their house for mason work and was known to the family. On the basis of written complaint, FIR (Ex.P-7) was registered against accused- Gangaram under Section 376 of IPC.

5. During the course of investigation, after obtaining consent of the victim and her mother, victim was sent for medical examination. PW-1 Dr. Neha Sharma examined her and opined that no injury was found on her private parts. Her hymen was found to be torn. The doctor stated that sexual intercourse had been committed with the victim; however, no signs of forcible sexual intercourse were noticed. The medical report is Ex.P-1. The caste certificate of the victim



was seized vide Ex.P-4. Undergarment of the victim was seized vide Ex.P-13, and the vaginal slide was seized vide Ex.P-26. Accused/respondent was taken into custody vide Ex.P-3, and his underwear was seized vide Ex.P-17. The seized articles were sent to the FSL for chemical examination, and as per the FSL report (Ex.P-23), seminal stains and human spermatozoa were found on the seized articles.

6. After completion of the investigation, statements of the witnesses were recorded under Section 161 of the Cr.P.C. The accused/respondent was charge-sheeted before the jurisdictional criminal Court, and the case was committed to the trial Court. The accused- Gangaram, abjured his guilt and entered into defence, stating that he has not committed the alleged offence.
7. The prosecution, in order to prove its case, examined as many as 10 witnesses and exhibited 26 documents. The accused, in support of his defence, neither examined any defence witness nor led any oral evidence, but exhibited two documents, i.e., Ex.D-1 and Ex.D-2. The statement of the accused was recorded under Section 313 of the Cr.P.C., wherein he denied the incriminating circumstances appearing



against him in the prosecution evidence, pleaded innocence, and alleged false implication.

8. The learned trial Court, after due appreciation of the oral and documentary evidence available on record, acquitted the accused of the offence under Section 3(2)(v) of the Act, 1989; however, it convicted the accused- Gangaram for the offence as mentioned in the opening paragraph of the judgment. Aggrieved thereby, the appellant/accused has preferred an appeal against his conviction and sentence, while the State has filed a separate appeal challenging the acquittal of the accused- Gangaram Sinha for the offence under Section 3(2)(v) of the Act, 1989.

9. **Criminal Appeal No.607 of 2024:-** Learned counsel for the appellant/accused submits that the conviction and sentence of appellant under Section 376 of IPC is unsustainable both in law and on facts. It is contended that the testimony of the victim, being a deaf and mute witness, was recorded through an interpreter and, therefore, required strict scrutiny and reliable corroboration. According to learned counsel, the possibility of imperfect interpretation cannot be completely ruled out. It is further contended that the medical evidence does not support the allegation of forcible sexual intercourse, as no external or genital injury and no fresh signs of violence



were found on the body of the victim, and the doctor has not given any definite opinion regarding recent forcible intercourse. It is also submitted that PW-3 brother of the victim, did not witness the actual act of penetration and merely saw the accused and the victim inside the toilet, which, by itself, is insufficient to establish the offence of rape. It is further argued that the FSL report (Ex.P-23) only indicates the presence of semen and does not establish absence of consent, and thus the possibility of consensual intimacy cannot be ruled out. On these grounds, it is prayed that the impugned judgment of conviction be set aside and the appellant/accused be acquitted of the charge levelled against him.

10. Per contra, learned State counsel supports the impugned judgment and submits that the prosecution has successfully proved the offence beyond reasonable doubt. It is contended that the trial Court has rightly appreciated the evidence on record and has justifiably convicted and sentenced the appellant/accused for the said offence. Accordingly, it is prayed that the appeal deserves to be dismissed.

11. **Acquittal Appeal No.363 of 2025:-** Learned counsel for the State submits that once the offence of rape against a



woman belonging to a Scheduled Tribe stands proved and the caste certificate establishes her caste status, the learned trial Court ought to have convicted the accused under Section 3(2)(v) of the SC/ST Act as well. It is contended that the accused was admittedly known to the family and was aware of the caste of the victim; therefore, his conviction under the said provision is warranted.

