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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No. 204 of 2013
Reserved on: 21.09.2026
Date of Decision: 05.10.2026.

State of H.P. ...Appellant

Versus

Rajesh Kumar & Ors. ...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] *No*

For the Appellant/State : Mr Tarun Pathak, Deputy Advocate General.

For the respondent : Mr Rajesh Mandhotra, Advocate.

Rakesh Kainthla, Judge

The present appeal is directed against the judgment dated 05.09.2012 passed by learned Judicial Magistrate First Class, Court No. 2, Palampur, District Kangra (learned Trial Court) vide which the respondents (accused before learned Trial Court) were acquitted of the commission of offences punishable under Sections 447, 324, and 323 read with Section 34 of the Indian Penal Code (IPC). *(The parties shall hereinafter be referred*

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

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to in the same manner as they were arrayed before the learned Trial Court for convenience).

2. Briefly stated, the facts giving rise to the present appeal are that the police presented a challan before the learned Trial Court against the accused for the commission of offences punishable under Sections 447, 323, 504, and 324 read with Section 34 of the IPC. It was asserted that the informant Ajay Kumar (PW1), his brother Harnam Singh (PW2) and their mother Jai Devi were cultivating their land on 06.06.2009 at about 07:15. Accused Parveen Kumar, Rajesh Kumar, and his wife came to the field armed with a spade and axe. They started abusing the informant party and claimed that the land belonged to them. They also asked the informant party not to cultivate the land. This led to an argument. The accused Rajesh Kumar inflicted a blow by means of an axe on the chest of Harnam Singh (PW2). The accused Parveen inflicted a blow by means of a spade on the informant Ajay Kumar (PW1). His wife Maya Devi beat the informant party with the slippers. The matter was reported to the police, and an Entry No. 24 (Ext.PW1/A) was recorded in the police station. An application (Ext.PW12/G) was filed for conducting the medical examination of the injured. Dr

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Saurav Sood (PW7) examined Jai and Ajay Kumar (PW1) and found that they had sustained simple injuries which could have been caused by means of a blunt weapon. He also examined Harnam Singh (PW2) and found that he had sustained multiple injuries which could have been caused by means of a sharp-edged weapon. He issued the MLCs (Ext.PW7/B to Ext.PW7/D). The police registered the FIR (Ext.PW10/A) after the receipt of the medical opinion. ASI Abhimanyu (PW15) investigated the matter. He visited the spot and prepared the site plan (Ext.PW15/B). He seized the shirt (Ext.P3) and under-vest (Ext.P4) vide memo (Ext.PW2/A). These were put in a cloth parcel, and the parcel was sealed with seal "A". He also seized the axe (Ext.P2) vide memo (Ext.PW2/A). He prepared the sketch (Ext.PW15/E) of the axe. He put the axe in a cloth parcel and sealed the parcel with seal "A". He obtained the seal impression (Ext.PW15/D) on a separate piece of cloth. He seized the spade (Ext.P7) vide memo (Ext.PW1/B). Jai Devi produced Dupatta (Ext.P6) and shirt (Ext.P5), which were seized vide memo (Ext.PW9/A). These were put in a cloth parcel, and the parcel was sealed with seal impression "A". Seal impression (Ext.PW15/F) was taken on a separate piece of cloth. The

photographs of the spot (Ext.PW15/G1 and Ext.PW15/G2) were taken. He filed an application (Ext.PW12/A) for conducting the demarcation of the land. Shubh Karan, Field Kanungo (PW12), conducted the demarcation and issued the report (Ext.PW12/B) and the revenue papers (Ext.PW12/D to Ext.PW12/F). The statements of witnesses were recorded as per their version, and after the completion of investigation, the challan was prepared and presented before the learned Trial Court.

3. The learned Trial Court found sufficient reasons to summon the accused. When the accused appeared, they were charged with the commission of offences punishable under Sections 323, 324, and 447 read with Section 34 of the IPC, to which they pleaded not guilty and claimed trial.

