

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 1847/2026

Prakash Chandra Regar S/o Shri Bhura Ram, Aged About 28
Years, R/o Shiv Road, Gotan, P.s. Gotan, District Nagaur,
Rajasthan.

-----Petitioner

Versus

State Of Rajasthan, Through P.p.

-----Respondent

For Petitioner(s)	:	Mr. Shyam Sunder Paliwal Mr. Deepak Saraswat
For Respondent(s)	:	Mr. Ramesh Dewasi, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

23/04/2026

The grievance of the petitioner herein is that, instead of granting a clean and honourable acquittal, the learned trial court acquitted the petitioner by extending the benefit of the doubt.

The petitioner was tried in Criminal Case No. 880/2018. For offences under Sections 341, 323/149, 325/149, and 504 of the Indian Penal Code, the parties are entered into a compromise and the petitioner was acquitted based upon the compromise. So far as the Sections 143 and 147 of IPC were concerned, the learned trial Court after concluding the trial acquitted the petitioner vide its judgment dated 04.11.2020, however, the petitioner was acquitted by giving benefit of doubt.

Heard.

Learned counsel for the petitioner submits that the impugned judgment clearly demonstrates that there was no prosecution evidence against the petitioner. It is contended that the "benefit of

the doubt" principle applies only where prosecution evidence exists, but is found to be unreliable. In cases where there is a complete absence of prosecution evidence, the acquittal ought to be recorded as a clean acquittal.

Learned Public Prosecutor does not dispute that none of the prosecution witnesses examined during trial supported the allegations against the petitioner, as they had turned hostile.

I have considered the submissions and am of the opinion that the impugned judgment unmistakably reveals a complete absence of prosecution evidence against the petitioner.

In the present case before the learned trial Court three witnesses examined PW-1, PW-2 and PW-3 had turned hostile and they did not support the story of the prosecution. The learned trial Court while considering their evidence has clearly held that none of the witnesses state that the accused was Member of the Unlawful Assembly or used forged or violence. The record clearly indicates that there was no credible evidence presented by the prosecution to substantiate the charges under Sections 143 and 147 of IPC. Thus, there were non-foundational bases for the charges.

The principle of granting the "benefit of the doubt" is applicable in cases where prosecution evidence exists but is unreliable or insufficient to prove guilt beyond reasonable doubt.

In the present case, the prosecution evidence was wholly absent, leaving no scope for application of this principle. The

acquittal, therefore, ought not to have been based on the benefit of the doubt, but should have reflected complete exoneration.

An acquittal ought to be qualified as a clean acquittal where there is a total absence of prosecution evidence, rather than granting the benefit of doubt, which is reserved for cases involving unreliable or insufficient evidence. **A Coordinate Bench in S.B. Cr. Misc. Petition No. 3618/2024** has held that where the court arrives at a finding that the prosecution has totally failed to prove the charge, the use of the expression “benefit of doubt” while acquitting the accused is improper and legally untenable.

All the prosecution witnesses having turned hostile in the present case, further reinforces the conclusion that there was no prosecutorial basis for the charges. In the absence of any supporting testimony, the trial court ought to have unequivocally granted the petitioner a clean and honourable acquittal.

It is also pertinent to note that misclassification of an acquittal may have significant legal and reputational consequences for the petitioner, as it may unjustly suggest that there was some substance in the allegations, though insufficient to convict. A clean acquittal, on the other hand, accurately reflects the petitioner’s innocence and the prosecution’s failure to discharge its burden of proof. Therefore, in the absence of any prosecutorial evidence, the petitioner’s acquittal deserves to be expressly recognized as a clean acquittal.

Accordingly, the impugned judgment dated 04.11.2020 passed by learned Additional Civil Judge and Judicial Magistrate,

Merta is modified to reflect that the petitioner's acquittal is a clean acquittal, and not one based on the benefit of the doubt.

With these observations, the petition is allowed. Pending applications, if any, also stand disposed of.

(BALJINDER SINGH SANDHU),J

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