



2026:AHC:199765-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL U/S 413 BNSS No. - 481 of 2026

Meera Devi

.....Appellant(s)

Versus

State of U.P. and 2 others

.....Respondent(s)

Counsel for Appellant(s) : Sanjay Mishra

Counsel for Respondent(s) : G.A.

Court No. - 46

**HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.**

(Dictated by Hon'ble Dr. Ajay Kumar-II. J.)

1. Heard Mr. Sanjay Mishra, the learned counsel for appellant and the learned A.G.A. for State-opposite party-I.

2. Challenge in this criminal appeal is to the judgment dated 29.05.2026 passed by Additional Sessions Judge, Court No.1, Etawah in Sessions Trial No. 78 of 2019 (State of U.P. vs. Pushpa Devi and another) arising out of Case Crime No. 256 of 2013, under Sections 302/34 and 201 IPC, Police Station Bharthana, District Etawah, whereby accused-opposite parties-1 and 2 have been acquitted of the charges framed against them.

3. Brief facts of the case are that informant Meera Devi gave a written complaint (Ex.Ka-1) at Bharthana Police Station stating therein that her father-in-law Bhanwar Singh, mother-in-law Pushpa Devi and brother-in-laws Ajay alias Chhote and Arun alias Kallu did not want to give her husband any share in the land and house. Therefore, her husband has been living in Delhi for several years, earning his livelihood through private employment. Her husband came to the parental home from Delhi by stating that he shall claim his share in the land. On that evening, when she called her husband, his phone was switched off. On the next day, when she returned home from Delhi, the

house was locked. Seeing the lock, she went to her maternal home, Khitoura. Thereafter, she and her brother searched for the missing husband, but he could not be traced out. Then her brother went to his own house. On 01.07.2013 at 7:30 pm, she received a call from her maternal mother-in-law (mausiya saas), informing her that Anil had hanged himself and a foul smell was emanating from the house. When she reached the door of her house, she saw blood in the courtyard and veranda and a foul smell was emanating from it. Upon breaking the lock, she found her husband's body hanging inside the room. Seeing the dead body of her husband, she fainted. The written complaint further records that her husband has ended his life after being fed up of all of this.

4. On the basis of aforesaid Written Report/Tehrir (Ex.Ka-1) given by informant, an FIR dated 02.07.2013 (Ex.Ka-2) was registered as Case Crime No. 256 of 2013, under Section 306 IPC at 00:35 am at Police Station Bharthana, District Etawha against accused namely, Bhanwar Singh, Pushpa Devi, Ajay alias Chote and Arun alias Kallu. The Check FIR (Ex.Ka-2) and General Diary (GD) entry (Ex.Ka-3) were prepared and numbered as G.D. Entry No.4 at 00:35 am dated 02.07.2013.

5. Dr. Gyanendra Kumar (Autopsy Surgeon) PW-6 conducted post mortem (Ex.Ka-10) of the body of deceased Anil Kumar alias Mullan on 02.07.2013. The post mortem examination of deceased Anil Kumar alias Mullan commenced at 03:10 pm and was completed at 03:50 pm. The following ante-mortem injuries were found on the body of deceased:

Antemortem Injuries:

1. A 4 x 3 cm lacerated wound on the chin.
2. The nasal bone was broken.
3. A semi-circular blue contusion measuring 8 x 2.5 cm below the chin on the neck, which was found to contain blood clots upon examination.
4. A 30 x 15 cm ligature mark, located 3 cm below injury number 3, which was found to contain blood clots underneath underneath upon examination. A knot mark was present in the hair on the back of the neck.

Internal Examination:

Head, scalp, and brain membranes of deceased were congested. Nasal bone was fractured. Larynx and vocal cords were mildly congested. Left groin of hyoid bone was fractured. Both lungs were congested and soft. Heart was empty. Stomach contained approximately 100 grams of watery food. Small intestine contained digested food and gases. Large intestine contained fecal matter and gases. Liver, spleen, and both kidneys were congested and soft. Time of death may have been approximately two and a half days ago. In his opinion, cause of death was asphyxia due to strangulation.