4. The prosecution examined sixteen witnesses to prove its case. Ajay Kumar (PW1) and Harnam Singh (PW2) are the victims. Anuradha (PW3), Kaushalya Devi (PW4), and Bhagirath (PW5) are the eyewitnesses. Karam Chand (PW6) and Gulzar Mohammed (PW9) did not support the prosecution case. Dr Saurav Sood (PW7) examined the injured. HHC Desh Raj (PW8) proved the entry in the daily diary. Vivek Sharma (PW10)

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brought the Rukka to the police station. HHG Varinder Kumar (PW11) and HHG Udho Ram (PW13) brought the case property to the police station. Shubh Karan (PW12) demarcated the land. HHC Ranjit Singh (PW14) proved the road certificates. ASI Abhimanyu (PW15) investigated the matter. ASI Subhash Chand (PW16) was working as MHC, with whom the case property was deposited.

5. The accused in their statements recorded under Section 313 of the Code of Criminal Procedure (CrPC) denied the prosecution case in its entirety. They claimed that the informant party had stopped and beat them when they were returning to their home. Harnam Singh (PW2) had followed the accused to their home and damaged the door of their house. The informant party had blocked the passage of the accused and encroached upon their land. They examined Sudershan Rana (DW1) and Desh Raj (DW2) in their defence.

6. Learned Trial Court held that the testimonies of prosecution witnesses contradicted each other on material aspects. They had materially improved upon their initial version. The relationship between the parties was strained, and the

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prosecution case was required to be seen with due care and caution. The accused had also sustained injuries which were not properly explained by the prosecution. The report of the demarcation was not as per the law, and no reliance could be placed upon it. The witnesses to the recovery had also not supported the prosecution version, and the recovery was also doubtful. The non-explanation of the injuries can lead to an inference that the prosecution had suppressed the genesis of the incident and the defence version that the informant party had caused injuries to the accused was highly probable. Therefore, learned Trial Court acquitted the accused.

7. Being aggrieved by the judgment passed by the learned Trial Court, the State has filed the present appeal asserting that the learned Trial Court had failed to properly appreciate the material on record. Ajay Kumar (PW1) and Harnam Singh (PW2) were injured in the incident, and their testimonies were corroborated by the medical evidence. The mere fact that one of the marginal witnesses to the recovery had not supported the prosecution case was not sufficient to discard it. The minor contradictions were blown out of proportion to record the acquittal. The accused Rajesh had lodged a report

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against the informant party, and the police had prepared a cancellation report after the investigation. The demarcation was conducted as per law, and there was no infirmity in it. Learned Trial Court erred in rejecting the prosecution version. Therefore, it was prayed that the present appeal be allowed and the judgment passed by the learned Trial Court be set aside.

8. I have heard Mr Tarun Pathak, learned Deputy Advocate General for the appellant/State and Mr Rajesh Mandhotra, learned counsel for the respondent/accused.

9. Mr Tarun Pathak, learned Deputy Advocate General for the appellant/State, submitted that the learned Trial Court erred in acquitting the accused. The statements of prosecution witnesses corroborated each other on material aspects. Minor contradictions in their statements were not sufficient to discard the prosecution version. The enmity is a double-edged weapon, and it can furnish a motive for the commission of the crime. The statements of the witnesses were duly corroborated by the medical evidence, and the testimony of the injured witness should not have been ignored. The accused had lodged a report before the police, but the police found that no such offence had

occurred. Hence, a cancellation report was prepared by the police. The learned Trial Court had taken a view that could not have been taken by any reasonable person. Therefore, he prayed that the present appeal be allowed and the judgment passed by the learned Trial Court be set aside.

