

Reserved On : 24/03/2026
Pronounced On : 08/04/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL NO. 990 of 2012

=====

STATE OF GUJARAT

Versus

RANJITBHAI BACHUBHAI CHAVDA RAJPUT & ORS.

=====

Appearance:

MR YUVRAJ BRAHMBHATT, APP for the Appellant(s) No. 1
 MS TULSI GOSWAMI FOR MR TULSHI R SAVANI(3070) for the
 Opponent(s)/Respondent(s) No. 1,2,3

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV J. THAKER

CAV JUDGMENT

1. Feeling aggrieved by and dissatisfied with the judgment and order of acquittal dated 29.11.2011, passed by the learned 3rd Additional District and Sessions Judge, Bhavnagar camp at Mahuva, in Sessions Case No.158 of 2010, for the offences punishable under Sections 306, 498(A) and 34 of the Indian Penal Code, the appellant – State of Gujarat has preferred this appeal under Section 378 of the Code of Criminal Procedure, 1973 (for short, “**the Code**”).

2. The prosecution case as unfolded during the trial before the trial Court is that the complainant’s sister, who was married to accused no.1 and residing in her matrimonial joint family, was subjected to continuous mental and physical harassment by the accused persons. She had repeatedly

informed the complainant about such ill-treatment and had even returned to her parental home expressing unwillingness to go back. However, she was sent back after assurances from the accused side. Shortly thereafter, she committed suicide by jumping into a well. It is alleged that due to such harassment, the accused abetted her suicide, leading to the registration of the offence under Sections 498(A), 306, and 34 of the Indian Penal Code.

3. After investigation, sufficient *prima facie* evidence was found against the accused person/s and therefore charge-sheet was filed in the competent criminal Court. Since the offence alleged against the accused person/s was exclusively triable by the Court of Sessions, the learned Magistrate committed the case to the Sessions Court where it came to be registered as Sessions Case No.158 of 2010. The charge was framed against the accused person/s. The accused pleaded not guilty and came to be tried.

4. In order to bring home the charge, the prosecution has examined 17 witnesses and also produced 25 documentary evidence before the Trial Court, which are described in the impugned judgment as under:

Oral Evidence

Sr.No.	Witness	Exhibit
1	Hanubhai Hamirbhai Gohil	17
2	Bavanji Danabhai Rabari	19
3	Bharatbhai Bachubhai	22
4	Bhanudanas Haridas	24
5	Kanubhai Hamirbhai Gohil	25
6	Kanaksinhbhai Kalubha	29
7	Boghabhai Bholabhai	31
8	Popatbhai Kalubhai	32
9	Bhanabhai Dudabhai	33
10	Ashokbhai Laljibhai Vadher	36
11	Malujibhai Hamirbhai	45
12	Raniben Hamirbhai	46
13	Shituba Shivubhai Gohil	47
14	Dharubhai Masribhai	48
15	Nanalal Gaurishankar Laghva	51
16	Bavanjibhai Danabhai Rabari	56
17	Pradyuman Kishansinh Chavda	60

Documentary Evidence

Sr.No.	Details	Exhibit
1	complaint	18
2	Note regarding assignment of investigation	20
3	Communication sent by D.Y.S.P. to P.S.I. Bagdana for registering the complaint	21
4	Panchnama of seizure of samples	23
5	Inquest Panchnama	26
6	Arrest Panchnama	27
7	Panchnama of the scene of offence	30
8	Post-mortem form	37
9	Letter sent by A.S.I., Mahuva Police Station, for conducting post-mortem	38
10	Post-mortem note/report	39
11	Medical certificate issued by the Medical Officer of the Municipal Medical Unit	40
12	Letter by the Investigating Officer (I.O.) for obtaining the post-mortem note	41
13	Letter issued by the Resident Medical Officer of the Municipal Medical Unit to the F.S.L., Ahmedabad for chemical	42

	analysis	
14	Forwarding letter of F.S.L.	43
15	Serological report of F.S.L.	44
16	Copy of Station Diary	52
17	Fax message sent by P.S.O. to superior officer regarding accidental death	53
18	M.L.C. report forwarded by Municipal Medical Unit, Mahuva	54
19	Communication by P.S.O., Mahuva to P.S.I. Bagdana regarding forwarding of case papers	55
20	Fax message sent by P.S.I. to superior officer regarding the present offence	57
21	Fax message sent by P.S.I. seeking assistance of a lady constable	58
22	Arrest memo of accused Kunvarba Bachubhai	61
23	Dispatch entry regarding sending muddamal (case property) to F.S.L.	62
24	Receipt of F.S.L.	63
25	Communication sent to F.S.L. regarding return of muddamal (case property)	64, 65

