IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST ACQUITTAL) NO. 2529 of 2024
With
R/CRIMINAL APPEAL NO. 2530 of 2024
With
R/CRIMINAL APPEAL NO. 2531 of 2024

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK Sd/-

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Approved for Reporting	Yes	No
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PRAVIN MOHANLAL RANA
Versus
STATE OF GUJARAT & ANR.

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Appearance: CRIMINAL APPEAL NO.2529 OF 2024

MR BHUVNESH GAHLOT(10286) for the Appellant(s) No. 1
MR. AAMIR S PATHAN(7142) for the Opponent(s)/Respondent(s) No. 2
MR. NAYAN N BARAIYA(15858) for the Opponent(s)/Respondent(s) No. 2
MS JIRGA JHAVERI ADDL. PUBLIC PROSECUTOR for the Opponent(s)/Respondent(s) No. 1

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Appearance: CRIMINAL APPEAL NO.2530 OF 2024

MR BHUVNESH GAHLOT(10286) for the Appellant(s) No. 1
MR. UVESH M SHAIKH for the Opponent(s)/Respondent(s) No. 2
MS JIRGA JHAVERI ADDL. PUBLIC PROSECUTOR for the Opponent(s)/Respondent(s) No. 1

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Appearance: CRIMINAL APPEAL NO.2531 OF 2024

MR BHUVNESH GAHLOT(10286) for the Appellant(s) No. 1

MR. MALAY S PATEL for the Opponent(s)/Respondent(s) No. 2
MS JIRGA JHAVERI ADDL. PUBLIC PROSECUTOR for the Opponent(s)/Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Date : 08/09/2026

COMMON ORAL JUDGMENT

1. Since identical issues of law and fact are involved in all three appeals, and the appeals arise out of substantially similar circumstances and common judgment and order, they are being heard together and are accordingly disposed of by this common judgment.

2. Present appeals are filed by the appellant-original complainant under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act against the judgment and order dated 02.09.2024 passed by the learned Special Judge (Atrocity), City Sessions Court No.14, Ahmedabad (hereinafter be referred to as “the Trial Court”), in Special (Atrocity) Case No.1 of 2023, 108 of 2019 and 97 of 2019 whereby the Trial Court had acquitted the respondents - accused from the charges under Sections 3(1)(r), 3(2)(5-a) of the Atrocity Act Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act (hereinafter be referred to as ‘the Atrocity Act’ for short) r/w Section 294-B, 506(2) and 114 of the Indian Penal Code (hereinafter be referred to as the “IPC”).

3. The facts giving rise to present appeals are that the complainant who is common in all the three appeals had been working as a driver under a contract with Akbar Travels

through K. R. Enterprise for the last ten years. On 24.01.2017, due to the death of a close relative in Rajasthan, he was required to leave suddenly. He informed the company that he was travelling to Rajasthan and returned to Ahmedabad on 27.01.2017. On the same day, when the complainant went to the office situated at Hansol, Ahmedabad, the respondents were present and upon seeing the complainant, the respondents used abusive and offensive language against the complainant.

3.1 The complainant thereafter went to the airport office where the respondents arrived and hey continued to insult and humiliate the complainant by making derogatory remarks concerning his caste, as a result of which the complainant left the place in fear.

3.2 Thereafter, the complainant sent a reply to the notice by post on 30.01.2017. On the same day, when he personally visited the office, the respondents again abused him. Thereafter they issued another notice on behalf of the company, to which the complainant replied through his advocate on 04.02.2017.

3.3 Thereafter, on 04.02.2017 at about 5:00 p.m., the complainant was called to the office the respondents mocking and using offensive and abusive language against him. The complainant demanded payment of his outstanding dues; however, they refused to settle his account and continued to insult and humiliate him.

3.4 Consequently, the complainant approached the police

and on 12.05.2017, the complainant lodged the complaint against the respondents alleging that they had withheld his lawful dues and had continuously insulted and humiliated him on the ground of his caste.

3.5 It is the case of the complainant that thereafter he lodged an FIR dated 12.05.2017 being II Cr. No.3060 of 2017 at Sardarnagar Police Station, Ahmedabad. Pursuant thereto, Special Atrocity Case No.1 of 2023, 108 of 2019 and 97 of 2019 came to be registered before the Trial Court.