12. Per contra, learned counsel for the accused- Gangaram submits that there is no evidence on record to show that the offence was committed on account of the caste of the victim. It is argued that mere proof of caste is not sufficient to attract Section 3(2)(v) of the Act, 1989. Hence, the learned trial Court has rightly acquitted the accused of the said charge, and no interference by this Court is called for.
13. We have heard learned counsel for the parties, considered their rival submissions made herein-above and perused the records with utmost circumspection.
14. In the present case, the first and principal witness is the victim. Since she is admittedly deaf and mute, her evidence was recorded with assistance of interpreter Sheila Yadav (PW-7). Before appreciating such evidence, it is necessary to notice that Section 119 of the Indian Evidence Act, 1872 expressly recognizes testimony of a witness unable to speak



through writing or signs and such evidence is substantive oral evidence if properly interpreted in open Court. PW-7 Sheila Yadav, Interpreter, has stated that she is trained in dealing with speech and hearing impaired persons, having completed D.Ed. in special education, and has worked as a teacher and thereafter as Principal of Vidyanidhi Multi Disability Special Residential School, Kokdi, District Gariyaband. She was called by the police to interpret the signs of the victim. She examined the victim and found that she was capable of understanding signs and expressing herself through gestures.

- 15.** Through the signs interpreted by PW-7 Sheila Yadav, the victim clearly identified the accused- Gangaram Sinha present in the Court and stated that he dragged her into the toilet, closed the door, removed her clothes, mounted upon her, and committed rape upon her. She further indicated that she raised alarm, but the accused gagged her mouth, and she could not escape as the door was closed. She also stated that her brother (PW-3) came near the toilet, after which, the accused fled away. In cross-examination, she remained consistent and specifically denied the suggestion of any love affair with the accused. She also stated that she resisted, but the accused tied her hands with a cloth, due to



which, she could not defend herself. Nothing material has been elicited in her cross-examination to discredit her testimony. Her evidence appears natural, consistent, and trustworthy, and there is no reason to infer false implication, particularly in the absence of any prior enmity.

16. It is well settled that merely because a witness is deaf and dumb, her testimony cannot be discarded. Evidence given through gestures or signs with the assistance of a competent interpreter is admissible and can form the basis of conviction if it inspires confidence.
17. In this regard, in the matter of ***State of Rajasthan v. Darshan Singh, (2012) 5 SCC 789***, it has been held as under:

“26. The object of enacting the provisions of Section 119 of the Evidence Act reveals that deaf and dumb persons were earlier contemplated in law as idiots. However, such a view has subsequently been changed for the reason that modern science revealed that persons affected with such calamities are generally found more intelligent, and to be susceptible to far higher culture than one was once supposed. When a deaf and dumb person is examined in the court, the court has to exercise due caution and take care to ascertain before he is examined that he possesses the



requisite amount of intelligence and that he understands the nature of an oath. On being satisfied on this, the witness may be administered oath by appropriate means and that also with the assistance of an interpreter. However, in case a person can read and write, it is most desirable to adopt that method being more satisfactory than any sign language. The law requires that there must be a record of signs and not the interpretation of signs.

27. In Meesala Ramakrishan v. State of A.P. [(1994) 4 SCC 182], this Court has considered the evidentiary value of a dying declaration recorded by means of signs and nods of a person who is not in a position to speak for any reason and held that the same amounts to a verbal statement and, thus, is relevant and admissible. The Court further clarified that "verbal" statement does not amount to "oral" statement. In view of the provisions of Section 119 of the Evidence Act, the only requirement is that the witness may give his evidence in any manner in which he can make it intelligible, as by writing or by signs and such evidence can be deemed to be oral evidence within the meaning of Section 3 of the Evidence Act. Signs and gestures made by nods or head are admissible and such nods and gestures are not only admissible but possess evidentiary value.



28. Language is much more than words. Like all other languages, communication by way of signs has some inherent limitations, since it may be difficult to comprehend what the user is attempting to convey. But a dumb person need not be prevented from being a credible and reliable witness merely due to his/her physical disability. Such a person though unable to speak may convey himself through writing, if literate or through signs and gestures, if he is unable to read and write. A case in point is the silent movies which were understood widely because they were able to communicate ideas to people through novel signs and gestures. Emphasised body language and facial expression enabled the audience to comprehend the intended message.