5. After hearing both the parties and after analysis of evidence adduced by the prosecution, the learned trial Judge acquitted the accused for the offences for which the charge was framed, by holding that the prosecution has failed to prove the case beyond reasonable doubt.

6. Learned APP for the appellant – State has pointed out the facts of the case and having taken this Court through both, oral and documentary evidence, recorded before the learned trial Court, would submit that the learned trial Court has failed to appreciate the evidence in true sense and perspective; and that the trial Court has committed error in acquitting the accused. It is submitted that the learned trial Court ought not to have given much emphasis to the contradictions and/or omissions appearing in the evidence and ought to have given weightage to the dots that connect the accused with the offence in question. It is submitted that the learned trial Court has erroneously come to the conclusion that the prosecution has failed to prove its case. It is also submitted that the learned Judge ought to have seen that the evidence produced on record is reliable and believable and it was proved beyond reasonable doubt that the accused had committed an offence in question. It is, therefore, submitted that this Court may allow this appeal by

appreciating the evidence led before the learned trial Court.

7. As against that, learned advocate for the respondent/s would support the impugned judgment passed by the learned trial Court and has submitted that the learned trial Court has not committed any error in acquitting the accused. The trial Court has taken possible view as the prosecution has failed to prove its case beyond reasonable doubt. Therefore, it is prayed to dismiss the present appeal by confirming the impugned judgment and order passed by the learned trial Court.

8. In the aforesaid background, considering the oral as well as documentary evidence on record, independently and dispassionately and considering the impugned judgment and order of the trial Court, the following aspects weighed with the Court:

8.1. The prosecution has mainly relied on the complaint which is filed by the brother of the deceased which is produced vide exhibit 18, wherein it is the case of the prosecution that, whenever the deceased Raghuba used to come from her matrimonial home to her parental house, she used to state that the accused used to falsely blame the deceased and the accused used to harass her and on all

occasions the family members of the deceased used to console the deceased and send her back to her matrimonial home.

8.2. It is a case of prosecution that before 15 days from the date of incident, the brother-in-law of the deceased Mulubhai, had come to drop the deceased at her parental house and at that time when the complainant had asked the deceased as to why she had come to her parental house, she had informed that she does not want to stay at her matrimonial home and that the accused are suspecting the character of the deceased and are not keeping the deceased at their house and are constantly taunting her and the deceased was tired of constant taunts given by the accused. In the said complaint produced vide exhibit-18, it has also been stated that just before one day from the date of incident, the brother-in-law of the deceased had come to get the deceased to her house on the ground that the accused no.1 was not well and the complainant again consoled the deceased that all will be well when she reaches the matrimonial home and thereafter, the deceased was sent to her matrimonial home along with her brother-in-law.

8.3. On 28.06.2010, the complainant received a phone call from his cousin Dhirubhai Masibhai that the deceased has expired as she fell in a well and in the complaint it has

been stated that since one and a half years, the deceased has been constantly harassed and the accused are taunting the deceased of her character and have abused her and therefore, she has committed suicide.

8.4. According to the complaint filed vide exhibit 16, the complainant's sister, Raghuba, used to frequently return from her matrimonial home. At that time, her husband Ranjitbhai, Bachubhai, and her mother-in-law Kunwarba would repeatedly make false allegations against her, abuse her verbally, and subject her to physical harassment. The complainant would do counselling of her and send her back to her matrimonial home. About fifteen days prior to the incident, Raghuba was brought back by her brother-in-law Mulubhai, and stated that she could not continue living at her matrimonial home. She further said that her husband and mother-in-law were casting false doubts on her character and did not wish to keep her in the house, and they would taunt her constantly. Due to this harassment, she kept returning to her parental home. On the evening prior to the incident, at around 05:00 PM, her brother-in-law Mulubhai came and took her back, stating that Ranjitbhai was ill. On 28.06.2010, at around 08:00 AM, the complainant received a phone call from Dhirubhai, the son of his aunt residing in Dungarpur, informing him that Raghuben had fallen into a well and died.

