IN THE HIGH COURT OF JHARKHAND AT RANCHI

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Acquittal Appeal (D.B.) No. 62 of 2024

(*Arising out of judgment of acquittal dated 15.04.2024, passed by learned Additional Sessions Judge-I Madhupur in S.T. No.170 of 2017*)

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Saraswati Devi, aged about 68 years, Wife of Bhola Prasad, Resident of House NO.17, Ward No.5, Dangal Para Madhupur, PO & PS-Madhupur, District-Deoghar. **….. Appellant**

Versus

1.The State of Jharkhand
2. Rupa Devi, Wife of Late Suraj Kumar Rawani, Resident of Dardabad, PO & PS-Chitra, District-Deoghar.
3.Gita Devi, Wife of Shri Nivas Rawani, Resident of Dardabad PO & PS-Chitra, Dist-Deoghar.
4.Nivas Rawani, aged about 56 years, Son of Karmani Rawani, Resident of Dardabad PO & PS-Chitra, Dist-Deoghar. **…. Respondents**

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For the Appellant : Mr. Ankit Kumar, Advocate
For the State : Mr. Pankaj Kumar, Spl. Public Prosecutor
For the Resp. Nos.2-4 : Mr. Anjani Kumar, Advocate

PRESENT
Sri Ananda Sen, J.
Sri Pradeep Kumar Srivastava, J.
J U D G M E N T

30.09.2026
***By Court.*:**

This acquittal appeal is preferred against the judgment of acquittal dated 15.04.2024 passed in S.T. No.170 of 2017, whereby and whereunder respondent Nos.2 to 4 namely, Rupa Devi, Gita Devi and Nivas Rawani respectively have been acquitted of the charge under Sections 302, 34 and 201 of IPC.

2. As per the prosecution case filed on 15.04.2017, by informant namely, Sarsawati Devi, his son Suraj Kumar married Rupa Devi about ten years ago and had two children. Since, the marriage, Rupa Devi and her family members- Niwas Rawani, Dani Rawani, Geeta Devi, Karmani Rawani and Sonia Devya allegedly pressured her son Suraj to live at his in-law's house at Dardabad and did not allow Rupa to live peacefully at Dangalpada. Despite a *panchayati* decision directing Rupa to live at Dangalpada with

her husband, she continued to stay at her maternal home. When informant's son namely Suraj went to his in-law's house to meet his children, the persons allegedly assaulted him, strangulated him with a rope, and threw his body on the railway track to make it appear like a suicide. She further stated that her son- Suraj Kumar was murdered by the aforesaid persons.

3. The police on investigation, submitted chargesheet against respondent Nos.2 to 4 and they were put on trial.

4. Altogether ten witnesses have been examined in this case by the prosecution, who are as follows:-

(i) P.W.-1 Rekha Devi
(ii) P.W.-2 Lalita Devi
(iii) P.W.-3 Usha Kahar
(iv) P.W.-4 Namita Devi
(v) P.W.-5 Saraswati Devi is informant
(vi) P.W.-6 Pakeshwar Prasad yadav
(vii)P.W.-7 Dr. N.L. Pandit
(viii) P.W.-8 Kailash Ravani
(xi)P.W.-9 Bhagirath Ravani
(x) P.W.-10 Vinod Kumar Singh

5. The following documentary evidences were exhibited by the prosecution:-

Exhibit-1- Postmortem report
Exhibit-2 signature of P.W.-10 on written application
Exhibit- 3 signature of P.W.-10 on formal report
Exhibit-4 signature of P.W.-10 on seizure list
Exhibit-5 Attested copy of information application
Marked X Signature of witness on photocopy of the death review report.

6. Learned counsel for the appellant submits that the Trial Court has failed to properly appreciate the evidence of the witnesses. He submits that PW-1, PW-2, PW-3, PW-4 & PW-5 has categorically stated that accused Rupa Devi always used to quarrel with the deceased and threatened to get his job after killing him. In this respect, an information petition was also filed before the C.J.M. Madhupur apprehending that the accused persons might have kill him.

7. Learned counsel for the respondents submits that the Trial Court correctly appreciated the evidence of the prosecution

witnesses and came to a conclusion that the prosecution has failed to prove its case beyond reasonable doubt. Further, he stated that there is no eye-witnesses to the occurrence and only on the basis of the conjecture and surmises, the witnesses have leveled allegation of murder against the accused persons.

8. Heard, learned counsel for the appellant, learned counsel for the State and learned counsel for the respondents and we have gone through the impugned judgment and records.

9. The law dealing with the challenge thrown to the judgment of acquittal has been settled by Hon'ble Supreme Court. The Hon'ble Supreme Court in the case of ***Bhupatbhai Bachubhai Chavda and Another vs State of Gujarat*** reported in ***2024 SCC OnLine SC 523*** at para 6 has held as under:-

> *"6. It is true that while deciding an appeal against acquittal, the Appellate Court has to reappreciate the evidence. After re-appreciating the evidence, the first question that needs to be answered by the Appellate Court is whether the view taken by the Trial Court was a plausible view that could have been taken based on evidence on record. Perusal of the impugned judgment of the High Court shows that this question has not been adverted to. Appellate Court can interfere with the order of acquittal only if it is satisfied after reappreciating the evidence that the only possible conclusion was that the guilt of the accused had been established beyond a reasonable doubt. The Appellate Court cannot overturn order of acquittal only on the ground that another view is possible. In other words, the judgment of acquittal must be found to be perverse. Unless the Appellate Court records such a finding, no interference can be made with the order of acquittal. The High Court has ignored the well-settled principle that an order of acquittal further strengthens the presumption of innocence of the accused. After having perused the judgment, we find that the High Court has not addressed itself on the main question."*