3.6 To prove his case before the Trial Court, the complainant has examined 8 witnesses and led 10 documentary evidence. Upon completion of the trial, the Trial Court vide judgment and order dated 2.9.2024 acquitted all the three respondents.

4. Being aggrieved and dissatisfied with the aforesaid judgment and order of acquittal, the appellant preferred present appeals.

5. Heard learned counsel appearing for the respective parties. Mr. Malay S. Patel, learned counsel for the respondent accused in Criminal Appeal No.2531 of 2024 has filed sick note. However, as per Rule 129 of the Gujarat High Court Rules, a sick note or leave note shall not be considered in old criminal matters, therefore, the appeals are proceeded with today.

6. Learned counsel for the appellant has submitted that the impugned judgment and order passed by the Trial Court is contrary to law and the evidence on record and, therefore,

deserves to be quashed and set aside. He has submitted that the judgment and order passed by the Trial Court is illegal, unjust, improper and contrary to the facts and circumstances of the case. He has submitted that the impugned judgment and order passed by the Trial Court is contrary to the settled principles of law and, therefore, deserves to be quashed and set aside.

6.1 Learned counsel for the appellant has submitted that the Trial Court has committed a material error in appreciating evidence which was not on record. He has submitted that the Trial Court has committed a material error in not properly appreciating the oral as well as documentary evidence available on record.

6.2 Learned counsel for the appellant has submitted the Trial Court has failed to properly appreciate the prima facie merits of the case and the evidence available on record and has thereby committed a grave error of law and fact, resulting in miscarriage of justice.

6.3 Learned counsel for the appellant has submitted that the Trial Court acquitted the respondents-accused primarily on the ground of delay in filing the complaint and erroneously concluded that the dispute pertained to service or financial matters rather than constituting an offence under the Atrocities Act. The Trial Court failed to properly appreciate the nature and gravity of the allegations made in the complaint and the material available on record.

6.4 Learned counsel for the appellant has submitted that the

Trial Court has erred in law in concluding that the delay in registration of the complaint or FIR was sufficient to doubt the occurrence of the offence or to acquit the accused. It is a settled principle of law that mere delay in lodging an FIR does not, by itself, render the prosecution case false or entitle the accused to an acquittal. He has submitted that the delay ought to have been considered in the light of the facts and circumstances of the case and the circumstances of the complainant.

6.5 Learned counsel for the appellant has submitted that the Trial Court has failed to properly appreciate the testimony of PW-4, whose statement was recorded at Exhibit 18. PW-4 is stated to be the only eyewitness to the incident, and his/her testimony is material and relevant for establishing the prosecution case. The Trial Court has discarded or failed to properly consider such material evidence without assigning cogent and sufficient reasons and has thereby committed a serious error in appreciation of evidence.

6.6 Learned counsel for the appellant has submitted that the Trial Court has failed to properly consider and appreciate the submissions advanced on behalf of the complainant/appellant and the oral as well as documentary evidence produced on record. He has submitted that the documentary evidence having material bearing upon the alleged offence has not been properly appreciated in its true and correct perspective.

6.7 Learned counsel for the appellant urges before the Court that the impugned judgment and order may be quashed and set aside and present appeals may be allowed.

7. Ms. Jirga Jhaveri, learned APP for the State has submitted that the State is not going to prefer any appeal against the impugned judgment and order of acquittal passed by the Trial Court and therefore, she has adopted the arguments advanced by the learned counsel for the appellant-complainant.

8. On the other hand learned counsel for the respondents accused have supported the judgment and order of acquittal.

8.1 Learned counsel for the respondents have submitted that the impugned judgment and order of acquittal passed by the Trial Court is legal, just, and proper and has been passed after thorough appreciation of the oral as well as documentary evidence available on record. The Trial Court has assigned cogent, convincing, and well-reasoned findings while acquitting the respondents–accused, and the same does not warrant any interference by this Court.

8.2 It is submitted that the prosecution has failed to prove the charges levelled against the respondents beyond reasonable doubt. The evidence led by the prosecution suffers from material contradictions, omissions, and inconsistencies, which create serious doubt about the veracity of the prosecution case. The prosecution has failed to establish the essential ingredients of the alleged offences and has not produced reliable, trustworthy, and corroborative evidence connecting the respondents with the commission of the alleged offence.