29. To sum up, a deaf and dumb person is a competent witness. If in the opinion of the court, oath can be administered to him/her, it should be so done. Such a witness, if able to read and write, it is desirable to record his statement giving him questions in writing and seeking answers in writing. In case the witness is not able to read and write, his statement can be recorded in sign language with the aid of interpreter, if found necessary. In case the interpreter is provided, he should be a person of the same surrounding but should not have any interest in the case and he should be administered oath.”



18. This Court further finds support from the settled legal position laid down by the Hon'ble Supreme Court in ***Meesala Ramakrishan v. State of Andhra Pradesh***, reported in ***(1994) 4 SCC 182***, wherein it has been held that a witness who is unable to speak can give evidence by signs or gestures and such evidence is admissible and can form the basis of conviction, provided the Court records satisfaction regarding the competency of the witness and her ability to understand and respond. In the present case, the trial Court has duly recorded such satisfaction and the testimony of the victim has been properly interpreted and recorded. Therefore, her evidence cannot be discarded merely on account of her physical disability.

19. The Supreme Court in the matter of ***Rai Sandeep @ Deenu v. State of NCT of Delhi, 2012 (8) SCC 21*** held as under:-

“22. In our considered opinion, the ‘sterling witness’ should be of a very high quality and caliber whose version should, therefore, be unassailable. The Court considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the



truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the Court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross-examination of any length and howsoever strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the persons involved, as well as, the sequence of it. Such a version should have co-relation with each and everyone of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other similar such tests to be applied, it can be held that such a witness can



be called as a 'sterling witness' whose version can be accepted by the Court without any corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the Court trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged."

20. The Hon'ble Supreme Court in the matter of **Deepak Kumar Sahu vs. State of Chhattisgarh 2025 SCC OnLine SC 1610** has held as under:-

"5.5.3. The medical evidence may not be available in which circumstance, solitary testimony of the prosecutrix could be sufficient to base the conviction.

"The conviction can be sustained on the sole testimony of the prosecutrix, if it inspires confidence. The conviction can be based solely on the solitary evidence of the prosecutrix and no corroboration be required unless there are compelling reasons which necessitate the courts to insist for corroboration of her statement. Corroboration of the testimony of the



prosecutrix is not a requirement of law; but a guidance of prudence under the given facts and circumstances. Minor contractions or small discrepancies should not be a ground for throwing the evidence of the prosecutrix.”
(Para 11)

5.5.4. *It may be true that in the present case the evidence of the medical officer (PW-17) spoke about absence of external injury marks on the genitals of the victim. However, the proposition that the corroboration from the medical evidence is not sine qua non when the cogent evidence of the victim is available, was reiterated in a recent judgment of this Court in Lok Mal alias Loku v. State of Uttar Pradesh, [(2025) 4 SCC 470], observed:*

“Merely because in the medical evidence, there are no major injury marks, this merely cannot be a reason to discard the otherwise reliable evidence of the prosecutrix. It is not necessary that in each and every case where rape is alleged there has to be an injury to the private parts of the victim and it depends on the facts and circumstances of a particular case. We reiterate that absence of injuries on the private parts of the victim is not always fatal to the case of the prosecution.”(para 4)



5.6. *It is an opt-reiterated dictum of law that in cases of rape, the testimony of the prosecutrix alone may be sufficient and sole evidence of the victim, when cogent and consistent, could be properly used to arrive at a finding of the guilt. In the State of Himachal Pradesh v. Manga Singh, (2019) 16 SCC 759, this Court in terms stated that conviction can be rested on the testimony of the prosecutrix alone.*

The conviction can be sustained on the sole testimony of the prosecutrix, if it inspires confidence. The conviction can be based solely on the solitary evidence of the prosecutrix and no corroboration be required unless there are compelling reasons which necessitate the courts to insist for corroboration of her statement. Corroboration of the testimony of the prosecutrix is not a requirement of law, but a guidance of prudence under the given facts and circumstances. Minor contractions or small discrepancies should not be a ground for throwing the evidence of the prosecutrix.”(Para 10)

5.6.1. *It was further asserted that corroboration is not an essential requirement for conviction in the cases of rape.*

It is well settled by a catena of decisions of the Supreme Court that corroboration is not a sine qua non for conviction in a



rape case. If the evidence of the victim does not suffer from any basic infirmity and the “probabilities factor” does not render it unworthy of credence. As a general rule, there is no reason to insist on corroboration except from medical evidence. However, having regard to the circumstances of the case, medical evidence may not be available. In such cases, solitary testimony of the prosecutrix would be sufficient to base the conviction, if it inspires the confidence of the court. (Para 11)