10. Mr Rajesh Mandhotra, learned counsel for the respondent/accused, submitted that the prosecution witnesses had materially improved upon their version. They had made contradictory statements. The learned Trial Court had rightly held that the testimonies of prosecution witnesses were required to be seen with due care and caution because of the enmity between the parties. The defence version competed in probability with the prosecution version, and no explanation for the injuries sustained by the accused was provided. The learned Trial Court had taken a reasonable view that could have been taken based on the material placed before it. This Court should not interfere with a reasonable view of the learned Trial Court, even if another view is possible while deciding an appeal against acquittal. Hence, he prayed that the present appeal be dismissed. He relied upon the judgments in ***Bahal Singh vs. State of Haryana***

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AIR 1976 SC 2032 and ***Premlata Acharya vs. Suman Acharya and others (2018) 14 SCC 655*** in support of his submission.

11. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

12. The present appeal has been filed against a judgment of acquittal. It was laid down by the Hon'ble Supreme Court in ***Sanjay Kumar v. State of Bihar, 2026 SCC OnLine SC 1373,*** that the Court can interfere with a judgment of acquittal only if it is impossible, perverse, wholly unsustainable, or manifestly illegal. It was observed:

> **Scope of interference with an acquittal:**
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> **26.** At the outset, it is necessary to remind ourselves of the settled principles governing interference with an order of acquittal. An accused is presumed innocent until proven guilty. When a court of competent jurisdiction acquits the accused, the presumption of innocence is not weakened but reinforced. Where such acquittal is affirmed by the High Court, the caution to be exercised by this Court under Article 136 is even greater.
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> **27.** In ***Kali Ram v. State of Himachal Pradesh (1973) 2 SCC 808: 1973 SCC (Cri) 1048***, this Court explained the golden thread running through criminal jurisprudence in the following words:
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> > *"25. Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the*

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accused should be adopted. This principle has a special relevance in cases wherein the guilt of the accused is sought to be established by circumstantial evidence. A rule has accordingly been laid down that unless the evidence adduced in the case is consistent only with the hypothesis of the guilt of the accused and is inconsistent with that of his innocence, the Court should refrain from recording a finding of guilt of the accused. It is also an accepted rule that in case the Court entertains reasonable doubt regarding the guilt of the accused, the accused must have the benefit of that doubt. Of course, the doubt regarding the guilt of the accused should be reasonable; it is not the doubt of a mind which is either so vacillating that it is incapable of reaching a firm conclusion or so timid that it is hesitant and afraid to take things to their natural consequences. The rule regarding the benefit of doubt also does not warrant acquittal of the accused by resort to surmises, conjectures or fanciful considerations. As mentioned by us recently in the case of State of Punjab *v.* Jagir Singh, *a criminal trial is not like a fairy tale wherein one is free to give flight to one's imagination and fantasy. It concerns itself with the question as to whether the accused arraigned at the trial is guilty of the offence with which he is charged. Crime is an event in real life and is the product of the interplay of different human emotions. In arriving at the conclusion about the guilt of the accused charged with the commission of a crime, the Court has to judge the evidence by the yardstick of probabilities, intrinsic worth and the animus of witnesses. Every case in the final analysis would have to depend upon its own facts. Although the benefit of every reasonable doubt should be given to the accused, the Courts should not at the same time reject evidence which is ex facie trustworthy on grounds which are fanciful or in the nature of conjectures."*

28. The decision in ***Kali Ram*** (supra) further cautions that wrongful acquittal and wrongful conviction do not stand on the same footing, for conviction of an innocent

person causes grave injustice and shakes public confidence in the administration of criminal justice. The rule of benefit of doubt, therefore, is not technical; it is a substantive safeguard flowing from the presumption of innocence.

29. In ***Ghurey Lal v. State of Uttar Pradesh (2008) 10 SCC 450: (2009) 1 SCC (Cri) 60***, this Court reiterated the limited scope of interference with acquittals. This Court observed:

> "75. The Trial Court has the advantage of watching the demeanour of the witnesses who have given evidence; therefore, the appellate court should be slow to interfere with the decisions of the Trial Court. An acquittal by the Trial Court should not be interfered with unless it is totally perverse or wholly unsustainable."