8.5. The prosecution has examined the complainant -Hanubhai Hamirbhai Gohil as P.W.1 vide exhibit 17. In his deposition he has admitted that he had not filed any complaint before any police station of harassment alleged to have been done by the accused on her sister during the lifetime of her sister nor is there any complaint filed by the deceased before any police station of the fact that the accused were doubting the character of the deceased. He has also admitted that the said fact was not informed to the sarpanch of the village and or any of the elders and leaders of their community and it is only after the death of the deceased Raghuben that for the first time he has filed a complaint that the accused used to suspect the character of the deceased. He has also admitted that the deceased i.e. the sister of the complainant was getting treatment for her mental health from Dr.Kamlesh J. Shah. In his deposition he has stated that the deceased was his sister. About one and a half years prior to the incident, his sister was married to Ranjitbhai Chavda at village Dungarpur. After his sister went to her matrimonial home, she used to visit her parental home. During such visits, his sister used to inform him that her in-laws and husband would behave improperly with her, make remarks against her, and subject her to harassment. His sister had no children. It is further stated that his sister fell into a well.

On the previous day before the incident, her brother-in-law had come to their house and taken his sister back. The complainant further deposed that his sister used to tell him that she was being harassed and that her husband and in-laws were casting doubts upon her character.

8.6. The prosecution has examined Police Inspector Bavanji Danabhai Rabari as P.W.2 vide exhibit-19. In his deposition, he has stated that on 28.06.2010, upon receiving information of an accidental death at Bagdana Police Station, he took up the investigation. During the course of investigation, Shri Hanubhai Gohil appeared before him and lodged his complaint, which was recorded as per his narration and duly signed by him. In the cross-examination, this witness has admitted that the place of incident falls on the road between Mahuva and Bagdana, and that he had not immediately visited the spot. He has further admitted that at the time of recording the complaint, four to five village elders were present, yet he did not record their statements. He was the Police Inspector at Bagdana Police Station. The prosecution has thereafter examined Bharatbhai Bachchubhai at exhibit-22 as P.W.3. He is the panch witness of the panchnama produced vide exhibit 23, whereby the liquid was recovered at the time of postmortem from the body of the deceased. The other witness of the said panchnama produced vide exhibit-

23, has been examined vide exhibit-24-Bhanudas Haridas as P.W.4, both have turned hostile and have not supported the case of the prosecution.

8.7. The prosecution has thereafter examined Kanubhai Hamirbhai Gohil the brother of the deceased, has been examined on behalf of the prosecution at Exhibit 25. He has stated that on 28.06.2010, the police called him to the post-mortem room at the Government Hospital, where the dead body of Raghubai was lying on the table. upon examination of the body found no marks of injury. According to him, the deceased had died due to drowning. Further, this witness has stated that Hanubhai had informed him that, due to matrimonial discord and household issues, his sister Raghubai had returned to her parental home. He has also stated that he does not have any personal knowledge as to the exact cause of death of the deceased, and that he had only heard that she died due to mental harassment caused by her husband and in-laws. He was the panch witness of the inquest panchnama, which is produced vide exhibit 26. The said inquest panchnama, does not indicate any external injuries on the body of the deceased.

8.8. Further, Dr. Ashokbhai Vadher has been examined at Exhibit 36. Dr. Ashokbhai stated that the dead body was

received on 28th June 2010 at about 2:30 PM. The post-mortem commenced at 2:50 PM and was completed at 4:50 PM. No external injuries were found on the body, nor were any fractures detected. The doctor further opined that if a person jumps into a well, such a death is possible. In cross-examination, the doctor admitted that if a person goes near a well to fetch water or for any other purpose, and the well is deep, such a death could occur due to accidental slipping and falling. He further stated that if a person is suffering from an anxiety-related neurotic disorder, their mental condition may be unstable, and in such a state, it cannot be certainly said what actions such a person might take. Thus, from the medical evidence of the doctor, it appears that the deceased may have committed suicide.

