

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

2026:HHC:8207

**Cr. Appeal No. 66 of 2013****Reserved on: 24.02.2026****Date of Decision: 23.03.2026**

---

State of H.P.

...Appellant

Versus

Meera Devi &amp; Anr.

...Respondents

---

*Coram****Hon'ble Mr Justice Rakesh Kainthla, Judge.******Whether approved for reporting?<sup>1</sup> No***

For the Appellant/State : Mr Lokender Kutlehria, Additional Advocate General, Advocate.

For the Respondents : Mr Ashok Sharma, Sr. Advocate, with Ms Anubhuti Sharma, Advocate.

---

**Rakesh Kainthla, Judge**

The present appeal is directed against the judgment dated 18.10.2012 passed by learned Judicial Magistrate First Class, Court No.2, Ghumarwin, District Bilaspur, H.P. (learned Trial Court) vide which the respondents (accused before learned Trial Court) were acquitted of the commission of offences punishable under Sections 451, 323 and 504 read with Section 34 of the Indian Penal Code (IPC). (*Parties shall hereinafter be referred to in the same*

*manner as they were arrayed before the learned Trial Court for convenience.)*

2. Briefly stated, the facts giving rise to the present appeal are that the informant, Reeta Devi (PW1), had gone to her Ghasni (grassland) to bring fuel wood on 26.02.2010. Sanju, Om Parkash, etc., were consuming liquor. Informant's father, Naseeb Singh, also came to the spot. The informant crossed Sanju and Om Parkash. They told her that she was the daughter of a terrorist. They threw the bundle of firewood, which was being carried by the informant. They also caught hold of Naseeb Singh. The informant reached the home and narrated the incident to Kala Devi (PW3), her mother-in-law. Kala Devi (PW3) went to the house of Om Parkash on 27.02.2010 to enquire about the incident. Om Parkash promised her to settle the matter. The informant was sitting on the lintel of her house on 28.02.2010 at about 5:30 PM. Meera Devi and her husband Om Parkash came to the courtyard of the informant's house. Meera Devi went to the lintel and told the informant that she (Meera Devi) was Pradhan, and the informant had defamed her. She caught hold of the informant's hair and dragged her to the courtyard. Meera Devi gave beatings to the informant by means of a stick. Om Prakash also kicked the

informant. The informant shouted for help. Naseeb Singh and Vinod Kumar came to the spot, and they rescued the informant. The accused inflicted injury on the head of Naseeb Singh. The matter was reported to the police, and FIR (Ext.PW1/A) was registered in the Police Station. Anant Ram (PW6) investigated the matter. He filed an application for the medical examination of the informant and her father. Dr Suneet Verma (PW4) conducted their medical examination. He found that the informant had sustained simple injuries which could have been caused by means of a blunt weapon. He issued the MLC (Ext.PW4/A). He also issued the MLC of Naseeb Singh (Mark X). ASI Anant Ram (PW6) visited the spot and prepared the site plan (Ext.PW6/A). Two sticks and one handle of a pickaxe (Ext.P1 to Ext.P3) were seized vide memo (Ext.PW3/A). The statements of witnesses were recorded as per their version, and after the completion of the investigation, the challan was prepared and presented before the learned Trial Court.

3. Learned Trial Court found sufficient reasons to summon the accused persons. When the accused persons appeared, they were charged with the commission of offences punishable under Sections 451, 323 and 504 read with Section 34

of the IPC, to which they pleaded not guilty and claimed to be tried.

4. The prosecution examined seven witnesses to prove its case. Reeta Devi (PW1) is the informant. Vinod Kumar (PW2) is the husband, and Kala Devi (PW3) is the mother-in-law of the informant. Dr. Suneet Verma (PW4) conducted the medical examination. SI Megh Singh (PW5) signed the FIR. ASI Anant Ram (PW6) investigated the matter. Inspector Mast Ram (PW7) prepared the challan.

5. The accused, in their statements recorded under Section 313 of Cr.P.C., denied the prosecution's case in its entirety. The accused Om Parkash stated that the victim had made a false statement to pressurize him to enter her marriage in the Panchayat record. The other witnesses deposed at the instance of the informant. The accused Meera Devi stated that the witnesses had deposed against her because of the enmity. The accused did not produce any evidence in their defence.

6. Learned Trial Court held that the testimonies of the prosecution witnesses contradicted each other. The incident had taken place in the village, and many people were residing in the

vicinity. However, the prosecution did not associate any independent person to prove its case. The testimony of the informant was not reliable. She had exaggerated her version, and no reliance could be placed upon her testimony. Accused Meera Devi had also lodged an FIR against the informant. Thus, the relationship between the parties was strained. The defence version that the Informant's name was not being entered in the Panchayat Register and a false case was made to pressurise the accused was probable. The prosecution's case was not proved beyond a reasonable doubt. Hence, the accused were acquitted.