30. The decision in ***Ghurey Lal*** (supra) also crystallised certain propositions: first, there is a double presumption of innocence in favour of an acquitted accused; secondly, if two views are possible, the view favourable to the accused must prevail; thirdly, though the appellate court has the power to reappreciate evidence, it should interfere only when the acquittal is manifestly illegal, perverse or results in miscarriage of justice; and fourthly, due weight must be given to the Trial Court's findings, particularly because the trial judge had the advantage of observing the demeanour of witnesses.

31. In ***Chandrappa v. State of Karnataka (2007) 4 SCC 415: (2007) 2 SCC (Cri) 325***, this Court held that though the appellate court has full power to review and reappreciate the evidence, the presumption of innocence is strengthened by an order of acquittal. It was held that when two reasonable conclusions are possible on the basis of evidence on record, the appellate court should not disturb the finding of acquittal.

32. The same principle was restated in ***Mrinal Das v. State of Tripura (2011) 9 SCC 479***, wherein this Court held

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> that an order of acquittal is to be interfered with only when there are compelling and substantial reasons for doing so. If two reasonable views are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal.
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> **33.** Therefore, the question before us is not whether another view on the evidence is possible. The question is whether the view taken by the Trial Court and affirmed by the High Court is impossible, perverse, wholly unsustainable, or manifestly illegal. Having examined the record, we are unable to hold so.

13. The present appeal has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

14. The police filed an application (Ext.PW7/A) for the medical examination of the injured. It was mentioned in the application that the injured were working in their field when Rajesh Kumar, Parveen Kumar and his wife entered the field and gave them beatings with sticks and the axe. The injured wanted to get themselves medically examined. Dr Saurav Sood (PW7) conducted the medical examination of Jai Devi and issued a report (Ext.PW7/A), which has an overwriting in the time of examination. The date of admission, time of admission and date of discharge have been filled in different pens. The date of arrival has also been overwritten. This is significant because the version in the application (Ext.PW7/A) is not as per the version

recorded in the report (Ext.PW1/A). It was mentioned in the report (Ext.PW1/A) that accused Parveen Kumar, Rajesh Kumar and his wife came to the spot with a spade and axe, whereas it was mentioned in the application (Ext.PW7/A) that the accused Rajesh Kumar, Parveen Kumar and his wife came to the field armed with sticks and the axe. Therefore, there is a discrepancy in the weapon of offence being carried by the accused. This is also significant because the entry in the daily diary (Ext.PW1/A) contains an overwriting in the number of the entry as well as the time of incident. There is no explanation for these overwritings, and the prosecution case is required to be seen with due care and caution.

15. The entry (Ext.PW1/A) mentions that Rajesh Kumar inflicted a blow by means of an axe to Harnam Singh (PW2) on his chest, Parveen inflicted a blow by means of a spade to Ajay Kumar (PW1) and wife of Parveen gave beatings with slippers to Jai Devi. It was further mentioned that all the accused came together and objected to the cultivation of the land by the informant party.

16. Ajay Kumar (PW1) stated that he, Sansar Chand and Harnam Singh and their mother Jai Devi were cultivating the field. Ajay Kumar (PW1) came to the spot and objected, saying that the land belonged to him. A wooden peg affixed on the spot was removed while cultivating the land. Rajesh quarrelled with the informant party and asked them to refix the peg; otherwise, he would teach them a lesson. He also called Parveen Kumar. Parveen came to the spot. He was armed with a spade. Rajesh inflicted a blow by means of an axe on Harnam Singh (PW2). Parveen Kumar inflicted a blow by means of a spade. Jai Devi tried to rescue them, and accused Maya Devi gave beatings to her with slippers. Parveen inflicted a blow by means of a spade on the head of Jai Devi. She became unconscious.

