

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 216 OF 2008

MANJINDER SINGH

Appellant(s)

VERSUS

THE STATE OF PUNJAB & ANR. ETC.

Respondent(s)

WITH

CRIMINAL APPEAL NO. 217 OF 2008

O R D E R

With the assistance of the learned counsel, we have perused the record as well as the judgments of the Trial court and the High Court.

The appeals by the State and by the complainant against the acquittal by the High Court of two of the accused Harpreet Singh and Chamkaur Singh must be considered in the light of the settled position.

In Harbeer Singh vs. Sheeshpal¹, this Court while reiterating the settled position has observed thus:

"9. In H.P. Admn. v. Om Prakash², it was held by this Court:

"4. In appeals against acquittal by special leave under Article 136, this Court has undoubted power to interfere with the findings of fact, no distinction being made between judgments of acquittal and conviction, though in the case of acquittals it will not ordinarily interfere with the appreciation of evidence or on findings of fact unless the

1 (2016) 16 SCC 418

2 (1972) 1 SCC 249

High Court "acts perversely or otherwise improperly."

10. The above principle has been reiterated by this Court in a number of judicial decisions and the position of law that emerges from a comprehensive survey of these cases is that in an appeal under Article 136 of the Constitution of India, this Court will not interfere with the judgment of the High Court unless the same is clearly unreasonable or perverse or manifestly illegal or grossly unjust. The mere fact that another view could also have been taken on the evidence on record is not a ground for reversing an order of acquittal. [See State of U.P. v. Harihar Bux Singh, (1975) 3 SCC 167; State of Uttar Pradesh v. Ashok Kumar, (1979) 3 SCC 1; State of U.P. v. Gopi, (1980) Supp. SCC 160; State of Karnataka v. Amajappa (2003) 9 SCC 468; State of Uttar Pradesh v. Banne (2009) 4 SCC 271; State of U.P. v. Guru Charan (2010) 3 SCC 721; State of Haryana v. Shakuntla (2012) 5 SCC 171 and Hamza v. Muhammadkutty (2013) 11 SCC 150].

11. It is a cardinal principle of criminal jurisprudence that the guilt of the accused must be proved beyond all reasonable doubt. The burden of proving its case beyond all reasonable doubt lies on the prosecution and it never shifts. 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. [Vide Kali Ram v. State of H.P. (1973) 2 SCC 808; State of Rajasthan v. Raja Ram, (2003) 8 SCC 180; Chandrappa v. State of Karnataka, (2007) 4 SCC 415; Upendra Pradhan v. State of Orissa (2015) 11 SCC 124 and Golbar Hussain v. State of Assam (2015) 11 SCC 242]."

Having considered the evidence on the touchstone of the

above principles, we find that the view which has been taken by the High Court is certainly a possible view to take on the basis of the evidence on record. We are unable to accept the submission that there has been a perversity in the findings.

In the circumstances, we find no merit in these appeals.

The criminal appeals are, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
February 14, 2019

ITEM NO.104 **REVISED** COURT NO.12 SECTION II-B

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Criminal Appeal No(s). 216/2008

MANJINDER SINGH

Appellant(s)

VERSUS

THE STATE OF PUNJAB & ANR. ETC.

Respondent(s)

WITH

Cr1.A. No. 217/2008 (II-B)

SLP(Cr1) No. 2658/2008 (II-B)

(FOR INTERIM BAIL ON IA 6070/2008)

Date : 14-02-2019 These matters were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE HEMANT GUPTA

Counsel for the parties:-

Ms. Jaspreet Gogia, AOR

Ms. Mandakini Singh, Adv.

Ms. Ashima Mandala, Adv.

Mr. Prem Malhotra, AOR

Mr. R. P. Wadhvani, AOR

Mr. M. K. Garg, AOR

UPON hearing the counsel the Court made the following

O R D E R

Criminal Appeal No. 216 of 2008 and Criminal Appeal No. 217 of 2008

The criminal appeals are dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

SLP(Cr1) No. 2658/2008

We find no merit in the Special Leave Petition.

The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)

ITEM NO.104

COURT NO.12

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 216/2008

MANJINDER SINGH

Appellant(s)

VERSUS

THE STATE OF PUNJAB & ORS.
WITH

Respondent(s)

Cr1.A. No. 217/2008 (II-B)
SLP(Cr1) No. 2658/2008 (II-B)
(FOR INTERIM BAIL ON IA 6070/2008)

Date : 14-02-2019 These matters were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

Counsel for the parties:-

Ms. Jaspreet Gogia, AOR
Ms. Mandakini Singh, Adv.
Ms. Ashima Mandala, Adv.

Mr. Prem Malhotra, AOR

Mr. R. P. Wadhvani, AOR
Mr. M. K. Garg, AOR

UPON hearing the counsel the Court made the following
O R D E R

Criminal Appeal No. 216 of 2008 and Criminal Appeal No. 217 of 2008

The criminal appeals are dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

SLP(Cr1) No. 2658/2008

We find no merit in the Special Leave Petition.

The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)