6. Sub-Inspector Rampal Singh PW-5, who was posted at Police Station Bharthana, was appointed as the Investigating Officer. He accordingly, took over investigation, conducted inquest procedure, recorded the statements of informant and other witnesses, visited the spot, prepared site plan of the place from where dead body of deceased was recovered, collected post mortem report, inquest report and other papers and converted the case under Section 302 IPC from Section 306 IPC. Thereafter, investigation was transferred to Inspector Yogendra Pal Sharma PW-7. PW-7 recovered a double sim Micromax mobile with charger from the room of deceased and prepared its recovery memo (Ex.Ka-11). Finally Inspector Anil Kumar PW-8 after completion of investigation, submitted charge sheet against all named accused, i.e. Bhanwar Singh, Pushpa Devi, Ajay @ Chote and Arun alias Kallu, under Sections 302/34 and 201 IPC. Thereafter, cognizance was taken upon same on and case was committed to the Court of Sessions.

7. Accused Bhanwar Singh (father-in-law of informant) and Ajay alias Chhote (brother-in-law of informant) died during trial, therefore, proceedings against them were abated on 05.03.2019 and 06.01.2018 respectively. Upon appearance of accused Pushpa Devi and Arun alias Kallu before trial Court, charges under Sections 302/34 and 201 IPC were framed against them on 24.04.2019, to which these accused pleaded not guilty and claimed trial.

8. In order to prove it's case, prosecution adduced PW-1 Meera Devi (first informant/wife of deceased/independent witness), PW-2 Brijraj Singh, (father of the informant/independent witness), PW-3 Constable Amritlal Pal (scribe of FIR), PW-4 Smt. Malla Devi (mother of informant/independent witness), PW-5 Sub-Inspector Rampal Singh (First Investigating Officer) PW-6 Dr. Gyanendra Kumar (Autopsy Surgeon), PW-7 Yogendra Pal Sharma (2nd Investigating Officer), PW-8 Inspector Yogendra Sharma (Final Investigating Officer), PW-9 Sub-Inspector Pramod Kumar Yadav (Secondary witness of 3rd I. O.). The witnesses adduced by the prosecution gave their respective oral evidence and also proved 12 prosecution papers, which were marked as exhibits. Same are tabulated herein below:-

Sl. No.	Name	Nature of Evidence	Documents proved
PW-1	Meera Devi	First informant/ wife of deceased/Independent witness	Written Report/Tehrir (Ex.Ka-1)
PW-2	Brijraj Singh	Father of informant/ Independent witness	-
PW-3	Constable Amritlal Pal	Formal witness, who prepared Check FIR and made G.D. Entry.	G.D. Entry as Ex.Ka-3 and Check FIR as Ex.Ka-2
PW-4	Malla Devi	Mother of informant/ Independent witness	-
PW-5	Sub-Inspector Rampal Singh	Ist Investigating Officer/ Formal witness	Site Plan as Ex.Ka-4, Inquest Report as Ex.Ka-5, Photo Nash as Ex.Ka-6, Challan Nash as Ex.Ka-7, Letter to R.I. as Ex.Ka-8 and Letter to C.M,O. As Ex.Ka.9.
PW-6	Dr. Gyanendra Kumar (Autopsy Surgeon)	Doctor, who conducted post mortem of deceased	Post mortem report as Ex.Ka-10
PW-7	Inspector Yogendra Sharma	Formal witness/ 2 nd Investigating Officer	-
PW-8	Inspector Anil Kumar	Formal witness/ Final Investigating Officer	-
PW-9	Sub-Inspector Pramod Kumar Yadav	Formal witness/ Secondary witness of 3 rd Investigating Officer	-

9. After prosecution evidence was over, all the adverse/incriminating circumstances relied upon by the prosecution were disclosed to accused-opposite parties 1 and 2, in question answer form for their version of occurrence as per mandate of Section 313 Cr.P.C. Accused denied all the suggestions put to them one by one by repeatedly saying that it is false or they have been falsely implicated in the present case or the prosecution case is false or the depositions of prosecution witnesses are false.

10. By the impugned judgment dated 29.05.2026, Court below acquitted accused-opposite parties-1 and 2 of the charges under Sections 302/34 and 201 IPC.

11. Thus, feeling aggrieved by the said judgment, present appeal has been preferred by informant-appellant.

12. Mr. Sanjay Mishra, the learned counsel for appellant-informant submits that impugned judgment is manifestly illegal and erroneous and, therefore, liable to be set aside by this Court.

