

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

S.B. Criminal Appeal (Sb) No. 2070/2025

Mannuram S/o Shri Ramuram, Aged About 49 Years, R/o 13 Md,
Tehsil Gharsana, District Sriganganagar(Raj.)

----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. Gurmeet Singh S/o Sampooran Singh, Resident Of 13 Md,
Ps Gharsana, District Sriganganagar(Raj)
3. Gurtej Singh S/o Sampooran Singh, Resident Of 13 Md,
Ps Gharsana, District Sriganganagar(Raj.)
4. Prem Kumar S/o Chandu Ram, Resident Of 13 Md, Ps
Gharsana, District Sriganganagar(Raj.)

----Respondents

For Appellant(s)	:	Mr. Abhishek Aggarwal
For Respondent(s)	:	Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

DATE OF CONCLUSION OF ARGUMENTS	09/04/2026
DATE ON WHICH JUDGMENT IS RESERVED	09/04/2026
FULL JUDGMENT OR OPERATIVE PART	Full JUDGMENT
DATE of PRONOUNCEMENT	30/04/2026

BY THE COURT:-

1. The criminal appeal under section 413 BNSS (Section 372 Cr.P.C), emanated from the judgment dated 09.05.2025 passed by learned Special Judge SC/ST Act Cases, Sriganganagar in Session Case No.196/2017 whereby the respondents have been acquitted

from the charges under Sections 427/34 of IPC and 3(1)(r)(S) of SC/ST Act.

2. The acquittal of the accused respondent has been subjected by the victim through this appeal before this Court. The prosecution story in nutshell speaks about the incident occurred on 13.07.2016 regarding making assault by the accused respondents over the complainant and humiliating him for being a member of schedule caste.

3. The matter was thoroughly investigated by the police and whereupon a report under Section 173 of Cr.P.C. came to be submitted with the concurred finding that no offence under Section 3(1)(r)(s) of the SC/ST Act was made out except Sections 427 & 34 of the IPC which were not cognizable. Upon making protest by the petitioner, an inquiry got initiated and whereupon learned trial court took cognizance of the offence under Sections 427 of IPC and 3(1)(r)(s) of the SC/ST Act. It is a clear cut finding of learned trial court that PW-1 Manuram was erecting construction of a lavatory at a public place which was objected by the villagers including the respondent. The Investigating Officer was also of the same view.

4. It was imperative for the prosecution to establish the fact that the respondent caused offence of mischief and humiliation or intimidated the victim for his being a member of scheduled caste, in both the vital aspects, the prosecution miserably failed. The testimony of PW-1 is not getting corroboration from any independent evidence. The fact emerged that the lavatory was being constructed at a public road. The allegation of hurling

abuses is not verified by any other independent source. The statement of Investigating Officer PW-8 Prashant Kaushik further verifying justification of the judgment of the learned trial court. The finding of learned trial court in Para-25 of the impugned judgment seems to be very cogent and based on record which in my view does not call for interference in appellate jurisdiction. This Court is of the firm view that the prosecution miserably failed to prove its case beyond reasonable doubt.

5. The Hon'ble Supreme Court in *Mallappa & Ors. v. State of Karnataka* (Criminal Appeal No.1162/2011, decided on 12.02.2024) has reiterated the settled principles governing interference in appeals against acquittal. It has been held that unless the findings of the Trial Court are manifestly illegal, perverse, or based on misappreciation of evidence, the appellate Court should not substitute its own view merely because another view is possible.

6. Applying the said principles to the present case, this Court finds that the view taken by the Trial Court is a reasonable and plausible one. The appreciation of evidence is comprehensive, balanced and in accordance with law. No material illegality, perversity or patent error has been demonstrated by the prosecution.

7. It is well settled that where two views are possible, the one favouring the accused must prevail. The presumption of innocence stands reinforced by an order of acquittal, and such presumption cannot be lightly disturbed.

8. No case is made out for interference, accordingly the instant appeal is dismissed. The order of acquittal dated 09.05.2025 passed by learned Special Judge SC/ST Cases, Sri Ganganagar is hereby affirmed.

9. Pending applications, if any, are also disposed of.

10. Record be sent back forthwith.

(FARJAND ALI),J

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