
(2002) 10 SC CK 0016
In the Supreme Court Of India
Case No : Criminal Appeal 1196 of 2001

Ram Pratap

APPELLANT

Vs

Khayaliram and Others

RESPONDENT

Date of Decision : 29-10-2002

Acts Referred:

Constitution of India, 1950 — Article 136
Penal Code, 1860 (IPC) — Section 302, 34

Citation : (2003) 3 ACR 2115

Hon'ble Judges : U. C. Banerjee, J; B. N. Agrawal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The law seems to be rather well settled as regards interference of this Court in the matter of an order of acquittal, which stands confirmed by the High Court. In the contextual facts, ten accused persons were convicted u/s 302 IPC and sentenced to imprisonment for life. The matter was taken in appeal to the High Court and the High Court, in its appellate jurisdiction, dealt with the matter extensively upon appropriately finding it rather difficult to maintain the conviction of the most of accused persons and as such acquitted the six accused persons and maintained conviction and sentence of the other four accused persons. It is against the acquittal of these six persons that the matter has been taken before this Court.

2. The learned counsel appearing in support of the appeal has been rather emphatic in his submissions that the scrutiny of the evidence would go to show manifest error committed by the High Court in the matter to order acquittal as regards the other accused persons. It is true that there might be certain discrepancies but the law is well settled that where two views are possible and an order of acquittal would be one of the accepted views, it would be a futile exercise before the Apex Court to render the finding in the acquittal order of the High Court nugatory. The High Court has considered the matter and there is no

perversity involved therein. As such, we are not inclined to interfere with the order as passed by the High Court. The High Court relied on circumstances which cannot be ascribed to be not a possible view of entire situation. On the wake of the aforesaid, this appeal fails and is dismissed. Bail bonds shall stand discharged.

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3. Upon hearing the submissions made on behalf of the parties, we are not inclined to interfere by reason of the fact that the impugned judgment cannot be said to be perverse in any way warranting interference of this Court as there exist no compelling, reasons having regard to the evidence adduced in the matter. As such, this appeal fails and is dismissed.