13. It has been argued by learned counsel for appellant that prosecution has successfully proved the charges levelled against accused-opposite parties-1 and 2. Learned counsel for appellant further submitted that Court below has misread the evidence and further failed to appreciate the oral and documentary evidence available on record in its correct perspective. Prosecution has successfully proved motive behind the commission of murder. All the links in the chain of circumstantial evidence are present and have also been proved by the prosecution, which clearly points at the guilt of accused opposite-parties-1 and 2. The prosecution has proved its case beyond reasonable doubt, but Court below has wrongly recorded a finding of acquittal in favour of opposite parties 1 and 2. As such, the impugned judgment is liable to be set-aside by this Court and the appeal be allowed.

14. Learned A.G.A. for State-opposite parties 1 and 2 on the other hand has vehemently opposed the present appeal. According to

learned A.G.A., Court below has rightly concluded that their depositions of prosecution witnesses and has rightly found their depositions are unreliable. Even no motive could be proved against accused for committing the crime in question. Not a single link in the chain of circumstantial evidence has also been proved by the prosecution. He submits that the impugned judgment passed by Court below does not suffer from any illegality of law or fact, so as to warrant interference by this Court. Court below has duly examined the prosecution case in the light of evidence on record threadbare, without leaving any aspect of the matter untouched. Lastly, it was urged that no ground to interfere with the impugned judgment is made out. Learned A.G.A. thus urged for dismissal of present appeal.

15. We have heard the learned counsel for appellant, the learned A.G.A. for State-opposite party and also carefully perused the record in the light of above arguments.

16. Admittedly, present appeal is directed against a judgment of acquittal. While considering the scope of interference in an appeal against acquittal, it has been held by Supreme Court that if two views are possible, one supporting the acquittal and other indicating conviction, the High Court in such a situation, should not reverse the order of acquittal recorded by Court below. Reference in this regard be made to the judgment of Supreme Court in **Chandrappa and Ors. vs. State of Karnataka, 2007 (4) SCC 415: AIR 2007 SCC (SUPP) 111.**

17. While dealing with an appeal against acquittal the Supreme Court in **Babu Sahebagoada Rudragoudar Vs. State of Karnataka, 2024 SCC OnLine SC 561**, has observed as under:-

"39. Thus, it is beyond the pale of doubt that the scope of interference by an appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-

(a) That the judgment of acquittal suffers from patent perversity;

(b) That the same is based on a misreading/omission to consider material evidence on record;

(c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

40. The appellate Court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse the judgment of acquittal rendered by the trial Court."

18. It has also been observed in above-mentioned judgment that an appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of an 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. It has also been observed that the appellate court can interfere with an order of acquittal only when it comes to a conclusion that the only conclusion which can be recorded on the basis of the evidence on record is that the guilt of accused stands proved beyond reasonable doubt and no other conclusion is possible.

19. Supreme Court in the case of **Gamini Bala Koteswara Rao vs. State of Andhra Pradesh, (2009) 10 SCC 636**, observed that interference in an appeal against acquittal should be rare and in exceptional circumstance. It was further held that it is open to the High Court to reappraise the evidence and conclusions arrived at by the trial Court. However, it is limited to those cases where the judgment of the trial court is perverse. Apex Court further went on to declare that the word "perverse", as understood in law, has been understood to mean, "against the weight of evidence". If there are two views and the trial court has taken one of the views merely because another view is plausible, the appellate court will not be justified in interfering with the verdict of acquittal.

20. Upon evaluation of impugned judgment, we find that Court below while acquitting the accused, has recorded the following reasons/findings:-

i. The Autopsy Surgeon PW-6 has opined that cause of death of deceased is asphyxia on account of strangulation. Therefore, death of deceased is murder.

ii. There is no eye-witness of the incident, therefore, present case rest squarely on circumstantial evidence.

iii. Informant Meera Devi PW-1 in her deposition has stated that accused were not giving any share to deceased in the house and land and for this motive they have murdered her husband.

iv. Reluctancy of accused in giving any share in the house and land to deceased is said to be the motive behind murder of deceased.

v. PW-1 in her cross-examination at page-4 has fairly conceded that her father-in-law are three brothers, namely Dalal Singh, Indu Singh, Bhanwar Singh. Bhanwar Singh has died and other two are alive. Their land holdings had already been divided before her marriage. Her husband Anil Kumar was the eldest son of Bhanwar Singh. Accused Ajay Kumar has died. On page-6, she stated that her father-in-law owned 10 bighas of agricultural land. On page-7, she admitted that her in-laws gave her two and half bigha agricultural land. Her father-in-law's large house has already been partitioned, and all members are residing in their respective share. She has a separate pucca (well built) house in her in-laws house. Her in-laws house has three different sections, in one section her mother-in-law, father-in-law and Arun use to reside, in second section Ajay and his wife reside and in third section, she and her husband resided. Her in-laws house was not partitioned before, but after marriage of her brother-in-law, partition took place nearly ten years ago.