10. Further, the Hon'ble Supreme Court in the case of ***Mallappa v. State of Karnataka,*** reported in ***(2024) 3 SCC 544*** at paras 26 & 27 has held as under:-

> ***"26.*** *No doubt, an order of acquittal is open to appeal and there is no quarrel about that. It is also beyond doubt that in the exercise of appellate powers, there is no inhibition on the High Court to reappreciate or re-visit the evidence on record. However, the power of the High Court to reappreciate the evidence is a qualified power, especially when the order under challenge is of acquittal. The first and foremost question to be asked is whether the trial court thoroughly appreciated the evidence on record and gave due consideration to all material pieces of evidence. The second point for consideration is whether the finding of the trial court is illegal or affected by an error of law or fact. If not, the third consideration is whether the view taken by the trial court is a fairly possible view. A decision of acquittal is not meant to be reversed on a mere difference of opinion. What is required is an illegality or perversity.*

> ***27.*** *It may be noted that the possibility of two views in a criminal case is not an extraordinary phenomenon. The "two-views theory" has been judicially recognised by the courts and it comes into play when the appreciation of evidence results into two equally plausible views. However, the controversy is to be resolved in favour of the accused. For, the very existence of an equally plausible view in favour of innocence of the accused is in itself a reasonable doubt in the case of the prosecution. Moreover, it reinforces the presumption of innocence. And therefore, when two views are possible, following the one in favour of innocence of the accused is the safest course of action. Furthermore, it is also settled that if the view of the trial court, in a case of acquittal, is a plausible view, it is not open for the High Court to convict the accused by reappreciating the evidence. If such a course is permissible, it would make it practically impossible to settle the rights and liabilities in the eye of the law."*

11. Further, the Hon'ble Supreme Court in the case of ***Girish Singh v. State of Uttarakhand,*** reported in ***(2020) 18 SCC*** at paras 29, 30, 31 & 32 has held as under:-

> ***"29.*** *We have referred to the entire evidence. The trial court acquitted the accused. The jurisdiction of the appellate court, when it deals with such an order, is no longer res integra and is subject-matter of a catena of decisions of this Court.*
> ***30.*** *In Upendra Pradhan v. State of Orissa [Upendra Pradhan v. State of Orissa, (2015) 11 SCC 124 : (2015) 4 SCC (Cri) 309] , this Court took the view that if there is benefit of doubt, it must go to the accused, and in case of two views, the view that favours the accused, should be taken, which was more so where the trial court's decision was not manifestly illegal, perverse and did not cause miscarriage of justice.*
> ***31.*** *In Dilawar Singh v. State of Haryana [Dilawar Singh v. State of Haryana, (2015) 1 SCC 737 : (2015) 1 SCC (Cri) 759] , this Court took the view that the Court will not interfere with the verdict of acquittal merely because on evaluation of evidence, a different plausible view may arise. Very substantial and compelling reasons must exist with the appellate court to interfere with an acquittal.*
> ***32.*** *In Gamini Bala Koteswara Rao v. State of A.P. [Gamini Bala Koteswara Rao v. State of A.P., (2009) 10 SCC 636 : (2010) 1 SCC (Cri) 372 : AIR 2010 SC 589] , this Court accepted the contention of the appellant 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 was perverse. This Court 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 (see K. Prakashan v. P.K. Surenderan [K. Prakashan v. P.K. Surenderan, (2008) 1 SCC 258 : (2008) 1 SCC (Civ) 182 : (2008) 1 SCC (Cri) 200]).*"

12. Further, the Hon'ble Supreme Court in the case of ***State of Odisha v. Banabihari Mohapatra,*** reported in ***(2021) 15 SCC 268 at*** para 32 has held as under:-

> **"32.** *As held by this Court in Sadhu Saran Singh v. State of U.P. [Sadhu Saran Singh v. State of U.P., (2016) 4 SCC 357 : (2016) 2 SCC (Cri) 275], an appeal against acquittal has always been on an altogether different pedestal from an appeal against conviction. In an appeal against acquittal, where the presumption of innocence in favour of the accused is reinforced, the appellate court would interfere with the order of acquittal only when there is perversity. In this case, it cannot be said that the reasons given by the High Court [State of Odisha v. Banabihari Mohapatra, 2020 SCC OnLine Ori 936] to reverse the conviction of the accused are flimsy, untenable or bordering on perverse appreciation of evidence."*

13. There is no eye-witness to the occurrence. The FIR was registered after a delay of 29 hours. The body was found near a railway track. The prosecution has failed to establish that the deceased was living in his matrimonial home before the occurrence. Further, no-one has seen how the deceased or the body of the deceased reached near the railway track. Further, the prosecution has failed to establish of happening of any *panchayati* regarding the dispute between deceased and the accused persons. There is no evidence that the deceased was last seen with the accused persons before death. Only on the basis of the conjecture and surmises, the prosecution had tried to establish the guilt of the accused persons. Thus, the trial Court has rightly acquitted the accused persons from the charges.

14. Thus, we find no merit in this case, accordingly, this appeal filed by the informant is **dismissed**.

15. Let the Trial Court Record be transmitted to the Court concerned along with a copy of this judgment.

(Ananda Sen, J.)

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand, Ranchi
Dated 30/09/2026
R.S./S.K.D. Cp 03.
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