8.3 It is a settled principle of criminal jurisprudence that the

presumption of innocence in favour of an accused is further strengthened by an order of acquittal. Unless the findings recorded by the Trial Court are shown to be perverse, illegal, or contrary to the evidence on record, the Appellate Court should be slow in interfering with an order of acquittal.

8.4 It is submitted that the appellant has failed to point out any infirmity, illegality, perversity, or misreading of evidence in the impugned judgment and order. The findings recorded by the Trial Court are based upon proper appreciation of the evidence and settled legal principles. The Trial Court has rightly extended the benefit of doubt to the respondents–accused, which is a substantive right flowing from the fundamental principles of criminal law.

8.5 In view of the aforesaid facts and circumstances, it is submitted that the present appeals are devoid of merits and deserve to be dismissed. The impugned judgment and order of acquittal passed by the Trial Court therefore deserves to be confirmed in all the appeals.

9. Upon perusal of the impugned judgment and order of acquittal passed by the Trial Court and the submissions advanced by learned counsel for both the sides, the issues that arise for consideration before this Court are as under:-

> *Whether the Trial Court committed any error in passing the impugned judgment and order of acquittal?*
>
> *Whether the Trial Court, while appreciating the evidence of the prosecution witnesses, has committed any error of law or fact?*

Whether the impugned judgment and order of acquittal suffers from any illegality or perversity?

10. In view of the above-stated submissions and upon perusal of the impugned judgment and order of acquittal, as well as the evidence recorded by the Trial Court, it is appropriate to first examine the facts of the case. On 24.1.2017 the complainant, PW-3, serving in one KR Enterprises as a contract driver, and since last more than 10 years he was working as a driver. But he was unauthorizedly remained absent from his duty. Therefore, it was alleged that on 24.1.2017 some near relative of the complainant was passed away, therefore without informing and intimating, he proceeded to go to his native and he returned on 27.1.2017. At that time, the alleged incident was taken place and in the said offence all the three accused, their participation and role were described by the complainant in his deposition.

11. Then in second part, he further described that for the alleged incident, he lodged an FIR on 12.5.2017 and the same was registered at Sardarnagar Police Station being C.R. No.II-3060 of 2017 for the offence punishable under Section Sections 3(1)(r), 3(2)(5-a) of the Atrocity Act r/w Sections 294-B, 506(2) and 114 of the IPC and on completion of investigation, the charge-sheet was filed against the present respondents in each of the Appeal.

12. Now, if we consider the deposition of PW-4, who is an eyewitness to the incident, it appears that he has not supported the case of the prosecution. In his deposition, he

has stated that his statement was recorded by the Investigating Officer on 14.05.2017 and that thereafter, he was not called by the Investigating Officer. He has further deposed that it is true that he had not stated before the police that the complainant had given a phone for repair about one week prior to the incident.

13. Even the case of the complainant is not supported by any of the prosecution witnesses. From the depositions of the Investigating Officers, i.e. PW-7 and PW-8, and more particularly, from the deposition of PW-7, it emerges that, during the course of investigation, the complainant had not referred to the incidents dated 24.01.2017, 30.01.2017 and 04.02.2017 in the complaint, and no such case was made out against the present respondents.

14. On the contrary, on 27.01.2017, the respondents, on behalf of the company, issued a notice to the complainant stating that, due to his unauthorized absence, the company had incurred substantial losses and that there was serious mismanagement on account of his non-availability for duty. Thereafter, on 30.01.2017, while submitting his written explanation, the complainant did not make any reference to any incident having taken place. He also did not provide any explanation for the delay in filing the complaint.

15. Even in his deposition, PW-7 admitted that the complainant had not mentioned in the FIR that any incident had taken place on 24.01.2017, 30.01.2017, or 04.02.2017. On the contrary, he deposed that the incident had occurred on 27.01.2017, whereas the FIR was registered on 12.05.2017.

He further deposed that there was no reason stated, nor was any explanation given by the complainant (PW-3) in his complaint as to why the FIR had not been lodged immediately after the alleged incident.

16. Therefore, after considering the submissions made by both sides, the Trial Court recorded its findings on the issues framed by it in paragraphs 13 to 18 and also discussed the depositions of each of the witnesses. Thereafter, in paragraph 19, the Trial Court recorded a finding that the prosecution had miserably failed to establish the charges against the present respondents, as the evidence adduced by the prosecution witnesses did not support the prosecution case, nor had the allegations been proved beyond reasonable doubt.

