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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

# **CNR No. DLHC010340552021**

+ **CRL.L.P. 136/2021**

**STATE**

.....Petitioner

Through: Ms. Shubhi Gupta, APP.  
SI Shivam PS Seelampur.

versus

**MOHSIN@WASIM**

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

% **19.08.2026**

1. This application under Section 378 of the Code of Criminal Procedure, 1973 has been preferred by the State seeking leave to appeal against the order of acquittal dated 17.02.2020 passed by learned District & Sessions Judge, North-East, Karkardooma Courts, Delhi in Sessions case No.175/2018 in relation to FIR No.620/2017 for the offences punishable under Section 392/394/397 of the IPC registered at Police Station Seelampur, Delhi.

2. By the impugned judgment, the accused has been acquitted of all the offences with which he was charged.

3. The brief facts of the case are that on 09.10.2017, the complainant and his cousin were at DDA Park where the respondent was also present. The accused and the complainant were known to each other. And that on the date



of the incident, the accused allegedly approached the complainant and demanded Rs.1,500/- and upon refusal of the same, attacked him with a sharp-edged weapon which he had hidden in his handkerchief. Subsequent to that, the respondent then allegedly snatched the complainant's scooter and ran away from the spot.

4. Learned counsel for the State submits that the findings rendered by the learned Trial Court are perverse. There is enough material to convict the respondent.

5. The Court, however, finds that in paragraph 7 of the impugned order, it has come on record that PW-1 and PW-2, who are the complainants, were friends of the accused and they had known each other since childhood. They were living in the same locality. The Court noted that in view of the evidence of the complainant, the charges for the offence under Section 392/394/397 of the IPC are not established. Paragraphs 7 & 8 of the impugned order are extracted as under:

*“7. The combined reading of the testimonies of the complainant PW1 and PW2 reflects that the complainant and the accused were known to each other since childhood as they are friends and were also residing in the same locality. The accused on 09.10.2017 grappled with the complainant. The complainant made contradictory statement regarding the snatching of scooter from him by the accused and causing of injury to the complainant by the accused. The complainant PW1 in cross-examination deposed that he used to deliver goods to the accused on his demand and on the day of incident he had given his scooter to the accused on demand. The complainant PW1 also deposed that the accused had not snatched scooter on the day of incident. The testimony of the complainant PW1 is not consistent and is self contradictory. The testimony of PW2 also reflects that the complainant received injuries when the complainant and the accused were grappling each other on some issues near the playground and the said grappling and injuries were not related to the snatching of scooter of the complainant PW1. The testimony of PW2 does not connect the accused beyond doubt. The respective testimonies of the complainant PW1 and PW2 are not sufficient to connect the accused with the alleged offence and are raising substantial doubts as to the committal of alleged offence*



by the accused. The testimony of remaining witnesses also do not connect the accused with the alleged offence as they either conducted or participated in investigation.

8. In view of above discussion, the prosecution has failed to prove beyond reasonable doubt that on 09.10.2017 at about 5:00PM near DDA ~ark, the accused snatched the scooty of the complainant after causing injury by using a sharp-edged weapon. The accused is accordingly acquitted for the offence punishable under Section 392/394 IPC and under Section 397 IPC. Bail bond cancelled. Surety discharged. Superdiginama if any, is cancelled. Surety released. File be consigned to the record room.”

6. Furthermore, this Court has a limited scope of interference in an appeal against acquittal, as the order of acquittal by the trial Court provides double presumption of innocence in favour of an accused. In **Chandrappa v. State of Karnataka**<sup>1</sup> the Supreme Court laid down the following principles:

“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, reappreciate and reconsider the evidence upon which the order of acquittal is founded.

(2) The Code of Criminal Procedure, 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 conclusions, 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. If two reasonable conclusions are possible on the basis of the

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<sup>1</sup>(2007) 4 SCC 415.



*evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court. does not find any reason to grant leave to file an appeal. Accordingly, the application fails and is hereby dismissed*

7. This position has been reiterated by the Supreme Court in **Babu Sahebagouda Rudragoudar v. State of Karnataka**<sup>2</sup>, wherein it was observed:

*“Acquittal can be reversed only if the findings recorded by the trial Court are found to be patently illegal or perverse or if the only view possible on the basis of the evidence available on record points towards the guilt of the accused. If two views are possible, the acquittal recorded by the trial Court should not be interfered with unless perversity or misreading of evidence is reflected from the judgment recording acquittal.”*

8. The Supreme Court in **Sunil Kumar Sambhudayal Gupta (Dr.) and Ors. v. State of Maharashtra**<sup>3</sup> held-

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*38. It is a well-established principle of law, consistently reiterated and followed by this Court that while dealing with a judgment of acquittal, an appellate court must consider the entire evidence on record, so as to arrive at a finding as to whether the views of the trial court were perverse or otherwise unsustainable. Even though the appellate court is entitled to consider, whether in arriving at a finding of fact, the trial court had placed the burden of proof incorrectly or failed to take into consideration any admissible evidence and/or had taken into consideration evidence brought on record contrary to law; the appellate court should not ordinarily set aside a judgment of acquittal in a case where two views are possible, though the view of the appellate court may be the more probable one. The trial court which has the benefit of watching the demeanour of the witnesses is the best judge of the credibility of the witnesses.*

*39. Every accused is presumed to be innocent unless his guilt is proved. The presumption of innocence is a human right. Subject to the statutory exceptions, the said principle forms the basis of criminal jurisprudence in India. The nature of the offence, its seriousness and gravity has to be taken into consideration. The appellate court should bear in mind the*

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<sup>2</sup>2024 SCC OnLine SC 561.

<sup>3</sup> (2010) 13 SCC 657.



*presumption of innocence of the accused, and further, that the trial court's acquittal bolsters the presumption of his innocence. Interference with the decision of the trial court in a casual or cavalier manner where the other view is possible should be avoided, unless there are good reasons for such interference.*

*40. In exceptional cases where there are compelling circumstances, and the judgment under appeal is found to be perverse, the appellate court can interfere with the order of acquittal. The findings of fact recorded by a court can be held to be perverse if the findings have been arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant/inadmissible material. A finding may also be said to be perverse if it is "against the weight of evidence", or if the finding so outrageously defies logic as to suffer from the vice of irrationality. (See Balak Ram v. State of U.P., Shailendra Pratap v. State of U.P.<sup>10</sup>, Budh Singh v. State of U.P.<sup>11</sup>, S. Rama Krishna v. S. Rami Reddy <sup>12</sup>, Arulvelu v. State, Ram Singh v. State of H.P.<sup>14</sup> and Babu v. State of Kerala<sup>15</sup>)*

*41. The instant case is required to be examined in light of the aforesaid legal principles*

9. In view of the aforesaid facts and circumstances, the Court finds that there is no scope of interference to the impugned judgment.
10. Accordingly, the application fails and the same is hereby dismissed.

**PURUSHAINDR KUMAR KAURAV, J**

**AUGUST 19, 2026**

Ab/as