8.9. The prosecution has thereafter examined Kanaksinhbhai Kalubha as P.W.6 vide exhibit-29. He is the panch witness of scene of offense which is produced vide exhibit-30. He is the sarpanch of village-Dungarpur. In his cross-examination he has stated that there was no disturbance in the family life of the deceased. He has also stated that he has signed on the prepared panchnama and he has also admitted that the deceased was mentally ill and was taking medicine for the same. However, he does not support the case of the prosecution and has not stated any facts regarding the cause

of death of the deceased. On the contrary, he has deposed that the matrimonial life of the deceased was running smoothly.

8.10. The prosecution has examined Boghabhai Bholabhai as P.W.7 vide exhibit-31. He is the panch witness of inquest panchnama produced vide exhibit-26. In his deposition, he has stated that on 28.07.2010, the police explained to him at the post-mortem room of Mahuva Municipal Hospital that an inquest panchnama of the deceased, Raghuben, was to be carried out. Thereafter, he voluntarily acted as a panch witness, and along with two other panchas, remained present for the said panchnama. Upon perusal of the deposition of this witness, it appears that although he was present with Hanubhai at the time of lodging the complaint, he has only deposed regarding the inquest panchnama and has not stated any facts as to what was narrated to him by Hanubhai or whether he had any knowledge about the incident. This witness has been declared hostile. As discussed hereinabove, he has not stated any facts regarding the cause of death of Raghuben. He has turned hostile and has not supported the case of the prosecution.

8.11. The prosecution has thereafter examined cousin of the complainant Popatbhai Kalubhai vide exhibit 32 as P.W.8. He

has in his cross-examination stated that he was informed that the deceased accidentally fell in the well. He has also in his deposition stated that the police had not taken his statement at the time of incident and he had not given any statement to the police. He also stated that he had never visited the matrimonial home of his sister and had no personal knowledge regarding how she was treated there or about her personal life. He has deposed that his testimony is based solely on what was told to him by Hanubhai.

8.12. The uncle of the deceased Bhanabhai Dudhabhai has been examined as P.W.9 vide exhibit-33. This witness has stated that Hanubhai resides in their village and is related to him. Upon perusal of the deposition of this witness, certain new facts emerge. According to this witness, the mother-in-law and father-in-law of the deceased were not saying anything to her, and he has not at all stated anything regarding allegations on the character of the deceased. In his cross-examination, he admitted that the police had neither recorded his statement nor made any inquiry with him. He has further admitted that he had not informed the police about the circumstances in which the deceased died. He has also stated that his niece, Raghuben, was taking treatment from a doctor at Bhavnagar for mental illness and was also under medication for headaches. Thus,

this witness also does not support the case of the prosecution.

8.13. The Medical Officer who had carried out the postmortem has been examined at exhibit-36 as P.W.10 and the postmortem report is produced vide exhibit-39 and the cause of death as stated in the postmortem report was cardiorespiratory arrest because of asphyxia falling because of drowning.

8.14. The prosecution has thereafter examined the younger brother of the complainant vide exhibit-45 as P.W.11. He in his cross examination has stated that the police met him after 2 days from the date of incident and other than asking for his name and address no other statement was taken by the police. He has also admitted that on festival occasions, the deceased used to come to her parental house and after the festival was over the family members from the in-laws of the deceased used to take the deceased to the matrimonial home. He is not aware as to what kind of relation did the deceased have at her matrimonial home. He has further admitted that he had not stated before the police that his sister was being taunted. Thus, this witness has not produced any clear or cogent evidence regarding the cause of death of the deceased, and there are material contradictions between

his deposition before the Court and his statement before the police.

8.15. The mother of the deceased Raniben has been examined vide exhibit-46 as P.W.12. She has admitted that the deceased was getting treatment from Dr.Kamlesh Shah for her mental health. She has only stated that the accused used to taunt the deceased of her character. This witness has further admitted that she had not made any complaint to the elders of the community regarding the alleged accusations made against her daughter. It is pertinent to note that the allegation regarding a five-month pregnancy has not been mentioned by the complainant in his complaint, nor has it been brought on record that the deceased had narrated any such fact to her brother before the police. Thus, the evidence of this witness appears to be unclear and inconsistent and does not align with the case put forward by the prosecution.