16.1 The Trial Court further observed that, from the entire evidence adduced by the prosecution, it had not been proved beyond reasonable doubt that the accused persons had abused the complainant in filthy language or had threatened to break his hands and legs. Accordingly, the Trial Court answered Issues Nos. 2 and 3 in the negative and passed the impugned order of acquittal. In my view, the said order is just, proper, and legal, and does not warrant any interference by this Court.

17. Now, So far as basic ingredients of the Atrocity Act is concerned, it is relevant to refer the decision of Hon’ble Apex Court in the case of ***Shajan Skaria Versus State Of Kerala reported in 2024-AIR(SC)-0-4557*** more particularly head notes (d) to (h) which reads as under:-

"(d) Code of Criminal Procedure, 1973 - S. 438 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - S. 3(1)(r), 3(1)(u) - decline to grant anticipatory bail - when can it be said that a prima facie case is made out in a given FIR/complaint - held, 'prima facie' is a Latin term that translates to "at first sight" or "based on first impression" - expression "where no prima facie materials exist warranting arrest in a complaint or FIR" should be understood as "when based on first impression, no offence is made out as shown in FIR or complaint" - this means that when necessary ingredients to constitute offence under the Act, 1989 are not made out upon reading of complaint, no case can be said to exist prima facie.

(e) Code of Criminal Procedure, 1973 - S. 438 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - S. 3(1)(r), 3(1)(u), 18 - Constitution of India - Art. 226 - rejection of application for anticipatory bail - legal bar - duty of Court - in present case, an accused may argue that although allegations levelled in FIR or complaint do disclose commission of an offence under the Act, 1989, yet FIR or complaint being palpably false on account of political or private vendetta, Court should consider plea for grant of anticipatory bail despite specific bar of S. 18 of the Act, 1989 - however, if accused puts forward case of malicious prosecution on account of political or private vendetta then the same can be considered only by High Court in exercise of its inherent powers u/S. 482 of CrPC or in exercise of its extraordinary jurisdiction under Article 226 of Constitution - however, powers u/S. 438 of CrPC cannot be exercised once contents of complaint/FIR disclose a prima facie case - thus, if all ingredients necessary for constituting offence are borne out from complaint, then remedy of anticipatory bail becomes unavailable to accused - duty to determine prima facie existence of case is cast upon courts with a view to ensure that no unnecessary humiliation is caused to the accused - Courts should not shy away from conducting a preliminary inquiry to determine if narration of facts in complaint/FIR in fact discloses essential ingredients required to constitute an offence under the Act, 1989 - it is expected of courts to apply their judicial mind to determine whether allegations levelled in complaint, on a plain reading, satisfy ingredients constituting alleged offence application of judicial mind should be independent and without being influenced by the provisions figuring in complaint/FIR - words "having committed an offence under this Act" denote that it is only when accusation in complaint clearly points towards commission of an offence under the Act, 1989 that bar of S. 18 would apply - minimum threshold for determining whether an offence under the Act has been committed or not is to ascertain whether all ingredients which are necessary to constitute offence are prima facie disclosed in complaint or not - accusation which does not disclose necessary ingredients of offence on a prima facie reading cannot be said to be sufficient to bring into operation bar envisaged by S. 18 of the Act, 1989 - in

cases like the one in hand, Courts should have the discretion to look into materials based upon which complaint has been registered, in addition to verifying the averments made in the complaint - if on a prima facie reading of materials referred to in complaint and complaint itself, ingredients necessary for constituting offence are not made out, then bar of S. 18 would not be applicable - hence, it would be open to Courts to consider plea for grant pre-arrest bail on its own merits.

(f) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - S. 3(1)(r), 3(1)(u) - whether averments in FIR/complaint in question disclose commission of any offence u/S. 3(1)(r) of the Act, 1989 held, no - in present case appellant is alleged to have published a video on YouTube, containing a slew of reckless statements in the form of allegations levelled against complainant - there is nothing in transcript of uploaded video to indicate even prime facie that those allegations were made by appellant only on account of fact that complainant belongs to a SC - from nature of allegations made by appellant, it appears that he is at inimical terms with complainant - his intention may be to malign or defame him but not on ground or for reason that complainant belongs to a Scheduled Caste - offence u/S. 3(1)(r) of the Act, 1989 is not established merely on fact that complainant is a member of a SC or ST, unless there is an intention to humiliate such a member for reason that he belongs to such community - S. 3(1)(r) of the Act, 1989 is attracted where reason for intentional insult or intimidation is that person who is subjected to it belongs to a SC or ST - object behind the enactment of the Act, 1989 was to provide stringent provisions for punishment of offences which are targeted towards persons belonging to the SC/ST communities for the reason of their caste status.

