



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No. 92 of 2015

Reserved on: 09.09.2026

Date of Decision: 17.09.2026

Surjit Singh

...Appellant.

Versus

Lal Singh & others

...Respondent.

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?¹ Yes

For the Appellant : Mr J.R. Poswal, Advocate.

For the Respondents : Mr Surya Chauhan, Advocate, for respondents No.1 to 3.

Mr Jitender Sharma, Additional Advocate General, for respondent No.4.

Rakesh Kainthla, Judge

The present appeal is directed against the judgment dated 28.04.2014, passed by learned Additional Sessions Judge, Ghumarwin (camp at Bilaspur), District Bilaspur, H.P. (learned appellate Court), vide which judgment of conviction and order of sentence dated 22.11.2012, passed by learned Judicial Magistrate,



First Class Court No. III, Ghumarwin, District Bilaspur, H.P.

(learned trial Court) were set aside. *(The 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 police presented a challan before the learned trial Court against the accused for the commission of offences punishable under Sections 325, 323 and 506 read with Section 34 of the Indian Penal Code (IPC). It was asserted that the accused Lal Singh was constructing a septic tank for the lavatory on the joint land. Mahant Ram (PW-4) objected to the construction. The accused Lal Singh, his son Anup Kumar and his wife Kusum Lata gave beatings to Mahant Ram. The informant Surjit Singh (PW-1) tried to rescue Mahant Ram, but the accused gave beatings to the informant. Accused Anup Kumar alias Anu inflicted a blow by means of a stone to the informant. Durga Dass (PW-3) witnessed the incident. The matter was reported to the police, and the police recorded an entry (Ext.PW-8/A) in the daily diary. An application (Ext.PW-7/A) was filed for the medical examination of the victims. Dr R.K. Dhiman (PW-7) examined Surjeet Singh and found that he had sustained multiple injuries. He sought the



opinion of the dental surgeon. Dr Sweta (PW-5) examined the informant and found that he had sustained grievous injuries, which could have been caused within 2 to 3 days. She issued the MLC (Ext.PW-5/C). Dr R. K. Dhiman (PW-7) issued the MLC (Ext.PW-7/B), stating that the nature of injury was grievous and could have been caused by means of kicks, fist blows and the stone (Ext.P1). An entry (Ext.PW-8/B) was recorded in the daily diary after the receipt of the medical opinion, and FIR (Ext.PW-10/F) was registered. ASI Rakesh Kumar (PW-10) investigated the matter. He visited the spot and prepared the site plan (Ext.PW-10/A). Ganga Devi produced one stone, which was put in a cloth parcel; the parcel was sealed with seal 'R' and was seized vide memo (Ext.PW1/A). Seal impression (Ext.PW-10/G) was taken on a separate piece of cloth. Statements of witnesses were recorded as per their version, and after the completion of investigation, the challan was prepared and presented before the learned trial Court.

3. Learned trial Court found sufficient reasons to summon the accused. When the accused appeared, they were charged with the commission of offences punishable under



Sections 325, 323, 506 read with Section 34 of the IPC, to which they pleaded not guilty and claimed to be tried.

4. The prosecution examined 10 witnesses to prove its case. Informant Surjit Singh (PW-1) narrated the incident. Bhag Dei (PW-2), Durga Dass (PW-3), and Mahant Ram (PW-4) are the eyewitnesses. Dr Sweta (PW-5) is the dental surgeon who examined the informant and found a grievous injury. Constable Raj Kumar (PW-6) witnessed the recovery. Dr R.K. Dhiman (PW-7) conducted the medical examination. HHC Suresh Kumar (PW-8) proved the entry in the daily diary. ASI Bhup Singh (PW-9) prepared the challan. ASI Rakesh Kumar (PW-10) investigated the matter.

5. The accused, in their statements recorded under Section 313 of the Code of Criminal Procedure (Cr.P.C.), denied the prosecution case in its entirety. They claimed that witnesses had deposed falsely against them, and they were innocent. They did not produce any evidence in their defence.

6. Learned Trial Court held that the informant's testimony was corroborated by the medical evidence and the statements of the eyewitnesses. The enmity and the relationship between the witnesses were not sufficient to discard the



prosecution's case. Therefore, the learned Trial Court convicted and sentenced the accused as under:

Sections	Sentence, of imprisonment	Fine	In default of fine
325 of IPC	Six months	₹500/-each	10 days
323 of IPC	One month	₹500/-each	10 days
506 of IPC	Two months	₹500/-each	10 days
All the substantive sentences of imprisonment were ordered to run concurrently.			