17. Learned Trial Court had rightly pointed out that there was a discrepancy in the statement of the witness Ajay Kumar (PW1) and the earliest version narrated to the police. It was nowhere stated to the police that accused Rajesh had visited the spot first, had argued with the informant party and called the other persons. It was also not stated in the earliest version that accused Parveen had inflicted a spade blow on the head of Jai Devi.

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18. Harnam Singh (PW2) stated that he was cultivating the field with Sansar Chand, Ajay Kumar, Jai Devi and Anuradha. Accused Rajesh started arguing with Ajay Kumar. Rajesh Kumar left the spot and returned after some time with Parveen and Maya Devi. Rajesh was armed with an axe. Parveen was armed with a spade, and accused Maya Devi had slippers in her hand. Accused Maya Devi started beating Jai Devi with slippers. Parveen inflicted a blow by means of a spade on Jai Devi. She became unconscious. Sansar Chand tried to help her. Accused Rajesh Kumar inflicted a blow by means of an axe on Harnam Singh (PW1). The accused ran away from the spot. Sansar Chand also sustained injuries in the incident. Parveen Kumar had inflicted blows to Ajay Kumar by means of a spade.

19. This statement is also not as per the initial version projected by the prosecution. It was nowhere stated in the entry (Ext.PW1/A) that Sansar Chand was present on the spot or that Rajesh Kumar had visited the spot and picked up a quarrel with Ajay Kumar (PW1). It was also not stated that he had returned and came to the spot with the co-accused. It was stated in the entry (Ext.PW1/A) that Rajesh Kumar inflicted a blow to Harnam Singh (PW2) first and thereafter, Parveen inflicted a blow to Ajay

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Kumar. This version was changed in the Court by Harnam Singh by saying that Maya Devi gave beatings to Jai Devi with slippers and Parveen Kumar inflicted a blow on her head. The learned Trial Court was justified in doubting the statements of these witnesses in view of the discrepancy between the initial version and the version projected before the Court. It was laid down by the Hon'ble Supreme Court in ***State of M.P. v. Dhirendra Kumar, (1997) 1 SCC 93: 1997 SCC (Cri) 54*** that when the prosecution projects a different case during the Trial, its case becomes suspect. It was observed:

> "**11.** It was very emphatically contended by Shri Gambhir that as in the first information report (FIR), there is no mention of the dying declaration, we should discard the evidence of PW 1 and PW 2 regarding the dying declaration, because of what has been pointed out by this Court in ***Ram Kumar Pandey v. State of M.P. [(1975) 3 SCC 815: 1975 SCC (Cri) 225: AIR 1975 SC 1026]*** We do not, however, agree with Shri Gambhir, for the reason that what was observed in ***Ram Kumar case [(1975) 3 SCC 815: 1975 SCC (Cri) 225: AIR 1975 SC 1026]*** after noting the broad facts, was that *material omission in the FIR would cast doubt on the veracity of the prosecution case, despite the general law being that statements made in the FIR can be used to corroborate or contradict its maker. This view owes its origin to the thinking that if there be a material departure in the prosecution case as unfolded in the FIR, which would be so if material facts not mentioned in the FIR are deposed to by prosecution witnesses in the court, the same would cause a dent to the edifice on which the prosecution case is built, as the substratum of the prosecution case then gets altered. The*

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> *prosecution cannot project two entirely different versions of a case.* This is entirely different from thinking that some omission in the FIR would require disbelieving the witnesses who depose about the fact not mentioned in the FIR. Evidence of witnesses has to be tested for its strength or weakness. While doing so, if the fact deposed be a material part of the prosecution case, about which, however, no mention was made in the FIR, the same would be borne in mind while deciding about the credibility of the evidence given by the witness in question."