(g) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - S. 3(1)(r) - expression "intent to humiliate" - words "with intent to humiliate" as they appear in text of S. 3(1)(r) of the Act, 1989 are inextricably linked to caste identity of person who is subjected to intentional insult or intimidation - not every intentional insult or intimidation of a member of a SC/ST community will result into a feeling of caste-based humiliation - it is only in those cases where intentional insult or intimidation takes place either due to prevailing practice of untouchability or to reinforce historically entrenched ideas like superiority of the "upper castes" over the "lower castes/untouchables", notions of purity and pollution, etc. that it could be said to be an insult or intimidation of type envisaged by the Act, 1989 - mere fact that person subjected to insult or intimidation belongs to a SC or ST would not attract offence u/S. 3(1)(r) unless it was intention of accused to subject concerned person to caste-based humiliation - humiliation is not so much a physical injury but is in the nature of a psychological injury that leaves a permanent scar on the heart - distinction between systemic and regimented humiliation -

resistance is internal to humiliation - thus, those who are humiliated also inherently possess capacity to protest against it - however, those who protest also run risk of inciting opposition from those who want to push traditionally humiliated groups to margins - this apprehension of opposition and push back from dominant against marginalised is also evident from Statements of Objects of the Act, 1989 - thus, term humiliation as it appears in S. 3(1)(r) of the Act, 1989 must be construed, that is, in a way that it deprecates the infliction of humiliation against members of Scheduled Castes and Scheduled Tribes wherein such humiliation is intricately associated with the caste identity of such members.

(h) Protection of Civil Rights Act, 1955 - S. 7(1)(d) - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - S. 3(1)(r), 3(1)(u), 18 - Code of Criminal Procedure, 1973 - S. 438 - grant of anticipatory bail - legal bar - it is clear from a plain reading of provision of S. 7(1)(d) of Civil Rights Act that any insult against a member of a Scheduled Caste or Scheduled Tribe on the ground of "untouchability" was punishable with imprisonment for a maximum term of six months under the Civil Rights Act - Civil Rights Act was not adequately sufficient to tackle caste-based offences and the practice of "untouchability", leading to enactment of the Act, 1989 introducing more stringent provisions for combating such practices - S. 3(1)(r) of the Act, 1989 should, thus, be seen in the context of S. 7(1)(d) of Civil Rights Act - thus, words "with an intent to humiliate a member of a SC or ST" become inseparable from underlying idea of "untouchability" which is sought to be remedied and punished by the Act, 1989 - having regard to reprehensible conduct and nature of derogatory statements made, appellant, at best could be said to have prima facie committed offence of defamation punishable u/S. 500 of IPC - if that be so, it is always open for complainant to prosecute appellant accordingly - however, complainant could not have invoked provisions of the Act, 1989 only on premise that he is member of SC, more so, when a prima facie conjoint reading of transcript of video and complaint fails to disclose that actions of appellant were impelled by caste identity of complainant.

18. In the decision in the case of ***Sohanvir @ Sohanvir Dhama Versus State Of U.P. reported in 2025 (4) Crimes 375*** the Hon’ble Apex Court has held as under:-

“9. In order to examine this contention, it is necessary to refer to Section 3(1)(s) of the SC/ST Act, which reads as under: 3. Punishments for offences of atrocities. (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, (s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

10. The expression any place within public view has been interpreted by this Court in numerous decisions, most recently in Karuppudayar v. State represented by the Deputy Superintendent of Police, Lalgudi, Trichy & Others, 2025 0 INSC 132. Relying on Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710 this Court reaffirmed that:

> *11. It could thus be seen that, to be a place within public view, the place should be open where the members of the public can witness or hear the utterance made by the accused to the victim. If the alleged offence takes place within the four corners of the wall where members of the public are not present, then it cannot be said that it has taken place at a place within public view.*

11. A perusal of the Application filed by the complainant under Section 156(3) of the CrPC reveals that the alleged casteist abuses were stated to have been used by the Appellants inside the premises of the complainant. This circumstance, on its face, does not satisfy the statutory requirement that the abuses were made in any place within public view, which is an essential component of the offence under Section 3(1)(s) of the SC/ST Act. The house of the complainant cannot be considered to be within public view.