5.6.2. *In Gurmit Singh (supra) it was observed to reiterate that in all cases, the corroboration to the statements made by the victim in her evidence could not be insisted upon as a rule of thumb:*

In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. The inherent bashfulness of the females and the tendency to conceal outrage of sexual aggression are factors which the courts should not overlook. (Para 8)



5.6.3. *It was asserted that only compelling reasons would justify rejection of testimony of a rape victim, and not otherwise:*

“....the courts should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury.....”(Para 8)

5.6.4. *From a recent decision in Raju alias Umakant v. State of Madhya Pradesh, (2025 SCC OnLine SC 997), following observations could be noticed:*

“.....a woman or a girl subjected to sexual assault is not an accomplice but a victim of another person's lust and it will be improper and undesirable to test her evidence with suspicion. All that the law mandates is that the Court should be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of charge levelled by her and if after keeping that aspect in mind if the Court is thereafter satisfied that the evidence is trustworthy, there is nothing that can stop the Court from acting on the sole



testimony of the prosecutrix. [See State of Rajasthan v. N.K. the Accused, (2000) 5 SCC 30, Rameshwar v. State of Rajasthan, 1951 SCC 1213, State of Maharashtra v. Chandraprakash Kewal Chand Jain, (1990) 1 SCC 550, State of Punjab v. Gurmit Singh, (1996) 2 SCC 384]” (para 18)

21. This apart, the testimony of the victim receives immediate and strong corroboration from PW-3 brother of the victim. He has deposed that on the date of the incident, he had gone to the village to attend a *Bhagwat* programme and returned home in the morning to take food. At that time, the victim indicated through signs that she was going to the toilet. When she did not return for some time, he became suspicious and went near the toilet situated at a distance of about 100 feet from the house. He found the door closed from inside and heard sounds from within. On peeping through an opening in the rear wall, he saw the accused and the victim inside in a naked condition. Thereafter, he broke open the door, questioned the accused, and assaulted him with a stick, whereupon the accused fled by jumping over the boundary wall. He immediately informed his parents, who were in the agricultural field. His conduct appears natural and probable, and nothing material has been elicited in his cross-



examination to cast doubt on his presence or credibility. His testimony clearly establishes the presence of the accused with the victim inside a closed toilet in a naked condition and lends material support to the prosecution case.

22. Similarly, PW-2 Chameli Bai, the mother of the victim, has stated that after being informed by PW-3 Satish, she returned from the field and enquired from the victim through signs, whereupon the victim indicated that the accused had followed her into the toilet, gagged her mouth, and committed the wrongful act forcibly. She has duly proved the written complaint (Ex.P-6), FIR (Ex.P-7), and seizure proceedings. Though she is not an eyewitness to the actual occurrence, her testimony is relevant as it relates to the immediate disclosure made by the victim and the prompt reporting of the incident.

23. Besides the above, the medical evidence is furnished by PW-8 Dr. Neha Sharma, who examined the victim on the same day. She found no external injury and no injury on the private parts; however, she opined that sexual intercourse had occurred with the victim, though no definite opinion regarding recent forcible intercourse could be given. The medical evidence, though not indicating signs of force, clearly establishes that sexual intercourse had taken place with the victim and thus lends support to the version of the victim. It is



well settled that absence of injuries is not decisive, particularly in cases involving a physically disabled and vulnerable victim. In such circumstances, the credible and consistent testimony of the victim assumes greater significance and cannot be discarded merely on the ground that no injuries were found.

24. Moreover, the most significant corroboration is provided by the scientific evidence. The FSL report (Ex.P-23) reveals the presence of semen stains and human spermatozoa on the vaginal slide of the victim, her undergarment, as well as the undergarment of the accused. The presence of semen on the vaginal slide and the seized clothes, when read in conjunction with the ocular evidence and surrounding circumstances, lends strong support to the prosecution case. The accused has offered no explanation regarding the presence of semen on his undergarment. Thus, the cumulative effect of the evidence on record clearly establishes that the accused had committed rape upon the victim.