20. Anuradha (PW3) stated that she was cultivating the field with her husband, her mother-in-law, and brother-in-law. Rajesh Kumar came to the spot and started arguing with Ajay. Rajesh Kumar went to his house and returned with Praveen. Rajesh was armed with a stick, and Parveen was armed with a spade. They inflicted blows on the informant party. Parveen Kumar inflicted a blow by means of a spade to Jai Devi, and Rajesh inflicted a blow by means of an axe to Harnam Singh (PW2). Maya Devi also came to the spot after hearing the noise and started beating Jai Devi with slippers.

21. The name of this witness was not mentioned in the entry (Ext.PW1/A), and her presence on the spot is doubtful. She stated that Rajesh Kumar came first and he argued with Ajay Kumar (PW1). He returned after some time with his brother Parveen, and Maya Devi came after hearing the noise. This is

contrary to the entry (Ext.PW1/A) in which it was mentioned that all the accused had visited the spot together. Thus, the learned Trial Court was justified in doubting her version.

22. Kaushalaya Devi (PW4) stated that she was cultivating her field. Rajesh Kumar came to the spot and picked up a quarrel. Rajesh and Parveen came armed with an axe and a spade. They inflicted blows on Ajay Kumar, Harnam Singh and their mother. Ajay Kumar and Harnam Singh were taken to the hospital.

23. Nobody stated that this witness was also cultivating the field; rather, Harnam Singh (PW2) stated that when they raised hue and cry, Kaushalya Devi (PW4), Bhagirath (PW5) and Dhani Ram came to the spot. Therefore, as per Harnam Singh (PW2), Kaushalya was not present on the spot at the time of the incident, but had visited the spot after hearing the cries. Therefore, she could not have been an eyewitness, and her testimony that the incident had occurred in her presence was not believable.

24. Bhagirath (PW5) stated that he saw that Rajesh came to the spot. He talked to the informant party. He went home and

brought an axe and spade. Praveen accompanied Rajesh. Praveen inflicted a blow to Ajay Kumar (PW1) by means of a stick. He also inflicted a blow with a stone on Jai Devi. Harnam Singh (PW2) had also sustained injuries in the incident.

25. The testimony of this witness is contrary to the prosecution version. No person stated that Parveen had inflicted a blow by means of a stick to Ajay Kumar (PW1). No person has stated that Parveen had inflicted an injury to Jai Devi by means of a stick. Harnam Singh (PW2) stated that Bhagirath had reached the spot after hearing the noise. Therefore, his presence on the spot is suspect, and no reliance could have been placed upon his testimony.

26. The Hon'ble Supreme Court held in ***Bahal Singh*** (supra) that the testimony of chance witnesses is to be seen with due care and caution. In the present case, the statements of Anuradha, Kaushalya Devi and Bhagirath become doubtful because of the discrepancies in their testimonies.

27. Sudershan Rana (PW17) proved MLCs of Rajesh Kumar (Ext.D1) and Praveen Kumar (Ext.D2). These MLCs show that Rajesh Kumar had sustained 2 injuries, whereas Praveen

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Kumar had sustained 5 injuries. The prosecution witnesses have not explained the injuries noticed by the Medical Officer. The learned Trial Court had rightly held that the non-explanation of the injuries of the accused will make the prosecution case suspect. It was laid down by the Hon'ble Supreme Court in ***Parshuram v. State of M.P., 2023 SCC OnLine SC 1416,*** that the non-explanation of the injuries to the accused makes the prosecution's case doubtful. It was observed: -

> "**31.** We do not find the said observation of the trial court correct. The injuries sustained by Ramrup @ Roopa are from a sharp weapon. It will be trite to refer to the following observations of this Court in the case of ***Lakshmi Singh* v. *State of Bihar (1976) 4 SCC 394***:
>
> > **12.** ..... It seems to us that in a murder case, the non-explanation of the injuries sustained by the accused at about the time of the occurrence or in the course of the altercation is a very important circumstance from which the court can draw the following inferences:
> >
> > "(*1*) that the prosecution has suppressed the genesis and the origin of the occurrence and has thus not presented the true version;
> >
> > (*2*) that the witnesses who have denied the presence of the injuries on the person of the accused are lying on the most material point, and therefore their evidence is unreliable;
> >
> > (*3*) that in case there is a defence version which explains the injuries on the person of the accused, it is rendered probable to throw doubt on the prosecution's case."