vi. Brijraj Singh (father of informant) DW-2 in his deposition has also fairly conceded that four years before the incident, his daughter and son-in-law were separated, they were given four bighas of agricultural land to cultivate. His daughter's father-in-law owned three houses and there were separate arrangement for the all families regarding living and dining.

vii. Malla Devi (mother of informant) PW-4 has also fairly stated that her daughter was separated by her in-laws and she was given four bighas of agricultural land to cultivate, which she rented to this witness's maternal nephew Awdhesh for Rs. 6000/-.

viii. From the deposition of PW-1, PW-2 and PW-4, it is clear that informant PW-1 owned a separate home at her in-laws house, where she used to live with her husband and children. Moreover, informant's husband (deceased) was given four bighas of agricultural land to cultivate nearly four years before the incident, which informant herself rented out to others. Therefore, alleged motive behind the crime that informant's husband was murdered for denial of share in land and house, is not proved by the prosecution.

ix. A perusal of site plan (Ex.Ka-4) reveals that informant's house is separately situated with a vacant land in front and a tin-shed. To the south of informant's home is Bhanwar Singh's house. In this site plan, no door is shown for going into Bhanwar Singh's house. However, in

the site plan prepared by Inspector Anil Kumar PW-8 on 01.09.2013, a door is shown on the south side of informant's house. The statement of Anil Kumar recorded in case diary reveals that although there was a door, but a cooler was placed in front of it. Even if it is presumed that there was a door in informant's house leading to Bhanwar Singh's house, it would not be possible for accused to enter informant's house, if the door was locked from inside or a cooler was placed in front of it.

x. A narration of call details by the Investigating Officer in his deposition merely reveals that deceased was present in Etawah on 29.06.2013. However, there is no evidence on record that there was any conversation between accused and husband of informant or that accused were in the company of informant's husband.

xi. It is clear from the deposition of PW-1 that when she arrived at her home after receiving information from Mausiya Saas (mother-in-law), then she broke the lock on gate by using a hammer, which she had picked up from a nearby place and thereafter saw her husband hanging from a latch (kundi) inside the room. Neither broken lock nor hammer was recovered by the Investigating Officer, which were very crucial piece of evidence.

xii. Malla Devi (mother of informant) PW-4 in her deposition has stated that when she heard news of death of her son-in-law, her daughter Meera Devi (PW-1) was in Delhi and she gave her this information on 01.07.2013 at 07:30 pm. However, as per call details, location of informant was found at Etawah on 30.06.2013 at 8:30 am. Therefore, there is sharp contradiction.

xiii. Informant PW-1 has shown ignorance regarding mobile number 827310XXXX, whereas in her statement recorded under Section 161 Cr.P.C., she admitted talking on this number. PW.-1 further stated that she does not know the names of users of mobile numbers 8510XXXXXX and 9911XXXXXX. Therefore, it is clear that informant does not know the mobile numbers on which she had spoken to her husband.

xiv. As far as recovery of mobile phone and charger of deceased is concerned, PW-1 herself in her cross-examination has stated that a member of family of her in-laws had gone to give mobile phone and charger of her husband to police. Therefore, even this recovery is not credible.

xv. It has come on record that Bhanwar Singh also lodged Case Crime No. 256-A/13 against informant and other, regarding this incident, in which, Final Report was submitted by police.

xvi. PW-2 and PW-4 have stated that they suspect that deceased has been murdered by accused. From their depositions, it is clear that none of them was present on spot at the time of incident. In such a situation, suspicion howsoever it may be strong, can not take replace evidence available on record and a person can not be convicted

merely on suspicion without there being any sufficient supporting evidence.

xvii. Prosecution has failed to prove alleged motive. No one has seen accused committing the crime. Admittedly, informant's house is separate from the house of accused. Call details do not indicate that accused were present on spot. Informant's main door was locked from outside, which was broken by informant herself, however, the same (broken lock) was not taken into possession. The key of this lock was also not recovered on the pointing out of accused. In such a circumstance, it is not clear that accused had access to the crime scene. Mamta, mausiya saas (mother-in-law) has not been examined, who gave information of hanging of deceased to informant, which could have thrown light that from where she got this information. As the case is based on circumstantial evidence, none of the links of alleged crime are connected in such a way that accused can be held guilty of murder of deceased.