12. Learned counsel appearing for the Respondent no. 2 has not been able to show that the complaint or the statement recorded under Section 200 CrPC contained any specific averment that the caste based abuses were hurled at a place within public view.

13. In our considered view, the High Court erred in concluding that the incident occurred in public view. A careful reading of the complaint makes it evident that the alleged castebased abuses were uttered inside the premises, in the presence of the Appellants and Respondent No. 2. Therefore, the essential requirement of the offence under Section 3(1)(s) of the SC/ST Act is not satisfied.

14. Upon consideration of the submissions and scrutiny of the material placed on record, we find merit in the contention raised on behalf of the Appellants insofar as the applicability of the SC/ST Act is concerned. On the allegations as they stand, a prima facie case under Section 3(1)(s) of the SC/ST Act is not made out against the Appellants.

15. It is beyond dispute that the appellate powers are to be invoked with due caution, and only in exceptional circumstances. It is equally well established that the Court cannot delve into the truthfulness or credibility of the allegations contained in the FIR or complaint. The Appellate Court has to examine the contents of the complaint as they stand. In the facts of the present case, the High Court ought to have exercised its appellate powers to quash the

summoning order with respect to offences under the provisions of the SC/ST Act.

16. In view of the foregoing discussion and having found that the essential ingredients of the offence under Section 3(1)(s) of the SC/ST Act are not prima facie satisfied, we deem it appropriate to interfere to that limited extent. Accordingly, the proceedings initiated against the Appellants under the Section 3(1)(s) of the SC/ST Act are hereby quashed. However, the trial insofar as it pertains to the remaining offences under the IPC shall proceed in accordance with law."

19. Even in the decision in case of *Karuppudayar Versus State Rep. By The Deputy Superintendent Of Police, Lalgudi Trichy* reported in 2025 (0) AIR(SC) 705, *Gunjan @ Girija Kumari Versus State (Nct Of Delhi)* reported in 2026 (0) AIJEL-SC 76984 and *Talari Naresh Versus State Of Telangana* reported in 2026 (0) AIR(SC) 2499, the Hon'ble Apex Court has taken a similar view. In the decision of this Court in the case of State Of Gujarat Versus Laxmanji Sadaji Thakor reported in 2025 (0) GUJHC 36421 also similar view has been taken by this Court.

20. In view of the above, the Court has rightly observed that unless the basic ingredients required to attract the relevant provisions of the Atrocities Act are proved and established by the prosecution, the accused cannot be held liable under the said provision. In the absence of the fulfilment of such basic ingredients, the Trial Court has rightly passed the impugned judgment and order in favour of the present respondents.

21. In that circumstance the Trial Court has rightly passed the impugned judgment in order in favour of the present respondents and there was no any infirmity found in the impugned judgment in order.

22. Further, on perusal of the record of the appeal, it transpires that the respondent-accused has established his innocence before the Trial Court and that, after due appreciation of the oral as well as documentary evidence and other material placed on record, the Trial Court has rightly passed the impugned judgment and order of acquittal. The findings recorded by the Trial Court are just, proper and in accordance with the settled principles of law and, therefore, no interference is warranted by this Court.

23. It is well settled by catena of decisions that the Appellate Court has full power to review, re-appreciate and reconsider the evidence upon which the order of acquittal is founded. However, Appellate Court must bear in mind that in case of acquittal there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of their innocence is further reinforced, reaffirmed and strengthened by the trial Court.

24. Further, if two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb the finding of acquittal recorded by the trial Court. Further, while exercising the powers in appeal against the order of acquittal, the Court of appeal would not ordinarily interfere with the order of acquittal unless the

approach of the lower Court is vitiated by some manifest illegality and the conclusion arrived at would not be arrived at by any reasonable person and, therefore, the decision is to be characterized as perverse. Merely because two views are possible, the Court of appeal would not take the view which would upset the judgment delivered by the Court below. However, the Appellate Court has a power to review the evidence if it is of the view that the conclusion arrived at by the Court below is perverse and the Court has committed a manifest error of law and ignored the material evidence on record. A duty is cast upon the Appellate Court, in such circumstances, to re-appreciate the evidence to arrive to a just decision on the basis of material placed on record to find out whether the accused are connected with the commission of the crime with which he is charged.