8.16. The neighbour and cousin of the deceased Shituba Shivubha Gohil has been examined as P.W.13 vide exhibit-47. She has stated that the husband of the deceased used to consume alcohol. She has stated that the deceased had not informed her as to what was disturbing the deceased. She in her examination-in-chief has stated that the accused used to accuse the deceased of her character. In her cross-

examination, she has stated that, it is true that the deceased had never informed her about any of the trouble that she used to face at her matrimonial home. She has also admitted that the deceased was being treated for her headaches. She has also admitted that the fact of the husband returning home after consuming alcohol was not stated in her police statement. She had further admitted that the police had merely inquired about her name and had not recorded any detailed statement. It is also admitted that the deceased was suffering from headaches and was under medical treatment.

8.17. The prosecution has thereafter examined Dharubai Masribhai vide exhibit-48 as P.W. 14, who is the cousin of the deceased. Upon perusal of her deposition, it appears that this witness has been declared hostile and does not support the case of the prosecution in any manner. He has stated that she has no knowledge as to how Raghuben died or about the nature of her matrimonial life.

8.18. The prosecution has thereafter examined the police officer, who had taken the initial complaint and handed over the investigation to Mr.Nanalal Gaurishankar Vadhva vide exhibit-51 as P.W.15.

8.19. The prosecution has thereafter examined Bavanjibhai

Danabhai Rabari, who was initially examined as P.W.2.

8.20. The P.S.I. Pradhyuman Kishansinh Chavda has been examined vide exhibit-60 as P.W.17. The defense has examined as defense witness no.1-Dr. Kamlesh Shah, vide exhibit-73 and from his deposition, it transpires that the deceased was suffering from angitis neurosis and she was in his treatment. At least since 11.01.2010, when clinical examination of the brain of the deceased was done by him. He has produced the documentary proof of prescription and the medical certificates vide exhibit-74.

8.21. From the entire evidence, the prosecution has not been able to pinpoint that because of the cruel behavior of the accused, the deceased has committed suicide.

8.22. The prosecution has also not been able to prove that persistent unbearable nature, harassment by the accused has led the deceased to take the extreme step. The prosecution has also not been able to prove by independent evidence that the accused have committed offence under Sections 306, 498(A) and 34 of the Indian Penal Code. The prosecution has also not been able to prove that the accused have intentionally aided and instigated the deceased to commit suicide.

8.23. The prosecution has also not been able to prove that there was active and direct act of the accused which drew the deceased to commit suicide. The trial Court has taken into consideration the evidence of the prosecution and also taken into consideration the deposition of Dr.Kamlesh Shah who was the defence witness no.1, who has been examined vide exhibit-73, that the deceased herself was suffering from mental health and was under his treatment.

9.1 The evidence on record and the glaring omission on the prosecution as pointed out above leaves no room of doubt that the order passed by the trial Court is as per law. The trial Court has rightly held that there was no positive evidence on record to prove that the accused by way of the conduct or spoken words, overtly or covertly, actually aided and abetted or instigated the deceased in such a manner that it leaves no other option for the deceased but to commit suicide. In the present case, the prosecution has also not been able to prove the clear motive of the accused to commit offence of abatement. There is also no close connection between the accused's action and the deceased's choice to commit suicide. In view of the said fact, the prosecution has not been able to prove that the accused have stimulated the deceased to commit suicide.

9.2 The prosecution has not proved that there was a clear motive to commit the offence of abatement. The prosecution has also not proved that the accused proceeded to encourage and/or irritate the deceased through words or insults and that the accused intended to urge the deceased to end it all by committing suicide. The prosecution has also not been able to prove the direct connection between the incitement and committal of suicide. The prosecution has also not been able to prove direct or indirect act of incitement to the commitment of suicide. The prosecution has also not been able to prove by accusation of harassment without any positive action on the part of the accused close to the time of occurrence that led and forced the deceased to commit suicide.

