

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NOS.311-312/2016

PRAMOD KUMAR

Appellant(s)

VERSUS

HAR PARKASH & ORS.

Respondent(s)

O R D E R

Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondent(s).

This is a case where the Trial Court rendered an order of acquittal qua the respondents. Aggrieved by the same, the appellant filed an application before the High Court seeking leave to appeal. The High Court, in the impugned judgment, has rejected the said

application.

Learned counsel appearing for the appellant submits that the reasoning of the High Court cannot be sustained in the eye of law. The appellant being the brother of the wife of the deceased, has got every right to file the appeal. The High Court has given a technical interpretation to Section 2(wa) of the Code of Criminal Procedure, 1973.

Learned counsel appearing for the respondent(s) submits that the alleged occurrence took place on 03.01.2007. The Trial Court had considered the case on merits and then rendered the order of acquittal. The said judgment of the Trial Court was rendered on 21.01.2010. In such view of the matter, there is no need for interference.

We have also perused the judgment of the Trial Court. Although, *prima facie*, we are in agreement with the submission made by the learned counsel appearing for the appellant on the question of law, we are not inclined to interfere with the acquittal rendered by the Trial Court, which is a well considered one.

The Trial Court apart from having the advantage of seeing the witnesses in person, has considered the relevant material and rightly held that the prosecution has miserably failed to prove the charge beyond reasonable doubt.

In such view of the matter, there is no point in

allowing these appeals and asking the High Court to entertain an appeal against the order of acquittal rendered by the Trial Court, especially when the alleged occurrence is stated to have taken place way back in the year 2007.

The appeals are accordingly, dismissed.

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

.....J.
[M.M. SUNDRESH]

.....J.
[RAJESH BINDAL]

NEW DELHI;
JANUARY 09, 2025.

ITEM NO.109

COURT NO.9

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). 311-312/2016

PRAMOD KUMAR

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VERSUS

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Date : 09-01-2025 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mr. Saurabh Mishra, AOR
Mr. Rakesh Kumar, Adv.
Ms. Preeti Kashyap, Adv.
Mr. Ankit Sharma, Adv.

For Respondent(s) Mr. Himanshu Gupta, Adv.
Mr. Manoj C. Mishra, AOR

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

The appeals are dismissed in terms of the signed
order.

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

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR

[SIGNED ORDER IS PLACED ON THE FILE]