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The omission on the part of the prosecution to explain the injuries to the person of the accused assumes much greater importance where the evidence consists of interested or inimical witnesses or where the defence gives a version which competes in probability with that of the prosecution. In the instant case, when it is held, as it must be, that the appellant Dasrath Singh received serious injuries which have not been explained by the prosecution, then it will be difficult for the court to rely on the evidence of PWs 1 to 4 and 6, more particularly, when some of these witnesses have lied by stating that they did not see any injuries on the person of the accused. Thus, neither the Sessions Judge nor the High Court appears to have given due consideration to this important lacuna or infirmity appearing in the prosecution's case. We must hasten to add that, as held by this Court in ***State of Gujarat*** **v.** ***Bai Fatima (1975) 2 SCC 7: 1975 SCC (Cri) 384,*** there may be cases where the non-explanation of the injuries by the prosecution may not affect the prosecution's case. This principle would obviously apply to cases where the injuries sustained by the accused are minor and superficial or where the evidence is so clear and cogent, so independent and disinterested, so probable, consistent and creditworthy, that it far outweighs the effect of the omission on the part of the prosecution to explain the injuries. The present, however, is certainly not such a case, and the High Court was, therefore, in error in brushing aside this serious infirmity in the prosecution case on unconvincing premises."

32. A similar view with regard to non-explanation of injuries has been taken by this Court in the cases of ***State of Rajasthan*** **v.** ***Madho 1991 Supp (2) SCC 396***, ***State of M.P.*** **v.** ***Mishrilal (Dead) (2003) 9 SCC 426***, ***Nagarathinam*** **v.** ***State Represented by Inspector of Police (2006) 9 SCC 57*** and recently in the case of ***Nand Lal v. State of Chhattisgarh 2023 SCC OnLine SC 262***

33. Undisputedly, in the present case also, the witnesses are interested. The injuries sustained by the three accused

> persons are not at all explained. The trial court and the High Court have not considered this aspect of the matter.
>
> **34.** Non-explanation of injuries on the persons of the accused would create doubt as to whether the prosecution has brought on record the real genesis of the incident or not. Undisputedly, as observed hereinabove, a cross-case was also registered against the complainant party for the injuries sustained by the accused persons."

28. It is undisputed that the parties have disputes over the land. Therefore, the learned Trial Court had rightly held that the prosecution version is required to be seen with due care and caution. It was rightly submitted on behalf of the State that enmity can be a double-edged weapon, but in the present case, the enmity is a motive for false implication rather than the commission of the crime.

29. The judgment in ***Premlata Acharya*** (supra) deals with the service law and is not relevant.

30. Therefore, the learned Trial Court had taken a reasonable view while acquitting the accused, and this Court will not interfere with the reasonable view of the learned Trial Court, even if another view is possible while deciding an appeal against acquittal.

31. No other point was urged.

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32. In view of the above, the present appeal fails, and it is dismissed. Pending miscellaneous application(s), if any, also stand disposed of.

33. In view of the provisions of Section 437-A of the Code of Criminal Procedure (Section 481 of Bhartiya Nagarik Suraksha Sanhita, 2023) the respondents/accused are directed to furnish bail bonds in the sum of ₹25,000/- each with one surety each in the like amount to the satisfaction of the learned Trial Court within four weeks, which shall be effective for six months with stipulation that in the event of Special Leave Petition being filed against this judgment, or on grant of the leave, the respondents/accused on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

34. Records be sent back to the learned Courts below forthwith, along with a copy of the judgment.

(Rakesh Kainthla)
Judge

5th October, 2026
(Nikita)