7. Being aggrieved by the judgment passed by the learned Trial Court, the State has filed the present appeal asserting that the learned Trial Court erred in appreciating the prosecution evidence. No person deposed that any independent person had witnessed the incident, and the learned Trial Court concluded this fact without any basis. The statements of the informant and victim were corroborated by the medical evidence. Learned Trial Court had taken an unreasonable view of the matter; therefore, it was prayed that the present appeal be allowed and the judgment passed by the learned Trial Court be set aside.

8. I have heard Mr Lokender Kutlehria, learned Additional Advocate General for the appellant/State and Mr Ashok Sharma, learned Senior Advocate, assisted by Ms Anubhuti Sharma, learned counsel for the respondents/accused.

9. Mr Lokender Kutlehria, learned Additional Advocate General for the appellant/State, submitted that the learned Trial Court erred in acquitting the accused. The testimony of the informant was duly corroborated by the testimonies of her husband and mother-in-law. There was no reason for the informant to falsely implicate the accused. The defence taken by the accused that the informant wanted to get her name recorded in the Panchayat and she filed a false case to achieve this purpose was highly absurd; therefore, he prayed that the present appeal be allowed and the judgment passed by the learned Trial Court be set aside.

10. Mr Ashok Sharma, learned Senior Counsel for the respondents/accused, submitted that the learned Trial Court had rightly held that the testimonies of the witnesses contradicted each other on material aspects. The weakness of the defence does not prove the prosecution's case. The learned Trial Court had taken a reasonable view, and this Court should not interfere with

the reasonable view of the learned Trial Court, even if another view is possible. Therefore, he prayed that the present appeal be dismissed.

11. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

12. The present appeal has been filed against a judgment of acquittal. It was laid down by the Hon'ble Supreme Court in *Surendra Singh v. State of Uttarakhand*, (2025) 5 SCC 433: 2025 SCC OnLine SC 176 that the Court can interfere with a judgment of acquittal if it is patently perverse, is based on misreading of evidence, omission to consider the material evidence and no reasonable person could have recorded the acquittal based on the evidence led before the learned Trial Court. It was observed at page 438:

“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.”

13. This position was reiterated in *State of M.P. v. Ramveer Singh*, 2025 SCC OnLine SC 1743, wherein it was observed:

“21. We may note that the present appeal is one against acquittal. Law is well-settled by a plethora of judgments of this Court that, in an appeal against acquittal, unless the finding of acquittal is perverse on the face of the record and the only possible view based on the evidence is consistent with the guilt of the accused, only in such an event, should the appellate Court interfere with a judgment of acquittal. Where two views are possible, i.e., one consistent with the acquittal and the other holding the accused guilty, the appellate Court should refuse to interfere with the judgment of acquittal. Reference in this regard may be made to the judgments of this Court in the cases of *Babu Sahebagouda Rudragoudar v. State of Karnataka* (2024) 8 SCC 149; *H.D. Sundara v. State of Karnataka* (2023) 9 SCC 581, and *Rajesh Prasad v. State of Bihar* (2022) 3 SCC 471.”

14. The present appeal has to be decided as per the parameters laid down by the Hon’ble Supreme Court.

15. The informant Rita Devi (PW1) stated that she had gone to fetch the fuel wood. Om Parkash and other people were consuming liquor. Her father, Naseeb Singh, came after her to search for her. Om Parkash and other persons caught hold of her father and told him that he was a terrorist. The informant told Om Parkash that he knew her father, and Om Prakash told her that she was the daughter of the terrorist. Her bundle of firewood was thrown. The accused told her not to talk in a loud voice because he was Pradhan. She narrated the incident to her mother-in-law, who went to the house of Om Parkash to make inquiries. The wife of Om Parkash came to her home the next day. She was sitting on



the lintel. Accused Meera Devi came to the lintel and slapped her. She caught hold of the informant and dragged her to the courtyard. She also gave beatings to the informant. Her family members had also accompanied her. Accused Om Parkash was armed with a stick. She (victim) had sustained injuries on her body. Her stomach had swollen, and she became unconscious. Her father and her husband rescued her. The accused gave beatings to her father with a stick. He sustained injuries to the head from a beating.

