IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).3231 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S).10590 OF 2024)
[@ DIARY NO.47636/2018]

THE STATE OF MADHYA PRADESH **APPELLANT(S)**

VERSUS

BHURE @ BALRAM & ANR. **RESPONDENT(S)**

O R D E R

Despite service of notice, none appears on behalf of the respondents.

Heard the learned counsel appearing for the appellant-State.

Delay condoned.

Leave granted.

We have perused the judgment of the High Court which is impugned in this Appeal. The High Court acquitted the respondents for the offences punishable under Section 364-A of the Indian Penal Code, 1860 read with Section 11/13 of the M.P. Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981 (the M.P.D.V.P.K. Act).

With the assistance of the learned counsel appearing for the appellant-State, we have perused the evidence of the prosecution witnesses and in particular, the evidence of PW-2 and PW-3, who are the victims of the alleged offence. After having gone through the evidence, a serious doubt is created about the identification of the accused in the Court by these witnesses.

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ASHISH KOHLE
Date: 2024.08.09
18:06:21 IST
Reason:

After having perused the evidence, we find that the High Court has taken a view which is a plausible view which could have been taken on the basis of the evidence. Therefore, it is not possible

to interfere with the order of acquittal passed by the High Court.

Our attention is invited to a direction issued by the High Court in paragraph 28 of the impugned judgment. The High Court has directed the State to compensate the accused by paying compensation of Rs.3 lakhs.

This was not a case where a false implication of the accused was established. This was a case where prosecution could not establish the guilt of the accused beyond a reasonable doubt. Therefore, there was no justification for directing the State to compensate the accused. In fact, in paragraph 28 itself, the High Court has noted that remedy of filing a civil suit was available to the accused.

Hence, while we confirm the order of acquittal passed by the High Court, we set aside the direction issued in paragraph 28 of the impugned judgment regarding payment of compensation. The Appeal to that extent is partly allowed.

.....J.
(ABHAY S. OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
AUGUST 06, 2024.

ITEM NO.11 COURT NO.6 SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Special Leave Petition (criminal) Diary No(S). 47636/2018

(Arising out of impugned final judgment and order dated 24-05-2018 in CRLA No. 460/2004 passed by the High Court of Madhya Pradesh at Gwalior)

THE STATE OF MADHYA PRADESH Petitioner(s)

VERSUS

BHURE @ BALRAM & ANR. Respondent(s)

(IA No. 25164/2019 - CONDONATION OF DELAY IN FILING AN IA No. 25172/2019 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 06-08-2024 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Pashupathi Nath Razdan, AOR
Mr. Sarthak Raizada, Adv.
Mr. Mirza Kayesh Begg, Adv.
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.
Mr. Argha Roy, Adv.
Ms. Ojaswini Gupta, Adv.
Ms. Ruby, Adv.
Mr. Zartab Anwar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The Appeal is partly allowed in terms of the signed order.

The operative portion of the order reads thus:

> **“Hence, while we confirm the order of acquittal passed by the High Court, we set aside the direction issued in paragraph 28 of the impugned**

judgment regarding payment of compensation. The Appeal to that extent is partly allowed."

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]