9.3 The present matter turns on whether the conduct attributed to the accused satisfies the legal threshold of abetment of suicide. Therefore, read as a whole, it can be said that mere occurrence of a suicide does not automatically trigger rigours of the Section. The penal consequences under Section 306 of the Indian Penal Code arise when the prosecution is able to establish that the accused abetted and had a role in provoking or facilitating that suicide. Therefore, this twin test distinction is required to be borne in mind.

9.4 Abetment, as understood in criminal jurisprudence, is not a broad moral expression but a term of precise statutory meaning. Section 107 IPC delineates its contours: instigation, conspiracy, or intentional aiding. Each of these modes presupposes active involvement. The law does not punish omission except in some cases, it punishes intentional encouragement or positive facilitation of a prohibited act.

9.5 It is therefore not sufficient to show that the deceased was unhappy, distressed, or subjected to unpleasant treatment. The jurisprudence developed by the Hon'ble Supreme Court has consistently underscored that routine domestic disagreements, suspicion between spouses, or episodes of harassment do not ipso facto amount to instigation. Rigours of this Section intervene only where there is clear evidence of mens rea and a direct causal link between the accused's conduct and the decision of the deceased to commit suicide.

9.6 The concept of instigation demands something more than mere reproach or accusation. It connotes an active suggestion, an incitement, or conduct of such intensity that it operates upon the mind of the victim and pushes him or her toward this drastic and unfortunate step. The prosecution therefore, must demonstrate either a deliberate intention to

drive the deceased to suicide or knowledge that the conduct in question was likely to produce that consequence. Equally indispensable is the requirement of proximity. The law insists on a live and immediate nexus between the acts complained of and the suicide. A remote or generalized allegation is insufficient. There must be evidence showing that the accused engaged in conduct so closely connected in time and effect with the suicide that it can reasonably be said to have triggered the fatal act.

9.7 No material has been brought on record demonstrating any proximate act immediately preceding the suicide which could be construed as instigation. Nor is there evidence of a positive act amounting to intentional aid. The essential ingredients of abetment -namely, culpable mental state coupled with active or proximate conduct-are not established.

9.8 On an overall assessment of the evidence, the prosecution has failed to demonstrate the existence of the foundational elements necessary to sustain a conviction under Section 306 IPC.

10. In the case of **Mahendra K.C. v. State of Karnataka and another**, [(2022) 2 SCC 129], it has been held

by the Hon'ble Supreme Court that the essence of abetment lies in instigating a person to do a thing or the intentional doing of that thing by an act or illegal omission. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.

10.1 In the case of **Mahendra Awase v. State of Madhya Pradesh, 2025 (1) Crimes 347 (SC)**, the observations are made with regard to abetment of suicide. It has been held that in order to bring a case within purview of Section 306 IPC, there must be a case of suicide and in commission of said offence, person who is said to have abetted commission of suicide must have played active role by act of instigation or by doing certain act to facilitate commission of suicide. It has been further observed that the act of abetment by person charged with said offence must be proved and established by prosecution before he could be convicted under Section 306 IPC. It is further observed that to satisfy

requirement of instigation, accused by his act or omission or by a continued course of conduct should have created such circumstances that deceased was left with no other option, except to commit suicide.

10.2 In the case of **Amalendu Pal alias Jhantu versus State of West Bengal, (2010) 1 SCC 707**, it has been held that in a case of alleged abetment of suicide, there must be proof of direct or indirect act(s) of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the deceased to commit suicide, conviction in terms of Section 306 IPC would not be sustainable.

10.3 In the case of **Rajesh v. State of Haryana, (2020) 15 SCC 359**, after considering the provisions of Sections 306 and 107 of IPC, the Court held that conviction under Section 306 IPC is not sustainable on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide.

10.4 In the case of **Amudha v. State, 2024 INSC 244**, it was held that there has to be an act of incitement on the

part of the accused proximate to the date on which the deceased committed suicide. The act attributed should not only be proximate to the time of suicide but should also be of such a nature that the deceased was left with no alternative but to take the drastic step of committing suicide.

11. Further, learned APP is not in a position to show any evidence to take a contrary view in the matter or that the approach of the Court below is vitiated by some manifest illegality or that the decision is perverse or that the Court below has ignored the material evidence on record. In above view of the matter, this Court is of the considered opinion that the Court below was completely justified in passing impugned judgment and order.

