

**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
CRIMINAL APPEAL NO. 687 OF 2010**

NIVEDANLAL

Appellant(s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

O R D E R

1. Heard Ms. Pragati Neekhra, learned counsel appearing for the appellant and Mr. Praneet Pranav, Deputy Advocate General appearing for the respondent-State.

2. Ms. Neekhra submits that when the Trial Court by well-reasoned order found that the appellant was entitled for acquittal, the High Court should not have reversed the same. She submits that the learned Trial Judge has rightly disbelieved the evidence of the witnesses and recorded an order of acquittal. She, therefore, submits that the appeal deserves to be allowed and the order of conviction as recorded by the High Court should be set aside.

3. Mr. Praneet Pranav, Deputy Advocate General

appearing for the respondent-State has vehemently opposed the appeal. He submits that the view taken by the learned Trial Judge was not based upon a correct appreciation of the evidence and, therefore, the High Court has rightly reversed the same. He submits that the High Court has correctly appreciated the evidence placed on record, and therefore, no interference is warranted with the impugned order.

4. We have perused the material placed on record, so also the judgment of the Trial Court as well as the High Court.

5. The law regarding interference in an appeal against acquittal by the High Court is now very-well crystallized. Unless the finding of the trial court is found to be perverse or impossible, it is not permissible for the Appellate Court to reverse the finding of the acquittal.

6. A perusal of the judgment of the learned trial Judge would reveal that it cannot be said the view taken was either impossible or perverse.

7. Not only that but the The High Court while reversing the judgment of acquittal has not even

given any reasons explaining as to why it finds the view taken by the Trial Court to be perverse or impossible.

8. In that view of the matter, we do not find that the High Court was justified in interfering with the order of the acquittal.

9. The appeal is allowed. The impugned judgment and order dated 23rd February, 2010 passed by the High Court is quashed and set aside.

10. Pending applications, if any, stand disposed of.

.....J
(B.R. GAVAI)

.....J
(PRASHANT KUMAR MISHRA)

.....J
(K.V. VISWANATHAN)

New Delhi
September 05, 2024

ITEM NO.107

COURT NO.3

SECTION II-C

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). 687/2010

NIVEDANLAL

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VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

(IA No. 7439/2010 - EXEMPTION FROM FILING O.T., IA No. 10482/2010 - EXEMPTION FROM FILING O.T., IA No. 10481/2010 - PERMISSION TO FILE ANNEXURES AND IA No. 7438/2010 - SUSPENSION OF SENTENCE)

Date : 05-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s)

Ms. Pragati Neekhra
Ms. Pooja Dhar, AOR

For Respondent(s)

Mr. Praneet Pranav, D.A.G.
Mr. Vinayak Sharma, Standing Counsel, Adv.
Mr. Ravinder Kumar Yadav, AOR

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

1. The appeal is allowed in terms of the signed order.
2. Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

[Signed order is placed on the file]