25. The scope and principles are enunciated by the Hon'ble Apex Court in case of ***Chandrappa and others Vs. State of Karnataka*** reported in ***(2007) 4 SCC 415***, more particularly ***paragraph Nos. 42 and 43***, which was subsequently re-affirmed by the Hon'ble Apex Court ***Rajesh Prasad Vs. State of Bihar and another***, reported in ***[2022] 3 SCC 471***, wherein, the Hon'ble Apex Court has enunciated the general principles in case of acquittal, more particularly in ***paragraph No. 26*** the general principles are set out by the Hon'ble Apex Court based upon various decisions of the Hon'ble Apex Court. Then in case of ***Babu Sahebagouda Rudragoudar Vs. State of Karnataka, reported in AIR 2024 SC 2252 = (2024) 8 SCC 149,*** the Hon'ble Apex Court has dealt with

the similar issue, more particularly, in ***paragraph Nos. 37 to 40.*** Hence, I am in complete agreement with the findings recorded by the trial Court.

26. It is also worthwhile to refer to the recent decision of the Hon'ble Supreme Court in the case of ***Ramesh vs. State of Karnataka, reported in [2024] 9 SCC 169***, wherein the Hon'ble Supreme Court has held and observed in paras-20 and 21 as under:-

> *"20. At this stage, it would be relevant to refer to the general principles culled out by this Court in Chandrappa and others vs. State of Karnataka , regarding the power of the appellate Court while dealing with an appeal against a judgment of acquittal. The principles read thus:*
>
> *"42. .... (1) An appellate court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded.*
>
> *(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.*
>
> *(3) Various expressions, such as, "substantial and compelling reasons", "good and sufficient grounds", "very strong circumstances", "distorted conclusions", "glaring mistakes", etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of "flourishes of language" to emphasize the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.*
>
> *(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.*
>
> *(5) If two reasonable conclusions are possible on the basis of the*

> *evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.*
>
> *21. In Rajendra Prasad v. State of Bihar, a three-Judge Bench of this Court pointed out that it would be essential for the High Court, in an appeal against acquittal, to clearly indicate firm and weighty grounds from the record for discarding the reasons of the Trial Court in order to be able to reach a contrary conclusion of guilt of the accused. It was further observed that, in an appeal against acquittal, it would not be legally sufficient for the High Court to take a contrary view about the credibility of witnesses and it is absolutely imperative that the High Court convincingly finds it well-nigh impossible for the Trial Court to reject their testimony. This was identified as the quintessence of the jurisprudential aspect of criminal justice. Viewed in this light, the brusque approach of the High Court in dealing with the appeal, resulting in the conviction of Appellant Nos. 1 and 2, reversing the cogent and well-considered judgment of acquittal by the Trial Court giving them the benefit of doubt, cannot be sustained."*

27. Considering the entire evidence on record, it clearly appears that there is no credible evidence to connect the present accused with the alleged crime and the evidence on record is not so convincing to prove beyond reasonable doubt that the accused has committed the alleged crime. Therefore, the accused cannot be convicted on the evidence on record.

28. On perusal of the impugned judgment and order, it clearly transpires that the trial Court has not committed any error of fact and law in appreciating the evidence on record and in acquitting the accused from the charges levelled against them. Even on re-appreciation of the evidence, it clearly transpires that the prosecution has miserably failed to prove the charge levelled against the accused beyond reasonable doubt. Therefore, the impugned judgment and order of the trial Court is sustainable and all the three appeals are liable to be dismissed.

29. In view of the above, the present three appeals filed by the complainant are devoid of merits and deserve to be dismissed. Resultantly, all the three appeals are hereby dismissed. The impugned judgment and order of acquittal passed by the Trial Court in each of the appeal is hereby confirmed. Bail bond stands cancelled. Record and proceedings be sent back to the concerned Trial Court forthwith.

Sd/-
(HEMANT M. PRACHCHHAK,J)

SURESH SOLANKI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SURESHKUMAR MOTIBHAI SOLANKI(HC00208), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 16/09/2026 17:08:57