12. Considering the impugned judgment, the trial Court has recorded that there was no direct evidence connecting the accused with the incident and there are contradictions in the depositions of the prosecution witnesses. In absence of the direct evidence, it cannot be proved that the accused are involved in the offence. Further, the motive of the accused behind the incident is not established. The trial Court has rightly considered all the evidence on record and passed the impugned judgment. The trial Court has rightly evaluated the facts and the evidence on record.

13. It is also a settled legal position that in acquittal appeal, the appellate court is not required to re-write the judgment or to give fresh reasoning, when the reasons assigned by the Court below are found to be just and proper. Such principle is down by the Apex Court in the case of **State of Karnataka Vs. Hemareddy**, reported in **AIR 1981 SC 1417** wherein it is held as under:

“... This court has observed in Girija Nandini Devi V. Bigendra Nandini Chaudhary (1967)1 SCR 93: (AIR 1967 SC 1124) that it is not the duty of the appellate court when it agrees with the view of the trial court on the evidence to repeat the narration of the evidence or to reiterate the reasons given by the trial court expression of general agreement with the reasons given by the Court the decision of which is under appeal, will ordinarily suffice.”

14. Thus, in case the appellate court agrees with the reasons and the opinion given by the lower court, then the discussion of evidence at length is not necessary.

15. In the case of **Ram Kumar v. State of Haryana**, reported in **AIR 1995 SC 280**, Supreme Court has held as

under:

“The powers of the High Court in an appeal from order of acquittal to reassess the evidence and reach its own conclusions under Sections 378 and 379, Cr.P.C. are as extensive as in any appeal against the order of conviction. But as a rule of prudence, it is desirable that the High Court should give proper weight and consideration to the view of the Trial Court with regard to the credibility of the witness, the presumption of innocence in favour of the accused, the right of the accused to the benefit of any doubt and the slowness of appellate Court in justifying a finding of fact arrived at by a Judge who had the advantage of seeing the witness. It is settled law that if the main grounds on which the lower Court has based its order acquitting the accused are reasonable and plausible, and the same cannot entirely and effectively be dislodged or demolished, the High Court should not disturb the order of acquittal.”

16. As observed by the Hon'ble Supreme Court in the

case of *Rajesh Singh & Others vs. State of Uttar Pradesh* reported in (2011) 11 SCC 444 and in the case of *Bhaiyamiyan Alias Jardar Khan and Another vs. State of Madhya Pradesh* reported in (2011) 6 SCC 394, while dealing with the judgment of acquittal, unless reasoning by the trial Court is found to be perverse, the acquittal cannot be upset. It is further observed that High Court's interference in such appeal is somewhat circumscribed and if the view taken by the trial Court is possible on the evidence, the High Court should stay its hands and not interfere in the matter in the belief that if it had been the trial Court, it might have taken a different view.

17. In the case of **Chandrappa v. State of Karnataka**, reported in (2007) 4 SCC 415, the Hon'ble Apex Court has observed as under:

“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.”

18. The Hon’ble Apex Court, in a recent decision, in the case of ***Constable 907 Surendra Singh and Another V/s State of Uttarakhand reported in (2025) 5 SCC 433***, has held in paragraph 24 as under:

“24. 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.”

19. Considering the aforesaid facts and circumstances of the case and law laid down by the Hon'ble Supreme Court while considering the scope of appeal under Section 378 of the Code of Criminal Procedure, 1973 no case is made out to interfere with the impugned judgment and order of acquittal.

20. In view of above facts and circumstances of the case, on my careful re-appreciation of the entire evidence, I found that there is no infirmity or irregularity in the findings of fact recorded by learned trial Court and under the circumstances, the learned trial Court has rightly acquitted the respondent/s - accused for the elaborate reasons stated in the impugned judgment and I also endorse the view/finding of the learned trial Court leading to the acquittal.

21. *In view of the above and for the reasons stated above, the present Criminal Appeal fails and the same deserves to be dismissed and is **dismissed**, accordingly. Record & Proceedings be remitted to the concerned trial Court forthwith.*

URIL RANA

Sd/-
(SANJEEV J.THAKER,J)