25. Thus, from the above evidence, it is quite evident that the prosecution has successfully proved beyond reasonable doubt that the accused committed sexual intercourse with the victim against her will and without her consent. The testimony



of the victim, though recorded through an interpreter on account of her being deaf and mute, is cogent, consistent, and trustworthy, and stands duly corroborated by the evidence of PW-2 mother and PW-3 brother of the victim, the medical evidence of PW-1 Dr. Neha Sharma, and the FSL report (Ex.P-23). The defence has failed to bring on record any material contradiction or to offer any plausible explanation for the incriminating circumstances, particularly the presence of semen on the seized articles. The plea of consent or false implication is not supported by the evidence on record.

26. In view of the foregoing discussion, this Court finds no illegality or perversity in the manner in which the learned trial Court has assessed the competency and credibility of the deaf and mute victim. Her testimony inspires full confidence and constitutes reliable substantive evidence forming the foundation of the conviction and sentence recorded against the accused/appellant. Consequently, the findings of the learned trial Court on this aspect are affirmed. The present criminal appeal (CRA No.607 of 2024) being devoid of merit is accordingly **dismissed**.



27. It is stated at the Bar that the accused- Gangaram Sinha is in jail. He shall serve out the sentence as ordered by the trial Court.

28. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the Appellant/accused- Gangaram Sinha is undergoing the jail term, to serve the same on the Appellant informing him that he is at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of High Court Legal Services Committee or the Supreme Court Legal Services Committee.

29. So far as acquittal appeal bearing No.363/2025 filed by the appellant - State is concerned, the Hon'ble Supreme Court in the matter of ***Jafarudheen and others vs. State of Kerala*** reported in ***(2022) 8 SCC 440*** has considered the scope of interference in Appeal against acquittal, which reads as under:-

“25. While dealing with an appeal against acquittal by invoking Section 378 CrPC, the appellate court has to consider whether the trial court's view can be terms as a possible one, particularly when evidence on record has been analysed. The reason is that an order of acquittal adds up to the presumption of innocence in



favour of the accused. Thus, the appellate court has to be relatively slow in reversing the order of the trial court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters.”

30. The Supreme Court in the matter of ***Constable Surendra Singh and another v. State of Uttarakhand*** reported in ***(2025) 5 SCC 433***, whereby in Para-11 & 12, it has been held that the High Court should interfere in the order of acquittal, if the same suffers from perversity and is based on misreading of material evidence etc. and observed as under:

“11. Recently, in the case of Babu Sahebagouda Rudragoudar and others v. State of Karnataka, (2024) 8 SCC 149, a Bench of this Court to which one of us was a Member (B.R. Gavai, J.) had an occasion to consider the legal position with regard to the scope of interference in an appeal against acquittal. It was observed thus:

“38. First of all, we would like to reiterate the principles laid down by this Court governing the scope of interference by the



High Court in an appeal filed by the State for challenging acquittal of the accused recorded by the trial court.

39. This Court in Rajesh Prasad v. State of Bihar [Rajesh Prasad v. State of Bihar, (2022) 3 SCC 471 : (2022) 2 SCC (Cri) 31] encapsulated the legal position covering the field after considering various earlier judgments and held as below : (SCC pp. 482-83, para 29) 6 (2024) 8 SCC 149

“29. After referring to a catena of judgments, this Court culled out the following general principles regarding the powers of the appellate court while dealing with an appeal against an order of acquittal in the following words : (Chandrappa case [Chandrappa v. State of Karnataka (2007) 4 SCC 415 : (2007) 2 SCC (Cri) 325], SCC p. 432, para 42

42. From the above decisions, in our considered view, the following general principles regarding powers of the appellate court while dealing with an appeal against an order of acquittal emerge:

(1) An appellate court has full power to review, reappraise and reconsider the evidence upon which the order of acquittal is founded.

(2) The Criminal Procedure Code,



1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.

(3) Various expressions, such as, “substantial and compelling reasons”, “good and sufficient grounds”, “very strong circumstances”, “distorted conclusions”, “glaring mistakes”, etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of “flourishes of language” to emphasise the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.