7. Being aggrieved by the judgment and order passed by the learned Trial Court, the accused filed an appeal which was decided by the learned Additional Sessions Judge, Ghumarwin (Camp at Bilaspur), District Bilaspur, H.P. (learned appellate Court). The learned appellate Court held that the prosecution version that the accused had inflicted a stone blow to the informant, fracturing his teeth, was not supported by any corresponding injury on the face. The relationship between the parties was strained, and the prosecution case was required to be seen with due care and caution. There were major contradictions in the statements of the prosecution's witnesses, which made the prosecution's case doubtful. The learned trial Court had failed to appreciate these aspects, and the judgment and order passed by



the learned trial Court were not sustainable. Hence, the appeal was allowed, and the judgment and order passed by the learned trial Court were set aside.

8. Being aggrieved by the judgment passed by the learned appellate Court, the informant Surjit Singh has filed the present appeal asserting that the learned Appellate Court erred in appreciating the evidence on record. The informant's statement was duly corroborated by the statements of eyewitnesses and the medical evidence. Learned appellate Court erred in reversing the well-reasoned judgment passed by the learned Trial Court. Therefore, it was prayed that the present appeal be allowed and the judgment passed by the learned appellate Court be set aside.

9. I have heard Mr J.R. Poswal, learned counsel for the appellant/victim, Mr Surya Chauhan, learned counsel for respondents/accused no. 1 to 3, and Mr Jitender Sharma, learned Additional Advocate General, for the respondent no.4/State.

10. Mr J.R. Poswal, learned counsel for the appellant/victim, submitted that the learned appellate Court erred in reversing the well-reasoned judgment passed by the learned trial Court. The statements of prosecution witnesses corroborated each other on material aspects, and their



statements were also corroborated by the medical evidence. An enmity furnishes a motive for the commission of crime and should not have been used to discard the prosecution version. Therefore, he prayed that the present appeal be allowed and the judgments passed by the learned appellate court be set aside.

11. Mr Surya Chauhan, learned counsel for respondent nos. 1 to 3/accused, submitted that there were various contradictions in the statements of prosecution's witnesses. The informant claimed that his six teeth were broken, but no corresponding injury was found on the face. The learned appellate Court had rightly held that the medical evidence was not sufficient to establish the prosecution version. Therefore, he prayed that the present appeal be dismissed.

12. Mr Jitender Sharma, learned Additional Advocate General for the respondent no. 4/State, submitted that the learned appellate Court erred in reversing the judgment passed by the learned trial Court. Therefore, he prayed that the present appeal be allowed and the judgment passed by the learned Appellate Court be set aside and that passed by the learned trial Court be restored.



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

14. The present appeal has been filed against a judgment of acquittal. It was laid down by the Hon'ble Supreme Court in *Sanjay Kumar v. State of Bihar*, 2026 SCC OnLine SC 1373, that the Court can interfere with a judgment of acquittal only if it is impossible, perverse, wholly unsustainable, or manifestly illegal.

It was observed:

Scope of interference with an acquittal:

26. At the outset, it is necessary to remind ourselves of the settled principles governing interference with an order of acquittal. An accused is presumed innocent until proven guilty. When a court of competent jurisdiction acquits the accused, the presumption of innocence is not weakened but reinforced. Where such acquittal is affirmed by the High Court, the caution to be exercised by this Court under Article 136 is even greater.

27. In *Kali Ram v. State of Himachal Pradesh* (1973) 2 SCC 808: 1973 SCC (Cri) 1048, this Court explained the golden thread running through criminal jurisprudence in the following words:

“25. Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases wherein the guilt of the accused is sought to be established by circumstantial evidence. A rule has accordingly been laid down that unless the evidence adduced in the case is consistent only with the hypothesis of the guilt of the accused and is inconsistent with that of his innocence, the Court



should refrain from recording a finding of guilt of the accused. It is also an accepted rule that in case the Court entertains reasonable doubt regarding the guilt of the accused, the accused must have the benefit of that doubt. Of course, the doubt regarding the guilt of the accused should be reasonable; it is not the doubt of a mind which is either so vacillating that it is incapable of reaching a firm conclusion or so timid that it is hesitant and afraid to take things to their natural consequences. The rule regarding the benefit of doubt also does not warrant acquittal of the accused by resort to surmises, conjectures or fanciful considerations. As mentioned by us recently in the case of *State of Punjab v. Jagir Singh*, a criminal trial is not like a fairy tale wherein one is free to give flight to one's imagination and fantasy. It concerns itself with the question as to whether the accused arraigned at the trial is guilty of the offence with which he is charged. Crime is an event in real life and is the product of the interplay of different human emotions. In arriving at the conclusion about the guilt of the accused charged with the commission of a crime, the Court has to judge the evidence by the yardstick of probabilities, intrinsic worth and the animus of witnesses. Every case in the final analysis would have to depend upon its own facts. Although the benefit of every reasonable doubt should be given to the accused, the Courts should not at the same time reject evidence which is *ex facie* trustworthy on grounds which are fanciful or in the nature of conjectures.”

28. The decision in *Kali Ram* (supra) further cautions that wrongful acquittal and wrongful conviction do not stand on the same footing, for conviction of an innocent person causes grave injustice and shakes public confidence in the administration of criminal justice. The rule of benefit of doubt, therefore, is not a technical rule; it is a substantive safeguard flowing from the presumption of innocence.

29. In *Ghurey Lal v. State of Uttar Pradesh* (2008) 10 SCC 450 : (2009) 1 SCC (Cri) 60, this Court reiterated the limited scope of interference with acquittals. This Court observed:

“75. The Trial Court has the advantage of watching the demeanour of the witnesses who have given evidence; therefore, the appellate court should be slow to interfere with the decisions of the Trial Court. An acquittal by the



Trial Court should not be interfered with unless it is totally perverse or wholly unsustainable.”

30. The decision in *Ghurey Lal* (supra) also crystallised certain propositions: first, there is a double presumption of innocence in favour of an acquitted accused; secondly, if two views are possible, the view favourable to the accused must prevail; thirdly, though the appellate court has the power to reappreciate evidence, it should interfere only when the acquittal is manifestly illegal, perverse or results in miscarriage of justice; and fourthly, due weight must be given to the Trial Court's findings, particularly because the trial judge had the advantage of observing the demeanour of witnesses.

31. In *Chandrappa v. State of Karnataka* (2007) 4 SCC 415: (2007) 2 SCC (Cri) 325, this Court held that though the appellate court has full power to review and reappreciate the evidence, the presumption of innocence is strengthened by an order of acquittal. It was held that when two reasonable conclusions are possible on the basis of evidence on record, the appellate court should not disturb the finding of acquittal.

32. The same principle was restated in *Mrinal Das v. State of Tripura* (2011) 9 SCC 479, wherein this Court held that an order of acquittal is to be interfered with only when there are compelling and substantial reasons for doing so. If two reasonable views are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal.

33. Therefore, the question before us is not whether another view on the evidence is possible. The question is whether the view taken by the Trial Court and affirmed by the High Court is impossible, perverse, wholly unsustainable, or manifestly illegal. Having examined the record, we are unable to hold so.

15. The informant Surjit Singh (PW-1), Bhag Dei (PW-2) and Mahant Ram (PW-4) stated that accused Anu picked up a stone and inflicted a blow on the informant's face. Durga Dass (PW-3) did not support the prosecution version. He stated in his



cross-examination by the learned Assistant Public Prosecutor (APP) that Surjit had told him about the injuries. Thus, his testimony does not advance the prosecution version.

16. Dr R. K. Dhiman (PW-7) examined the informant on 09.10.2006, and found no bleeding from the upper and lower incisors. He found deep tenderness on the chest, but no external injury was observed on the chest. He referred the informant to a dental surgeon. Dr Swetha (PW5) examined the informant and found a wounded empty socket and poor oral hygiene. X-ray was taken, and the nature of the injury was stated to be grievous. She admitted in her cross-examination that the teeth of the patient were in a decayed condition.

