

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.1189 OF 2013

KISHOR KUMAR VERMA

... APPELLANT

Versus

JAI PAL SINGH & ORS.

... RESPONDENTS

O R D E R

1. Feeling aggrieved by the impugned order dated 09.07.2010, passed by the High Court of Delhi, whereby the High Court dismissed the Revision Petition, the appellant has approached this Court by way of filing the instant appeal.

2. It is informed at the Bar that respondent No(s). 1, 3 and 4 are no more and, therefore, the appeal filed against them stands abated. Ordered accordingly.

3. Respondent No.2 before us was convicted by the Trial Court for the offence punishable under Sections 323, 324 read with Section 34 of the IPC while acquitting him of the charge under Section 302 of the IPC. The Trial Court placed reliance upon the evidence of P.W.3 and P.W.15, the doctors who examined the deceased at the time of occurrence and after his death. The statement of P.W.3 would clearly show that the injuries suffered by the deceased were simple in nature. Even the postmortem report indicates that

the death was due to pyogenic meningitis and cerebellitis. Admittedly, the deceased died without any treatment after seven days of the occurrence.

4. The High Court did not find any error warranting interference. On a reading of Section 401(3) of the Code of Criminal Procedure, 1973, it is clear that the High Court is not authorised to convert a finding of acquittal into one of conviction. The High Court can exercise the revisional jurisdiction only when the Trial Court has wrongly closed the evidence which the prosecution wished to produce, where the admissible evidence is not taken into consideration and/or is treated as inadmissible, where the Trial Court has no jurisdiction to try the case and has still acquitted the accused, where the material evidence has been overlooked either by the Trial Court or the Appellate Court or the order is passed by considering irrelevant evidence, and where the acquittal is based on the compounding of the offence which is invalid under law. Therefore, the jurisdiction being limited having confined to the approach of the Trial Court, the facts dealt with and decided, though there may be a different possible view, cannot be re-appreciated.

5. Furthermore, when the Trial Court after considering the materials available on record, rendered an order of acquittal, the same is not expected to be interfered with in the revision jurisdiction of the High Court.

6. We have perused the impugned order passed by the High Court. Taking into consideration all the relevant materials, we find that there is absolutely no error in the conclusion arrived at

by the High Court. The evidence of the doctors and the fact that the deceased died due to some other ailment after few days would suffice to dismiss the appeal.

7. In such a view of the matter, we do not find any error in the impugned order passed by the High Court.

8. The appeal is, accordingly, dismissed.

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

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

NEW DELHI;
AUGUST 09, 2023.

ITEM NO.103

COURT NO.14

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).1189/2013

KISHOR KUMAR VERMA

Appellant(s)

VERSUS

JAI PAL SINGH & ORS.

Respondent(s)

Date : 09-08-2023 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) Dr. Vinod Kumar Tewari, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pramod Tiwari, Adv.
Ms. Priyanka Dubey, Adv.
Mr. Vivek Tiwari, Adv.
Mr. K. L. Janjani, AOR

For Respondent(s) Mr. Rajinder Mathur, AOR
Mr. Ks Singh, Adv.
Ms. Tripta Singh, Adv.

Mrs. Anil Katiyar, AOR

Mr. Bharat Sood, Adv.
Mr. Ayush Anand, Adv.
Mr. Shantnu Sharma, Adv.
Mr. Navanjay Mahapatra, Adv.
Dr. N. Visakamurthy, Adv.
Mr. Shreekant Neelappa Terdal, AOR

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

The appeal is dismissed in terms of the signed order

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(RAM SUBHAG SINGH)
COURT MASTER

(Signed order is placed on the file)