21. After recording above findings, Court below deduced that prosecution has failed to prove the charges framed against accused.

22. The above conclusion drawn by Court below on the basis of reasons i.e. prosecution has failed to establish the guilt of accused beyond reasonable doubt also cannot be said to be illegal or perverse. The findings/reasons returned by Court below are based upon due evaluation of allegations made in the complaint in the light of evidence on record. Court below has assigned specific reasons for coming to the conclusion that no offence under any of charging Sections is made out against accused. However, out of abundant caution and further to find out whether as per the depositions of prosecution witnesses, the necessary ingredients of the charging sections are borne out/ satisfied or not, we have carefully perused the depositions of PW-1, PW-2, PW-4 as transcribed and analysed in the impugned judgment.

23. Undisputedly, present case rests on circumstantial evidence. The law with regard to evaluation of a case based on circumstantial evidence stands crystallized in the judgment of Apex Court in **Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116**. Paragraphs 153 to 154 of the report are relevant for the controversy in hand. Accordingly the same are reproduced herein below:-

"153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

*(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. It may be noted here that this Court indicated that the circumstances concerned "must or should" and not "may be" established. There is not only a grammatical but a legal distinction between "may be proved" and "must be or should be proved" as was held by this Court in **Shivaji Sahabrao Bobade v. State of Maharashtra** where the following observations were made: (SCC para 19, p. 807)*

19. Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between "may be" and "must be" is long and divides vague conjectures from sure conclusions.

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

154. These five golden principles, if we may say so, constitute the panchsheel of the proof of a case based on circumstantial evidence."

24. It is also equally settled principle of law that suspicion howsoever strong cannot take the place of a proof beyond reasonable doubt. Apex Court in the case of **Upala Biksamarth alias Biksamimha Vs. State of Andhra Pradesh, 2019 SAR (Criminal) 7552** found that possibility of accused's involvement in the incident raises a suspicion, but suspicion cannot take the place of "proof".

25. Apex Court while relying upon the ratio laid down in **Nandu Singh Versus State of Madhya Pradesh (now Chhatisgarh) (2022) 19 SCC 301** has summed up the legal position regarding motive in a case based on circumstantial evidence. In **Md. Bani Alam Mazid @ Dhan Versus State of Assam 2025 INSC 260, Criminal Appeal No. 1649 of 2011**, Court observed that motive assumes great significance in a case based on circumstantial evidence. It is not as if motive alone becomes the crucial link in the case to be established by the prosecution and that in its absence, the case of the prosecution has to be discarded. But, at the same time, complete absence of motive assumes a different complexion and such absence definitely weighs in favour of the accused.

26. Thus, it can be summed up that if a case is based solely upon circumstantial evidence, then motive is a very important link in the chain of circumstances, which could prove the guilt of accused. Thereof, absence of motive will be a factor that weighs in favour of accused. Just as strong motive does not by itself result in conviction, similarly an acquittal can not be recorded on the sole ground of absence of motive. When the eyewitnesses are not convincing, a strong motive cannot by itself result in conviction, likewise when the circumstances are very convincing and provide an unbroken chain leading only to the conclusion regarding guilt of accused and not to any other hypothesis the total absence of a motive will not be of any consequence.

27. In the case in hand, there is neither an eye-witness of the incident nor any witness regarding factum of last seen. Two alleged incriminating facts, which were relied upon by the prosecution during the course of trial and also before this Court are – firstly, there was a strong motive behind the murder and secondly deceased was found hanging inside a room of his house, which was adjoining to the house of accused and they had access to this room.

28. The depositions of PW-1, PW-2 and PW-4 as transcribed in the impugned judgment, are crystal clear that partition of Bhanwar Singh's large house had already taken place about 10 years ago before the incident and after the marriage of brother-in-law of informant. The house of in-laws of informant was partitioned in three different sections. In first section, Bhanwar Singh and his wife and brother-in-law of informant, i.e., Arun were residing, in second section, Ajay, brother-in-law of informant with his wife were residing and in the third and last section, informant herself with her husband resided. Thus, in-laws house was already partitioned and share of informant and her husband was specific and separate. Informant and her husband were in possession of aforesaid portion of the house. Moreover, it has come in evidence of informant PW-1 that she got two and half bighas of agricultural land for cultivation, whereas her father PW-2 and mother PW-4 both have consistently stated that informant was given four

bighas of agricultural land to cultivate. In the light of aforesaid clear admissions in their depositions, the alleged motive falls flat. Prosecution has failed to prove the alleged motive. No other motive has been alleged against accused by the prosecution.