17. It has been stated in a *Textbook of Medical Jurisprudence and Toxicology by Modi, Twenty Seventh Edition LexisNexis India*, that teeth are dislocated or fractured either by fall or by a blow with a blunt weapon. When dislocation or fracture is caused by mechanical violence, contusion and laceration are found on the lips and on the gums of the socket. In India, false reports of loss of tooth are often made to charge the accused with grievous hurt. Therefore, the Medical Officer should note the condition of the teeth. It has been observed at page 816:



29.2.6 Teeth

The teeth are dislocated or fractured either by a fall or by a blow with a blunt weapon, such as a fist, a shoe, and the butt end of a *lathi*. When their dislocation or fracture is caused by mechanical violence, contusions or lacerations are, in all probability, found on the lips or on the gums of sockets. The dislocated teeth may at times get aspirated or be swallowed, particularly in an unconscious person. This may lead to asphyxia, aspiration pneumonia, lung abscess or even gangrene of the lung. In India, false reports about the loss of a tooth are often made with a view to charging the accused with an offence of grievous hurt, especially when an assaulted person happens to be old, and has already lost some teeth or has got some loose teeth. It is, therefore, necessary that the following points be taken into consideration when reporting on a person who alleges to have his tooth knocked out:

- (a) The condition of the neighbouring and other teeth as to whether they are firm, shaky, or diseased;
- (b) The number of the teeth present in each jaw;
- (c) The condition of the socket of the missing tooth, as to whether there is any stump left if a tooth is fractured, whether there is any bleeding and whether there is any laceration;
- (d) The condition of the lips and gums as regards the presence of injury;
- (e) If a tooth is sent with the injured person, it should be examined to ascertain if it corresponds to the missing tooth. Its fangs should be especially examined to find out if fracture or dislocation has occurred. After examination, the tooth should be returned in a sealed packet to the police constable accompanying the injured person;
- (f) X-ray examination of the jaw may reveal fracture of alveolar margin from the site of dental injury. The fracture of the root of a loose tooth could also be detected.



18. A similar opinion is expressed in *Parikh's Textbook of Medical Jurisprudence, Forensic Medicine and Toxicology for Classrooms and Courtrooms Ninth Edition (2023) CBS Publishers India*, wherein it has been stated at page 274:

In India, it is not uncommon to make a false report about the loss of a tooth in order to charge an enemy with grievous hurt. Sometimes, a loose tooth has fallen off or has been pulled out, or some other tooth is produced as the fractured or dislocated tooth. When such suspicion exists, the medical officer should make a note of:

- (1) number of teeth present in each jaw and other details, such as whether temporary or permanent, and whether they are firm, loose, or diseased,
- (2) condition of the socket to determine if there is any bleeding, laceration, or fracture of the thin bony plate surrounding the alveolus, or presence of stump of the fractured tooth, and
- (3) condition of gums or lips for evidence of injury.

The tooth should also be examined to determine if it corresponds to the missing tooth, and its fangs examined to determine if the tooth has been fractured or dislocated. In false complaints, there are generally no signs of injury to lips, gums, or adjacent teeth, although the alleged weapon is a stick or a stone. The cavity is old and contracted, and the tooth is usually unbroken, old and dry, or diseased.

19. In the present case, the statements of the medical officer or the dental surgeon do not show any bleeding, fracture of alveolar margin from the site of dental injury or the corresponding injury on the gum or the cheek. Therefore, the



learned appellate Court was justified in holding that the medical evidence does not corroborate the informant's version.

20. The informant Bhag Dei (PW-2) admitted in her cross-examination that land disputes were pending between the parties. Mahant Ram (PW-4) also admitted in his cross-examination that many cases were pending between him and the accused. These statements show that the relationship between the parties was strained and the learned appellate Court was justified in holding that the prosecution version is required to be seen with due care and caution.

21. The witness Bhag Dei (PW-2) admitted in her cross-examination that 4-5 persons were present. However, no person was examined, and the learned appellate Court was justified in holding that the version of the informant and his family member could not be relied upon in the absence of corroboration from independent witnesses because of the strained relationship.

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

23. No other point was urged.



24. In view of the above, the present appeal fails and is dismissed; so also the pending application(s), if any, stand disposed of.

25. 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 are directed to furnish personal bond in the sum of ₹50,000/- each with one surety of the like amount each to the satisfaction of the learned trial Court, which shall be effective for six months with a stipulation that in the event of a Special Leave Petition being filed against this judgment or on grant of the leave, the respondents on receipt of notice thereof shall appear before the Hon'ble Supreme Court

26. A copy of the judgment, along with the record of the learned Court below, be sent back forthwith.

(Rakesh Kainthla)
Judge

17th September, 2026
(Ravinder)