
(2025) 12 AP CK 1691
In the Andhra Pradesh High Court
Case No : Criminal Appeal No: 1095 Of 2009

State Of A.P.

APPELLANT

Vs

Ravilla Nagabhushanam Naidu & Ors

RESPONDENT

Date of Decision : 22-12-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 209, 313, 378, 378(1), 378(3)
Indian Penal Code, 1860 — Section 34, 147, 148, 149, 324, 354

Citation : (2025) 12 AP CK 1691

Hon'ble Judges : T. Mallikarjuna Rao, J

Bench : Single Bench

Advocate : O Kailashnath Reddy

Final Decision : Dismissed

Judgement

T Mallikarjuna Rao, J

1. This appeal, filed under Sections 378(1) and (3) of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), is preferred by the Appellant-State, assailing the judgment of acquittal dated 15.06.2007 passed by the learned Assistant Sessions Judge, Srikalahasti (for short, "the Trial Court"), in Sessions Case No.246 of 2006. By the said judgment, the Trial Court acquitted Accused Nos.1 to 4 and 8 of the offences punishable under Sections 147, 148, 354, and 324 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC").

2. Perused the impugned judgment of acquittal rendered by the Trial Court, which is challenged under this appeal. It consisted of evidence of PWs.1 to 7 and documents Exs.P.1 to P.8 were marked. On behalf of the accused, none were examined, and Ex.D1 document was marked.

3. The facts in a nutshell, which give rise to the present appeal, are as follows:

A.1 to A.4 and A.8, residents of Diguva Maradawada village, Varadaiahpalem Mandal, are interrelated and belong to the Kamma caste. PWs.1 to 5 are also

residents of the same village. A land dispute existed between A.1 to A.4 and A.8 on one side and PW.1 on the other. PWs.1 to 5 claimed the disputed land as temple property of Lord Sri Venkateswara Swamy, while the accused asserted ownership based on patta certificates issued by the revenue authorities. Owing to rival claims, a civil suit was filed before the Judicial Magistrate of First Class, Sathyavedu, which is still pending.

On 22.03.2004 at about 6:30 a.m., while PW.1 and others were performing pooja at the idol of Lord Venkateswara Swamy, A.1 to A.4 and A.8 allegedly formed an unlawful assembly, armed with sticks, and assaulted PWs.1 to 5, causing bleeding injuries. A.1 assaulted PW.1 on the head; A.1 to A.4 and A.8 also assaulted other women present. When PWs.2 to 5 intervened, A.1 assaulted PW.2, A.2 assaulted PW.3, A.8 assaulted PW.4, and A.4 and A.5 assaulted him on the shoulder, all with sticks.

PW.1 lodged a complaint (Ex.P1), leading to the registration of Crime No.19 of 2004 under Sections 147, 148, and 324 read with 149 IPC. After investigation, the accused were arrested on 31.03.2004 and remanded to judicial custody. PW.6, Dr. R. Srinivasan, examined PWs.1 to 5 and issued wound certificates (Exs.P2 to P6). Upon completion of the investigation, a charge sheet was filed against A.1 to A.4 and A.8 under Sections 147, 148, and 324 read with 34 IPC.

4. The learned Judicial First Class Magistrate, Sathyavedu, took cognizance of the case as P.R.C. No.10 of 2004 for offences under Sections 147, 148, 354, and 324 read with 34 IPC against A.1 to A.10. During pendency, the case was split against A.5 to A.7 and A.9 to A.10 and registered separately as P.R.C. No.6 of 2006. The remaining case in P.R.C. No.10 of 2004 was committed to the District and Sessions Court, Chittoor, under Section 209 Cr.P.C.

5. The Court of Sessions, Chittoor Division, registered the case as S.C.No.246 of 2006 and referred it to the Court of the Assistant Sessions Judge, Srikalahasti, for disposal. After hearing both sides, the Trial Court framed charges under Sections 147, 148, 354, and 324 read with 149 IPC, which were read over and explained to the accused in Telugu. The accused pleaded not guilty and claimed trial.

6. The Trial Court examined the accused as required under Section 313 Cr.P.C., to enable it to consider the evidence led on behalf of the prosecution and against them. But the accused denied the evidence adduced by the prosecution. After the conclusion of arguments and upon perusal of the material, the trial Court found the accused not guilty and acquitted them.

7. Sri K. Sandeep, learned Assistant Public Prosecutor for the Appellant / State, contends that the trial court erred in failing to appreciate that the essential ingredients of the offence under Sections 147, 148, 354, 324 r/w 149 of IPC were made out. He further contends that the learned trial Court erred in disbelieving the evidence of the the prosecution witness, which is cogent and reliable,, and that the Trial Court's disregard of the the prosecution evidence

renders the acquittal unsustainable.

8. On the other hand, the learned counsel appearing for the accused supported the findings and conclusions recorded by the Trial Court.

9. I have heard the learned counsel on both sides and carefully perused the material available on record, including the oral and documentary evidence produced by the prosecution before the Trial Court.

10. The point for determination is:

Was the Assistant Sessions Court justified in acquitting the accused?

POINT:

11. Before re-appreciation of the evidence on record, it is necessary here to mention the power of the Appellate Court regarding interference. The Hon'ble Supreme Court, in the case of A. Shankar V. State of Karnataka (2011) 6 SCC 279, at paragraph 26 of the judgment, has held as follows:

"26. It is settled legal proposition that in exceptional circumstances the appellate court, under compelling circumstances, should reverse the judgment of acquittal of the court below if the findings so recorded by the court below are found to be perverse i.e. the conclusions of the court below are contrary to the evidence on record or its entire approach in dealing with the evidence is found to be patently illegal leading to miscarriage of justice or its judgment is unreasonable based on erroneous law and facts on the record of the case. While dealing so, the appellate court must bear in mind the presumption of innocence of the accused and further that acquittal by the court below bolsters the presumption of his innocence."

12. In State of Goa V. Sanjay Thakran & Anr. (2007) 3 SCC 755, the Hon'ble Supreme Court while considering the power of appellate court to interfere in an appeal against acquittal, after adverting to various earlier decisions on this point has concluded as under:

"16.....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 characterised 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 view 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 reappreciate the evidence to arrive at a just decision on the basis of material placed on record to find out whether any of the accused is connected with commission of the crime he is charged with."

13. With the above principles in mind, this court analyse the reasoning and

ultimate conclusion of the Assistant Sessions Court in interfering with the order of acquittal.

14. The prosecution relied on the evidence of PWs.1 to 5 to establish the guilt of A.1 to A.4 and A.8. P.W.1 testified that on the morning of 22.03.2004, she and several other women, namely Smt. Gouramma, Smt.Pullamma, Smt. Prameelamma, Smt.Subbamma, Smt.Nagarajamma, and Smt.Allemma, were performing a pooja to the idol of Lord Sri Venkateswaraswamy; during this time, A.1 to A.4 and A.8, armed with sticks, formed an unlawful assembly and came to there; A.1 beat her with a stick; A.2 beat PW.3 with a stick, A.4 beat PW.5, and A.5 beat PW.4; at the time of the incident, Anandaiah, Ramanaiah, Subramanyam, Raghunadham, Chandraiah, another Chandraiah, and Nagaiah intervened. PW.1 also testified that A.1 tore her blouse; subsequently, she proceeded to the police station and lodged Ex.P1 complaint.

15. It is elicited in the cross-examination of PW.1 that her house is situated to the eastern side of the location where the pooja to the idol of Lord Sri Venkateswara Swamy was being performed; the vacant site belonging to Rajendra is situated to the western side of that location, while the vacant site of A.2 is located to the south, and she had constructed the foundation on her own property. PW.1 further deposed that A.2 and Ravilla Revathi filed a suit against her husband, PWs.2 to 5, and others regarding the land on which the pooja was being conducted. She admitted that the accused obtained an interim injunction order against her husband and the others. She also acknowledged that the accused filed a complaint against her and others at the same police station, which resulted in the registration of Crime No.8/2004; following the conclusion of that case, a charge sheet was filed against PWs.1 to 5 and others, who were subsequently found guilty, convicted, and required to pay the fine. Importantly, PW.1 clarified that A.1 did not tear her blouse and that none of the accused outraged her modesty.

16. PW.2, C. Ramanaiah, testified that on the morning of 22.03.2004, at approximately 6:30 a.m., while PW.1 and others were performing the pooja to the idol of Lord Sri Venkateswaraswamy, A.1 to A.4 and A.8, armed with sticks, formed an unlawful assembly and came to the location, creating a disturbance. PW.2 further testified that they approached the accused and questioned them, but in the meantime, A.1 beat PW.1 on the head and right shoulder with a stick; A.2 beat PW.3, A.5 beat PW.4, and A.4 beat PW.5; as a result of this incident, they proceeded to the police station and lodged a complaint.

17. P.W.3, C. Subramanyam, testified that on 22.03.2004, at approximately 6:30 a.m., PW.1 and other women were performing the pooja to the idol of Lord Sri Venkateswaraswamy; during this time, A.1 to A.4 and A.8, armed with sticks, arrived at the scene and assaulted PW.1 and Ramanaiah, causing them bleeding injuries.

18. PW.4, P. Nagaiah, deposed that three years ago, at approximately 6:30 a.m.,

PW.1 and others were performing the pooja to the idol of Lord Sri Venkateswaraswamy; during this time, A.1 to A.4 and A.8, armed with sticks, formed an unlawful assembly and assaulted them, causing bleeding injuries to PWs.1 to 5.

19. PW.5, P. Raghunadham, testified that three years ago, at approximately 6:30 a.m., while PW.1 and other women were performing the pooja to the idol of Lord Sri Venkateswaraswamy, A.1 to A.4 and A.8, armed with sticks, formed an unlawful assembly and assaulted PWs.1 to 5, causing bleeding injuries.

20. As seen from the cross-examination of PWs.1 to 5, and as is an admitted fact that there exists a land dispute between the accused and PWs.1 to 5 and others. PWs.1 to 5 admitted that the accused had filed a suit for a permanent injunction before the learned Junior Civil Judge at Sathyavedu and had obtained the interim injunction restraining them from interfering with the possession of the accused. This admission clearly demonstrates that PWs.1 to 5 had knowledge of the civil court order restraining them from interfering with the property. The accused filed a suit before the learned Junior Civil Judge's Court at Sathyavedu in respect of the disputed land and obtained an interim injunction order restraining PWs.1 to 5 and others from interfering with the possession of the accused over the disputed property. This order was obtained one week before the incident. Consequently, the interim injunction order was already in force against PWs.1 to 5 and others at the time of the incident. Under the terms of the order, PWs.1 to 5 and others were not entitled to interfere with the possession of the accused over the suit schedule property.

21. It is the case of both the prosecution and the accused that on the date of the incident, i.e., 22.03.2004, during the morning hours, PW.1, along with other women, namely, Smt. Gowramma, Smt. Pullamma, Smt. Prameelamma, Smt. Subbamma, Smt. Nagarajamma, and Smt. Allemma, were performing the pooja to the idol of Lord Sri Venkateswaraswamy near the disputed property, when A.1 to A.4 and A.8 arrived at the scene. According to the evidence of PWs.1 to 5, the women mentioned above were present and witnessed the incident. However, the investigating officer did not examine these women, who were thus direct eyewitnesses to the events.

22. As rightly observed by the Trial Court, the facts and circumstances of the case clearly demonstrate that the investigating officer failed to examine independent witnesses, including Gowramma and others, and omitted to record their statements. Consequently, this Court concurs with the finding of the Trial Court that the non-examination of such material, independent, and natural witnesses is fatal to the prosecution's case.

23. It is admitted that there exists enmity between the accused and PWs.1 to 5 due to the ongoing land disputes. Consequently, PWs.1 to 5 are inimical to the accused and constitute interested witnesses in favor of the prosecution.

24. In Hari Ram vs. State of U.P. (2004) 8 SCC 146, the Hon'ble Supreme Court

held that:

"17. We shall first deal with the contention regarding interestedness of the witnesses for furthering prosecution version. Relationship is not a factor to affect credibility of a witness. It is more often than not that a relation would not conceal actual culprit and make allegations against an innocent person. Foundation has to be laid if plea of false implication is made. In such cases, the court has to adopt a careful approach and analyse evidence to find out whether it is cogent and credible.

18. In Dalip Singh and Ors. v. The State of Punjab MANU/SC/0031/1953, it has been laid down as under:-

"26. A witness is normally to be considered independent unless he or she springs from sources which are likely to be tainted and that usually means unless the witness has cause, such as enmity against the accused, to wish to implicate him falsely. Ordinarily a close relation would be the last to screen the real culprit and falsely implicate an innocent person. It is true, when feelings run high and there is personal cause for enmity, that there is a tendency to drag in an innocent person against whom a witness has a grudge along with the guilty, but foundation must be laid for such a criticism and the mere fact of relationship far from being a foundation is often a sure guarantee of truth. However, we are not attempting any sweeping generalization. Each case must be judged on its own facts. Our observations are only made to combat what is so often put forward in cases before us as a general rule of prudence. There is no such general rule. Each case must be limited to and be governed by its own facts."

21. Again in Masalti and Ors. v. State of U.P. AIR 1965 SC 202, this Court observed: (p, 209-210 para 14):

"But it would, we think, be unreasonable to contend that evidence given by witnesses should be discarded only on the ground that it is evidence of partisan or interested witnesses The mechanical rejection of such evidence on the sole ground that it is partisan would invariably lead to failure of justice. No hard and fast rule can be laid down as to how much evidence should be appreciated. Judicial approach has to be cautious in dealing with such evidence; but the plea that such evidence should be rejected because it is partisan cannot be accepted as correct."

22. As observed by this Court in State of Rajasthan v. Teja Ram and Ors. MANU/SC/0189/1999, the over-insistence on witnesses having no relation with the victims often results in criminal justice going away. When any incident happens in a dwelling house or nearby the most natural witnesses would be the inmates of that house. It would be unpragmatic to ignore such natural witnesses and insist on outsiders who would not have even seen anything. If the Court has discerned from the evidence or even from the investigation records that some other independent person has witnessed any event connecting the incident in question then there is justification for making adverse comments against non-

examination of such person as prosecution witness. Otherwise, merely on surmises the Court should not castigate a prosecution for not examining other persons of the locality as prosecution witnesses. Prosecution can be expected to examine only those who have witnessed the events and not those who have not seen it though the neighbourhood may be replete with other residents also. (See *Sucha Singh and Anr. v. State of Punjab* (MANU/SC/0527/2003))

25. The prosecution examined PW.6, Dr. R. Sreenivasan, who was serving as a Civil Assistant Surgeon at the Community Health Center, Sathyavedu at the relevant time, to establish that he had examined PWs.1 to 5 and issued wound certificates, marked as Exs.P.2 to P.6. According to his opinion, the injuries sustained by PWs.1 to 5 were simple in nature and could have been caused by a blunt object. PW.6 further testified that he had also provided treatment on the same day to some individuals who are accused in this case.

26. Evidently, the accused also sustained injuries during the same incident, which they alleged were caused by PWs.1 to 5. The accused proceeded to the police station and lodged a written complaint asserting that PWs.1 to 5 and others had assaulted them. Based on the contents of this complaint, the investigating officer, PW.7, registered a case in Crime No.8/2004, under Sections 147, 148, and 324 read with Section 149 IPC. Following the investigation, a charge sheet was filed against PWs.1 to 5 and others. It is further evident from the record that PWs.1 to 5 were convicted in that case and paid the fines imposed.

27. It is also an admitted fact that PWs.1 to 5 went to the police station on 22.03.2004 at 10:00 a.m. and lodged a Ex.P1 complaint, stating that A.1 to A.4 and A.8 had assaulted them and caused bleeding injuries. Based on the contents of this complaint, the investigating officer, PW.7, registered a case in Crime No.9/2004, under Sections 147, 148, and 324 read with Section 149 IPC. Following the investigation, he filed the present charge sheet against the accused under the same sections of the IPC.

28. The material on record establishes that the accused proceeded to the police station and lodged a complaint under Crime No.8/2004 against PWs.1 to 5 and others. Subsequently, PW.1 lodged Ex.P1 at the police station, approximately four hours after the incident. The place of the incident is located at a distance of 7 kilometers from the police station. Thus, Ex.P1 was filed after the complaint lodged by the accused in Crime No.8/2004. PW.1 further testified that the complaint was prepared by her villagers, and she merely signed it.

29. As rightly observed by the Trial Court, the material on record indicates that PWs.1 to 5 and others took the law into their own hands by disobeying the interim injunction order obtained by the accused in respect of the disputed land and by forcibly attempting to interfere with the accused's lawful possession. Consequently, according to the stand of the accused, a scuffle ensued between the parties, during which PWs.1 to 5 fell onto the protruding basement stones

and sustained injuries.

30. The evidence of PW.6 indicates that he examined A.1 to A.4 and A.8, as well as others, at the request of the police and issued their wound certificates. Subsequently, he examined PWs.1 to 5 and issued their wound certificates, marked as Exs.P.2 to P.6. Thus, it is established that PW.6 examined both parties and issued their respective wound certificates. During cross-examination, the medical officer deposed that the abrasions and injuries sustained by PWs.1 to 5 were superficial in nature. He further explained that these lacerations could occur if the affected part of the body comes into contact with a rough surface. He admitted that all injuries mentioned in the wound certificates of PWs.1 to 5 were abrasions and lacerations, which can result from falling onto a rough object or surface.

31. The Trial Court, after a detailed analysis of the evidence on record, observed that PWs.1 to 5 and others were the aggressors. Despite the injunction order passed by the competent civil court against them, they proceeded to the disputed site and attempted to interfere with the possession of the accused. In these circumstances, the Trial Court noted that the accused resisted the illegal interference by PWs.1 to 5, and as part of this resistance, a scuffle ensued. The Trial Court further observed that A.2 and another woman, R. Revathi, had been issued assignment patta certificates for their house sites and had constructed basements on their respective plots, which continue to exist. The Trial Court also noted that the investigating officer omitted to collect documentary evidence to prove the existence of a temple of Lord Venkateswara Swamy, which was allegedly in a dilapidated condition. Moreover, the investigation officer failed to examine material witnesses to the incident, and PW.1's evidence indicated that she did not state before the police that the accused outraged her modesty. Upon careful consideration of the evidence, the Trial Court observed that the investigating officer and PWs.1 to 5 spent more than four hours together and subsequently registered the case against the accused, adding the offence under Section 354 IPC.

32. Thus, there is an apparent delay of four hours in lodging the report with the police. As also noted in the report itself, certain allegations made against the accused were disowned by PW.1. Therefore, it cannot be said that PWs.1 to 5 may have concocted the version of events against the accused. It is also relevant to note that the prosecution has not taken any steps to explain this delay. In the absence of such an explanation, this Court cannot hold that the prosecution has satisfactorily accounted for the delay in reporting the incident to the police.

33. In *Apren Joseph @ Current Kunjukunju and others vs. State of Kerala* AIR 1973 SC 1, the Hon'ble Supreme Court held that:

"It is always better that the F.I.R. is rendered before there is time and opportunity to embellish or before the informant's memory fades. Undue or unreasonable delay in lodging the F.I.R., therefore, inevitably gives rise to

suspicion which puts the court on guard to look for the possible motive and the explanation for the delay and consider its effect on the trustworthiness or otherwise of the prosecution version. Effect of delay in lodging the F.I.R., would always depend on the facts and circumstances of a given case."

34. In *State of M.P. vs. Kriparan* (2003) 12 SCC 675, the Hon'ble Supreme Court held that:

"Inordinate and unexplained delay in lodging the F.I.R. is fatal to the case of the prosecution particularly when the facts and circumstances of the case demonstrate such an inference".

35. In *Hallu Vs. State of Madhya Pradesh* AIR 1974 Supreme Court 1936, the Hon'bel supreme court held that;

"It is always advisable to test the evidence of witnesses on the object of enveal of objective circumstances in the case".

36. This Court is of the view that the delay in reporting the occurrence and implicating the accused, coupled with the failure to explain the delay in lodging the F.I.R., are circumstances that must be duly considered while determining the guilt of the accused.

37. It is established from the record that a land dispute exists between the parties and that a civil suit is pending. The Investigation Officer did not choose to place on record the documents relating to the property or the orders passed by the Civil Court. A perusal of the material collected during the investigation indicates that the Investigation Officer was aware of the civil disputes between the parties. It is therefore clear that the parties involved in this case are inimical to each other and that a property dispute is ongoing. The accused contend that, due to this enmity, they have been falsely implicated. Conversely, the prosecution suggests that the alleged attack on PW.1 arose out of this enmity. The existence of enmity between the parties is thus a double-edged sword. Its effect must be considered in light of the circumstances and the evidence available on record. It is well settled that, where enmity exists, the evidence adduced by the parties must be scrutinized with great care and caution, and every mitigating circumstance must be given due importance.

38. It is pertinent to note that a significant land dispute exists between the parties. PW.1, along with other witnesses, also acknowledged in their testimony the registration of the complaint against them. Notably, the incidents in the present case and the counter case occurred simultaneously. It is evident that both cases arose from the same transaction. In such circumstances, this Court finds that it is the duty of the prosecution to produce the counter complaint.

39. In *Venkatanna Vs. State* 1952 Madras Weekly Notes, the High Court of Madras held that:

It is the duty of the Prosecution to exhibit the counter complaint through the

Police Officer who recorded it and also to prove Medical certificates of persons wounded on the opposite side and place before the Court a definite case which they asked it to accept the truth in this cases invariably not in a strict conformity with either complaint and it is quite necessary that all the facts are placed before the Court to enable it to arrive at the truth and a just decision.

40. In *Lakshmi Singh V. State of Bihar* AIR 1976 Supreme Court 2263, the Hon'ble Supreme Court held that:

The inferences to which the failure of the Prosecution to explain injuries of accused may give raise to them. Prosecution is suppressing genesis of the incident and that the witnesses are lying on a material particular.

41. The Trial Court has taken into account that the prosecution has suppressed the genesis and origin of the occurrence. The testimony of PWs.1 to 5 clearly demonstrates that they withheld material facts, which renders their evidence insufficient to serve as a basis for convicting the accused.

42. A holistic reading of the evidence of PWs.1 to 5 does not inspire confidence. There is a notable delay in reporting the matter to the police, and a civil litigation is pending between the parties. The record establishes that the prosecution has failed to explain the injuries sustained by the accused, has suppressed the genesis of the incident, and has also failed to produce the counter complaint.

43. After careful scrutiny of the evidence on record, as discussed above, this Court is of the opinion that the evidence adduced on behalf of the prosecution does not appear to be trustworthy or reliable. Consequently, this Court is not satisfied that the prosecution has proved its case beyond a reasonable doubt.

44. Upon considering the entire material on record and upon re-appreciation of the evidence, this Court is not inclined to adopt a view different from that of the Trial Court. A reading of the evidence on record indicates that the Trial Court has provided sound and correct reasoning.

45. In *Mohan @ Srinivas @ Seena @ Tailor Seena V. State of Karnataka* 2021 (15) SCALE Pg. 184, the Hon'ble Supreme Court has observed the scope of section 378 of the Code as under:

"Section 378 Cr.P.C. enables the State to prefer an appeal against an order of acquittal. Section 384 Cr.P.C., speaks of the powers that can be exercised by the appellate court. When the trial court renders its decision by acquitting the accused, the presumption of innocence gathers strength before the appellate court. Consequently, the onus on the prosecution becomes more burdensome as there is a double presumption of innocence. Certainly, the court of the first instance has its advantages in delivering its verdict, which is to see the witnesses in person while they depose. The appellate court is expected to involve itself in a deeper, studied scrutiny of not only the evidence before it. Still, it is duty bound to satisfy itself whether the decision of the trial court is both a possible and plausible view. When two views are possible, the one taken by the trial court in a

case of acquittal is to be followed on the touchstone of liberty and the advantage of having seen the witnesses.

46. So far as the main issue is concerned, that scope of acquittal appeal is well defined by now by series of decisions and the same is not to be repeated time and again, however, one of the recent decision in case of Harbeer Singh V. Sheeshpal (2017) CriLJ 169, the Hon'ble Supreme Court laid down that mere fact that another view could also have been possible that cannot be a ground to reverse the acquittal. The powers of High Court are wide enough to turtle the acquittal order, however, some parameters are well defined by series of decisions in which this Court is of the considered opinion that State has not made out any case which would permit this Court to exercise such wide powers. Neither any material irregularity is pointed out nor any perversity is reflecting on the contrary it is reflecting that there is an application of mind on the part of learned Judge as the entire material on record has been dealt with specifically and the principle of appreciation of evidence appears to have been rightly undertaken by the Court below and therefore when such eventuality is reflecting sitting in a jurisdiction dealing with an order of acquittal Court is of the opinion not to interfere with such exercise. The relevant observations of the aforesaid decision in paras:10 and 11 (Cri.L.J.) are reproduced herein after:

"10. The above principle has been reiterated by this court in a number of judicial decisions and the position of law that emerges from a comprehensive survey of these cases is that in an appeal under Article 136 of the Constitution of India, this court will not interfere with the judgment of the High Court unless the same is clearly unreasonable or perverse or manifestly illegal or grossly unjust. The mere fact that another view could also have been taken on the evidence on record is not a ground for reversing an order of acquittal.

11. It is a cardinal principle of criminal jurisprudence that the guilt of the accused must be proved beyond all reasonable doubt. The burden of proving its case beyond a reasonable doubt lies with the prosecution, and it never shifts. Another golden thread that runs through the web of 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 that is favourable to the accused should be adopted.

47. Considering the aforesaid set of circumstances and in view of the conjoint reading of the conclusion arrived at in co-relation with the evidence on record, this Court is of the considered opinion that the prosecution makes out no case to establish a definite guilt of the respondents / accused.

48. The Trial Court rightly reached its conclusion, providing sound and justifiable reasons. Therefore, the appellant's request for interference lacks merit. A re-appreciation of the evidence reveals no misdirection or misinterpretation by the Trial Court. Upon careful reconsideration, there is no flaw in the findings of fact by the Trial Court. Therefore, the acquittal of the respondents/accused cannot be

interfered with. Accordingly, the appeal against the acquittal is dismissed, and the judgment of acquittal is confirmed, and there is no reason to interfere with the judgment of the Trial Court. Accordingly, the point is answered.

49. In view of the above and for the reasons stated above, the present Criminal Appeal No.1095 of 2009 fails and the same deserves to be dismissed and is dismissed, accordingly. The judgment and order of acquittal passed by the learned Assistant Sessions Judge, Srikalahasti, in Sessions Case No.246 of 2006, dated 15.06.2007, stands confirmed.

Interim orders, if any, granted earlier shall stand vacated, and all pending miscellaneous petitions, if any, shall stand closed.