29. Second incriminating fact of this case is that accused were having access to the house of deceased as they were living in the vicinity of informant's house. It has clearly come in the deposition of PW-1 herself that when she arrived at the spot, she found that main door was locked from outside and therefore, she picked a hammer from nearby and then with the help of this hammer, she broke the lock. The aforesaid broken lock as well as hammer both were very crucial piece of evidence, however none of these items was recovered by the Investigating Officer.

30. A perusal of site plan (Ex.Ka-4) reveals that there is no door in the informant's house by which, one can go in Bhanwar Singh's house. However, in the site plan prepared by PW-8 also an Investigating Officer, a door is shown on the southern side of informant's house. However PW-8 in his statement recorded under Section 161 Cr.P.C. stated that a cooler was placed in front of it. In these circumstances, when the main door is locked from outside and there is no evidence that door outside where a cooler was placed, was locked from inside or not, it cannot be presumed that accused had access to informant's house. Even if for the sake of arguments, it is presumed that accused had access to informant's house, then it merely raises a suspicion that accused might have committed this murder. But there is no other evidence connecting accused to this crime. Nothing has been recovered on the pointing out of accused. There is no last seen evidence against accused either. There is no evidence that anyone had either seen accused-opposite parties roaming around informant's house or going and coming out of her house at any time or before or after the alleged incident. Prosecution has miserably failed to prove the alleged motive also. Therefore, there is not a single link what to talk of complete chain of circumstantial evidence, connecting accused-opposite parties to the present crime.

31. Law is well settled that suspicion cannot take place of proof. A person cannot be convicted merely on the basis of suspicion, howsoever strong it may be. Therefore, we are of the considered opinion that prosecution has failed to prove the charges levelled against the accused-opposite parties-2 and 3, beyond reasonable doubt and Court below has rightly acquitted accused-opposite parties-2 and 3 by giving them the benefit of doubt.

32. Apex Court in the case of **Bhaskarrao and others Vs. State of Maharashtra, (2018) 6 SCC 591**, has observed in paragraph Nos. 15 and 23 as under:-

15. In Ramesh Babulal Doshi v. State of Gujarat, 1996 CriLJ 2867, this Court observed:

"This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial Court can be legitimately arrived at by the appellate Court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellate Court is first required to seek an answer to the question whether the findings of the trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellate court answers the above question in the negative the order of acquittal is not to be disturbed."

"23. Before we proceed to analysis of the case, we must first focus on the aspect concerning the standard the High Court has to apply, while hearing a case against an acquittal order of the trial court. In the case on hand, the trial court, followed by a full fledged trial, comes to the conclusion and by cogent reasoning acquits the accused. In such a case the appellate Court is further burdened with the task of reaffirming the innocence of the accused. In such cases, the appellate Court is expected to be very cautious and its interference with the order of acquittal is called for only when there are compelling reasons and substantial grounds. In other words, the High Court has full power to review the evidence upon which an order of acquittal is founded, yet the presumption of innocence of the accused being further reinforced by his acquittal by the trial Court, the findings of that Court which had the advantage of seeing the witnesses and hearing their evidence can be reversed only for very substantial and compelling reasons (refer Surajpal Singh & Ors. v. The State, 1952 Cri LJ 331)".

33. At the time of hearing of present appeal, we had repeatedly confronted the learned counsel for appellant with the findings recorded by trial Court as reproduced in paragraph-20 of this judgment as well as anomalies noted by us regarding failure of prosecution to prove alleged motive. However, the learned counsel for appellant could not overcome the same but made a futile attempt to explain the said anomalies.

34. In view of the discussion made above, we do not find any perversity in the impugned judgment so as to interfere with the findings returned by the trial Court. The conclusion drawn by Court below is the logical outcome of due appreciation of evidence on record. No misreading or omission could be pointed out by the learned counsel for appellant. However, being the last Court of fact, we have ourselves evaluated the evidence on record to find out whether there is any perversity in the impugned judgment or Court below has misconstrued any material evidence. However, we could not gather any such fact from the record so as to infer that conclusion drawn by Court below is against the weight of evidence on record. It thus, cannot be said that only the view consistent with the guilt of accused is possible as per the evidence on record. We, therefore, do not find any good ground to entertain the present appeal filed under Section 413 BNSS, which consequently fails and is, accordingly **dismissed**.

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

September 21, 2026
Monika