(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person



shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.’ ”

40. Further, in *H.D. Sundara v. State of Karnataka* [*H.D. Sundara v. State of Karnataka*, (2023) 9 SCC 581: (2023) 3 SCC (Cri) 748], this Court summarised the principles governing the exercise of appellate jurisdiction while dealing with an appeal against acquittal under Section 378CrPC as follows : (SCC p. 584, para 8)

“8. ... 8.1. The acquittal of the accused further strengthens the presumption of innocence;

8.2. The appellate court, while hearing an appeal against acquittal, is entitled to reappraise the oral and documentary evidence;

8.3. The appellate court, while deciding an appeal against acquittal, after



reappreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;

8.4. If the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and

8.5. The appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible.”

41. Thus, it is beyond the pale of doubt that the scope of interference by an appellate court for reversing the judgment of acquittal recorded by the trial court in favour of the accused has to be exercised within the four corners of the following principles:

41.1. That the judgment of acquittal suffers from patent perversity;

41.2. That the same is based on a misreading/omission to consider material evidence on record; and

41.3. That no two reasonable views are possible and only the view consistent with



the guilt of the accused is possible from the evidence available on record.”

12. It could thus be seen that it is a settled legal position that the interference with the finding of acquittal recorded by the learned trial judge would be warranted by the High Court only if the judgment of acquittal suffers from patent perversity; that the same is based on a misreading/omission to consider material evidence on record; and that no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.”

31. The Hon’ble Supreme Court in the matter of ***Gulam Mustafa vs. State of Karnataka and Another 2023 SCC OnLine SC 603*** has held vide paras 34 & 38 as under:-

“34. Insofar and inasmuch as interference in cases involving the SC/ST Act is concerned, we may only point out that a three-Judge Bench of this Court in Ramawatar v. State of M.P.22, has held that the mere fact that the offence is covered under a "special statute" would not inhibit this Court or the High Court from exercising their respective powers under Article 142 of the Constitution or Section 482 of the Code, in the terms below: (SCC pp. 641-42, paras 16-17)



"16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The SC/ST Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The Courts have to be mindful of the fact that the SC/ST Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the



proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the SC/ST Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a "special statute" would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 CrPC."

(emphasis supplied)

38. The Court would also note that even if the allegations are taken to be true on their face value, it is not discernible that any offence can be said to have been made out under the SC/ST Act against the appellant. The complaint and FIR are frivolous, vexatious and oppressive."

32. Also, the Hon'ble Supreme Court in the matter of ***Keshaw Mahto @ Keshaw Kumar Mahto vs. State of Bihar & Anr.*** Passed in ***SLP (CRL.) No. 12144 of 2025*** has held vide para 18 as under:-

"18. In the case at hand, we find that there is nothing on record to indicate that the alleged acts of the appellant were motivated for the reason that the complainant is a member of a



Scheduled Caste or a Scheduled Tribe. Neither the FIR nor the chargesheet contains any whisper of an allegation of insult or intimidation by the appellant herein, let alone one made with the intention to humiliate the complainant.”

- 33.** When the present case is examined in the light of the aforesaid decisions of the Supreme Court, it is evident that the caste certificate (Ex.P-4) clearly establishes that the victim belongs to a Scheduled Tribe community. However, mere proof of caste is not sufficient to attract Section 3(2)(v) of the Act, 1989. The prosecution is further required to establish that the offence was committed on the ground that the victim belonged to a Scheduled Tribe community. On careful scrutiny of the testimony of the victim (recorded through interpreter PW-7), her brother (PW-3), her mother (PW-2), and other evidence on record, no material is found to indicate that the accused committed the offence on account of the caste identity of the victim. There is no evidence of any caste-related expression, caste-based hostility, or any circumstance from which such motive can be inferred. The essential ingredient of nexus between the offence and the caste identity is thus absent. Therefore, the learned trial Court has rightly acquitted the accused of the aforesaid



charge. The view taken by the trial Court is a reasonable and plausible one and does not call for interference in an appeal against acquittal.

34. Accordingly, the acquittal appeal filed by the appellant/State against the acquittal of the accused, Gangaram Sinha, is hereby **dismissed**.

35. In the result, Criminal Appeal No.607 of 2024 preferred by the accused- Gangaram Sinha as well as Acquittal Appeal No.363 of 2025 preferred by the State, being devoid of merit, are hereby **dismissed**.

Sd/-

(Sanjay S. Agrawal)
Judge

Sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha