
(2013) 10 MP CK 0035
In the Madhya Pradesh High Court
Case No : M. Cr. C. No. 6907 of 2011

The State of Madhya Pradesh

APPELLANT

Vs

Preetam

RESPONDENT

Date of Decision : 01-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0035

Hon'ble Judges : B.D. Rathi, J;Ajit Singh, J

Bench : Division Bench

Advocate : Vijay Pandey, Dy. A.G, for the Appellant;

Final Decision : Dismissed

Judgement

B.D. Rathi, J.—Heard on admission. This application for grant of leave to appeal has been preferred u/s 378(3) of the Code of Criminal Procedure (hereinafter referred to as "the Code") being aggrieved with the judgment dated 19/3/2011 passed by Special Sessions Judge, Damoh in Sessions Trial No. 156/2009, whereby respondents Preetam and Makhan have been acquitted of the offences punishable under Sections 376(2)(g) and 302 read with 34 of the Indian Penal Code ("IPC" for short), whereas co-accused Lekhram has been convicted under Sections 376(1) and 302 of the IPC and sentenced accordingly, against which Cr.A. No. 949/11 has been preferred by him.

2. Prosecution case, in brief, is that on 17/1/2009 at about 3 p.m., in furtherance of their common intention, respondents not only subjected the victim to rape, but, also strangled her to death.

3. Learned Dy. Advocate General submitted that the trial Court had not properly appreciated the evidence on record and the judgment of acquittal deserved to be interfered with.

4. Having regard to the arguments advanced by learned Dy. Advocate General, we have perused the impugned judgment.

5. To bring home the charges, prosecution examined as many as 17 witnesses, but, not even a single witness has deposed against the respondents and on the basis of that trial Court has passed the judgment of acquittal.
6. We agree with the findings recorded by the trial Court.
7. It is well settled that the judgment of acquittal should not be disturbed unless the conclusions drawn on the basis of evidence brought on record are found to be grossly unreasonable or manifestly perverse or palpably unsustainable.
8. Taking into consideration the reasons assigned on the face of evidence on record establishing the aforesaid facts and circumstances, the view taken by the learned trial Court was apparently a possible view. As such, no interference is called for with the judgment of acquittal in question. The application, being devoid of merit and substance, stands dismissed.