2026 INSC 1012

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1307 OF 2015

STATE OF HIMACHAL PRADESH **APPELLANT**

VERSUS

MOTI RAM **RESPONDENT**

J U D G M E N T

ATUL S. CHANDURKAR, J

1. The respondent-Moti Ram along with one Man Singh faced trial for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860[1] on the allegation that they had committed the murder of one Beli Ram on 25.04.2012. The Sessions Court by its judgment dated 02.05.2013 convicted them and sentenced them to suffer life imprisonment for the offence punishable under Section 302 read with Section 34 of the Penal Code. They were also ordered to pay a fine of ₹10,000/- and in default thereof, to suffer simple imprisonment for six months. The respondent alone challenged his conviction by preferring an

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Reason:

[1] For short, 'the Penal Code'

appeal before the High Court of Himachal Pradesh[2]. By its judgment dated 19.08.2014, the Division Bench of the High Court allowed the said appeal and acquitted the respondent of the offence with which he was charged. Being aggrieved, the State of Himachal Pradesh has challenged his acquittal.

2. According to the case of the prosecution, one Bir Singh-PW1 had invited two deities at his house on 24.04.2012. Many persons from the village had thereafter assembled at his place. In the evening of 25.04.2012, some persons were busy preparing meals while others were singing religious songs in front of the house of Moti Ram[3]. At that point of time, Man Singh[4] came there and warned those singing religious songs to stop the same. He also gave threats to those doing so. A2, thereafter, left the room and came back after some time. He had an altercation with Beli Ram, a devotee. A1 also joined him there. It was alleged that Beli Ram was dragged out of the room. A1, who was carrying a knife in his hand, stabbed him in his chest. As a result, Beli Ram fell down and later succumbed to his injuries. This resulted in the police authorities being informed and report being lodged. On the

[2] For short, 'the High Court'
[3] For short, 'A1'
[4] For short, 'A2'

completion of investigation, A1 and A2 were charged with having committed the offence punishable under Section 302 read with Section 34 of the Penal Code. They denied the said charge and were, thus, tried. The prosecution examined ten witnesses while the defence examined three witnesses. At the conclusion of the trial, both the accused were convicted in the manner stated above and sentenced to undergo life imprisonment.

2.1. An appeal having been preferred only by A1, he came to be acquitted by virtue of the impugned judgment.

3. Mr. Anil Nag, learned counsel appearing for the appellant submitted that the High Court committed an error in interfering with the well reasoned judgment of the Sessions Court. Merely on the ground that there were minor inconsistencies and contradictions in the depositions of eye-witnesses PW1, PW2 and PW3, the respondent was acquitted. According to him, if these minor discrepancies were ignored, it was clear that A2 had held Beli Ram, the victim, and he was stabbed by A1. The ocular evidence of the eye-witnesses was not liable to be disbelieved as their presence at the spot was natural. Having seen the assault made by A1 on Beli Ram coupled with the fact that the cause of death was on account of injuries sustained in that assault, the Sessions Court had rightly convicted A1 and A2. The High Court,

however, misread the evidence on record and proceeded to acquit A1. In fact, such acquittal was not justified in view of the evidence on record. The seizure of the knife in question also having been proved, the same ought to have been taken into consideration by the High Court. The recovery as made was not liable to be doubted. It was, thus, submitted that on consideration of the entire evidence led by the prosecution, it was clear that the overt act of stabbing Beli Ram with a knife was by A1 and hence, his conviction was not liable to be interfered with. It was, thus, prayed that the judgment of acquittal be set aside and the judgment of conviction rendered by the Sessions Court be restored.

4. The respondent despite service has not chosen to enter appearance. We have, therefore, with the assistance of learned counsel for the appellant gone through the record of the trial Court and have given due consideration to the entire material on record.

5. At the outset, it must be borne in mind that the challenge raised in this criminal appeal is to the judgment of acquittal. The scope for interference by the Court in an appeal challenging an order of acquittal is circumscribed by the aspect as to whether the findings recorded in the judgment of acquittal are perverse or based on material that is not available on record resulting in a conclusion that is whole untenable. However, if the appellate Court

on a re-appreciation of evidence has granted the benefit of doubt to the accused or has found the evidence on record insufficient to maintain the conviction, then merely because another view of the matter is possible, interference may not be warranted. An order of acquittal rather adds strength to the presumption of innocence. With the aforesaid settled position in mind, the material brought on record would require examination.

6. As noted above, the prosecution examined ten witnesses and the Sessions Court by relying upon the depositions of PW1, PW2 and PW3, who were examined as eye-witnesses, proceeded to record the conviction of the accused. The High Court in its judgment of acquittal has noticed various discrepancies in their depositions and has, thus, granted benefit to A1 while acquitting him. The circumstances that have weighed with the High Court are as follows:

a) The threat of using force against the deceased was given by A2, according to Bir Singh-PW1. This witness did not state of any threat given by A1 to the deceased. It is further found that this witness referred to the presence of one Raj Kumar when the incident took place. However, said Raj Kumar was not examined. The High Court further found from the deposition of PW1 that A1 did not have any frayed temper and that it was only A2 who was

threatening the deceased. PW1 specifically stated that A1 was holding the knife in his right hand. The High Court further found that Bhag Chand-PW2 in his deposition sought to improve on the statements made by PW1. He stated that Beli Ram, the victim, was dragged by both the accused and was brought outside the room. This statement was missing in the deposition of PW1. PW2 further specifically stated that A1 was holding a knife in his left hand, contrary to what was stated by PW1. He too referred to the presence of Raj Kumar, who was not examined. PW3 Vijay Kumar states that as per Beli Ram, he had been stabbed by A1.

From the depositions of PW1, PW2 and PW3, it can be seen that A2-Man Singh was the aggregator and A1-Moti Ram was not found to have given any threat to anyone. Though about 10-15 persons had assembled at the place of the incident, none came forward to stop the scuffle between A1, A2 and Beli Ram. While PW1 had deposed that A1 was holding the knife in his right hand, PW2 stated that the knife was held in the left hand of A1. Presence of Raj Kumar having been noted by PW1 and corroborated by PW2, his non-examination has been found relevant by the High Court.

b) Another material aspect that has weighed with the High Court was with regard to the state of the weapon of assault produced before the Court. PW10-the Investigating Officer deposed

about seizure of a knife from the site of the incident which was then measured and kept in a plastic jar after which it was sealed. In his cross-examination, he admitted that when the knife was seized, it was straight. However, when it was brought before the Court, it was found to be bent. No explanation for the same could be furnished by the Investigating Officer. No fingerprint was found on the knife nor was any attempt made to locate any fingerprints on it. On this basis, the High Court was of the view that there was a doubt as to whether the knife-Exhibit P-7 was the same one that was stated to be recovered from the spot.

7. In the light of this position on record, the High Court proceeded to reverse the conviction of the respondent. On a re-appreciation of the deposition of witnesses, we find that the view taken by the High Court is a possible view which is supported by the material on record. We do not find that there is any perversity in the appreciation of evidence by the High Court, though, the evidence led by the prosecution does raise a doubt about the complicity of A1. We, therefore, find that the High Court was justified in acquitting A1 from the offence with which he was charged.

8. For the aforesaid reasons, we do not find that the judgment of acquittal requires to be interfered with in exercise of our

jurisdiction under Article 136 of the Constitution of India. The Criminal Appeal is, thus, dismissed.

.....J.
[UJJAL BHUYAN]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
JULY 24, 2026.