16. Learned Trial Court had rightly held that the informant had exaggerated her version. She stated in the Court that the accused told her father that he was a terrorist, and when she protested, the accused told her that she was the daughter of the terrorist. She had stated in the FIR that the accused had told her that she was the daughter of the terrorist. She claimed in the Court that the family members of Meera Devi had visited her home. However, she had mentioned in the FIR that Meera Devi and her husband Om Parkash had visited her home. She stated in the Court that Meera Devi slapped her, whereas she had stated in the FIR that Meera Devi told her that she was a Pradhan and the informant had defamed her.

17. The informant claimed that the accused Meera Devi caught hold of her hair and dragged her to the courtyard. The Medical Officer noticed the injury on the left arm, right arm, swelling over the left and right legs. He had not noticed any injury on the scalp or the back caused by pulling the hair or dragging. Therefore, the medical evidence does not corroborate the informant's version.

18. Kala Devi (PW3) stated that she and her daughter-in-law were sitting on the lintel. Meera Devi came to the spot and slapped the informant. She caught hold of the informant's hair and dragged her to the courtyard. Om Prakash was present in the courtyard with his family members. Om Prakash had a stick, and the other persons had pieces of bushes. Om Prakash gave beatings. He inflicted the blow on the informant's stomach, and she started bleeding. Informant's father and husband came to the spot. Om Prakash inflicted a blow on the informant's father's head. They ran away from the spot. The matter was reported to the police.

19. The statement of this witness does not corroborate the informant's statement. She has nowhere stated that the informant had complained about the abuses given to her or about calling her the terrorist's daughter, and she had made inquiries from Om

Parkash, who had told her to settle the matter at home. She claimed that she and the informant were sitting on the lintel, whereas the informant had claimed that she was alone on the lintel and her family members were sleeping inside the house. Hence, her testimony that she was present on the lintel with the informant cannot be relied upon.

20. Vinod Kumar (PW2) stated that he was watching television at about 5:30 PM, and his wife and mother were sitting on the lintel. He heard the noise and came out. He saw that Meera and Om Prakash were beating the informant. Other people were also present, but he did not know their names. He rescued the informant. The incident had occurred in the courtyard. The informant had sustained injuries. Informant's father also sustained injuries to his head, but he could not see who had caused the injury.

21. The statement of this witness is also contrary to the informant's version. He claimed that he was watching television at home, whereas the informant stated that he was sleeping with other family members. He claimed that the informant and her mother-in-law were sitting on the lintel, whereas the informant had specifically stated that she was alone. He claimed that 5-6

family members of Om Prakash were present on the spot, whereas the FIR shows that only Om Prakash and Meera Devi had visited the informant's house. He claimed that his mother had sustained injuries in the beating; however, her medical examination was not conducted to corroborate this version. Thus, the learned Trial Court had rightly declined to rely upon his testimony.

22. No other independent witness was examined. ASI Anant Ram (PW6) admitted in his cross-examination that the village was large and houses were located in the vicinity. He admitted that the houses of Nand Lal and his brother were located near the informant's house. He had made enquiries from the villagers, but nobody had told him about the incident.

23. The statement of the Investigating Officer that he had made enquiries in the vicinity, but no one had seen the incident, would make the prosecution's case highly suspect. The informant specifically stated that she had shouted for help, and her family members, who were sleeping, woke up and rescued her. It is difficult to believe that the informant's cries for help would have attracted her family members, but not anybody from the vicinity.

24. ASI Anant Ram (PW6) admitted that Meera Devi had reported the matter to the police, and an FIR was registered. The report filed by the police under Section 173 of the CrPC mentions that Meera had sustained a simple injury that was caused in a scuffle, as per the opinion of the medical officer. Dr Sumit Verma (PW4) admitted that he had issued an MLC (Ext.DA) of Meera Devi, which shows a laceration around the left wrist for which the pain killers were prescribed. No person has explained the injury sustained by Meera Devi, which would make the prosecution's case suspect.

25. No other point was urged.

26. Therefore, the learned Trial Court had taken a reasonable view while acquitting the accused, and this Court will not interfere with the reasonable view of the learned Trial Court, even if another view is possible.

27. In view of the above, the present appeal fails, and it is dismissed, and so are the pending miscellaneous applications, if any.

28. In view of the provisions of Section 437-A of the Code of Criminal Procedure (Section 481 of Bhartiya Nagarik Suraksha

Sanhita, 2023) the respondents/accused are directed to furnish bail bonds in the sum of ₹25,000/- each with one surety each in the like amount to the satisfaction of the learned Trial Court within four weeks, which shall be effective for six months with stipulation that in the event of Special Leave Petition being filed against this judgment, or on grant of the leave, the respondents/accused on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

29. A copy of the judgment, along with records of the learned Trial Court, be sent back forthwith.

(Rakesh Kainthla)  
Judge

23<sup>rd</sup> March, 2026  
(Nikita)