

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1925 OF 2013

TEJ PAL & ORS.

APPELLANTS

VERSUS

STATE OF UTTARAKHAND

RESPONDENT

O R D E R

- 1) Heard learned counsel appearing for the appellants and the learned counsel for the State.
- 2) The present criminal appeal has been filed by the appellants aggrieved by the conviction rendered by the High Court of Uttarakhand in Government Appeal No.1861 of 2001 under Section 420 of the Indian Penal Code, 1860 (for short, "IPC") while acquitting them under Section 7 read with Section 13 and Section 8 read with Section 13 of the Prevention of Corruption Act, 1988 (for short, "PC Act").
- 3) The case of the prosecution is that for the selection of the candidates recruiting 50 police constables in the year 1997, the appellants received money. An enquiry was conducted and appellants were made to part with the money received. The Trial Court acquitted the appellants of all the charges *inter alia* holding that the evidence rendered by PW-4, PW-5, PW-10 and PW-11 could not be relied as trustworthy and Exhibit P-5 is

not proved.

4) The respondent filed an appeal challenging the Judgment rendered by the Trial Court. By the impugned order, the High Court while acquitting the appellants on the charges framed under the PC Act for want of sanction, nonetheless convicted them for the offence punishable under Section 420 read with Section 109 IPC. Being aggrieved, the present appeal has been filed.

5) As rightly contended by the learned counsel appearing for the appellants, the High Court did not go into the evidence adduced particularly with reference to PW-3 to PW-5 and PW-10 to PW-11. By cogent reasoning, the Trial Court expressed its serious doubt on these witnesses. Insofar as PW-4 is concerned, he was only a hearsay witness. The Trial Court further found that there are contradictions among the evidence rendered by these witnesses. Apart from Exhibit P-5 being not proved, the High Court in its considered view merely dealt with the charge without analyzing the evidence based upon which the Trial Court reached its conclusion. An order of acquittal strengthens the presumption of innocence in favour of accused person. When such an appeal is challenged, the Appellate Court is duty bound to go into the evidence and render a specific finding on the approach of the Trial Court which has not been done in the present case. Upon perusal of the judgment rendered by the Trial Court, we are in agreement that it rightly acquitted the appellants, therefore, the charge framed under Section 420 read

with Section 109 of the IPC has not been made out.

6) For the aforesaid reasoning, we set aside the impugned judgment by restoring the order of acquittal rendered by the Trial Court.

7) This appeal stands allowed.

..... J
(M.M. SUNDRESH)

..... J
(J.B. PARDIWALA)

New Delhi;
August 03, 2023

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). 1925/2013

TEJ PAL & ORS.

Appellant(s)

VERSUS

THE STATE OF UTTARAKHAND

Respondent(s)

Date : 03-08-2023 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s) Mr. Arun Sharma, Adv.
Mr. Bishnu Kumar, Adv.
Mr. Sandeep Garausa, Adv.
Mr. Shoab Ahmad Khan, Adv.
Mr. Aftab Ali Khan, AOR

Mr. Garvesh Kabra, AOR
Mrs. Pooja Kabra, Adv.
Mr. Ahmer Shaikh, Adv.
Mr. Amit Singh, Adv.

For Respondent(s) Mr. Sudarshan Singh Rawat, AOR
Mr. Virendra Rawat, D.A.G.
Ms. Rachna Gandhi, Adv.
Mr. S.Sunil., Adv.
Mr. Sunny Sachin Rawat, Adv.

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

The appeal stands allowed in terms of
the singed order. Pending application(s) if
any, shall stand disposed of.

(KAVITA PAHUJA)
COURT MASTER (SH)

(RAM SUBHAG SINGH)
COURT MASTER (NSH)

[Signed order is placed on the file]