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MCRC-9577-2017

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 29th OF OCTOBER, 2025

MISC. CRIMINAL CASE No. 9577 of 2017

THE STATE OF MADHYA PRADESH THR

Versus

PARMALSINGH AND OTHERS

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Appearance:

Shri Samar Ghuraiya - Public Prosecutor for State.
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ORDER

The present petition under Section 378(3) for leave to appeal has been filed by the State against the order dated 19.05.2017 passed in Special case No.77/2014 by learned Special Judge, SC/ST Act, Guna whereby the respondent was acquitted of the charges under Sections 147, 148, 325/149, 323/149, 506 Part II, 294 and Section 3(1)(10) of SC/ST Act.

2. The prosecution case, in brief, is that on 20.07.2014, the complainant Harnam Singh, along with his mother Sampatbai and son Balram, went to the field at around 1:00 a.m. At approximately 1:00 a.m., the accused persons arrived and began plowing the field, and when they were restrained, the accused started assaulting them, resulting in injuries on the complainant's left hand, ribs and left leg above the ankle, with his leg being fractured. When Sampatbai came forward to intervene, she was also assaulted, sustaining minor injuries on her back and waist. On the basis of this incident, a crime was registered, and after investigation, a charge sheet



was submitted before the competent court. The learned trial Court, upon appreciation of evidence adduced by both sides, acquitted the accused of all charges.

3. Learned counsel for the State submitted that the complainant Harnam Singh (PW-1) deposed that he, his mother Sampatbai (PW-2), and Balram (PW-3) had gone to their field, at that time the accused Permal, Surendra, Jagdish, Ramkrishna, Devendra, and Rajkumar assaulted them with sticks and fists, fracturing Harnam's left leg and injuring his ribs, while his mother, who intervened, was also beaten and verbally abused. Sampatbai confirmed the assault and forcible occupation of their land. Balram stated the accused attacked his father and grandmother for asserting ownership of the field. Medical evidence from Dr. Sitaram Raghuvanshi (PW-7) and Dr. Anuradha Nair (PW-9) confirmed fractures and injuries, while Gopal Chaubey (PW-8) and Hemant Tiwari (PW-11) supported the prosecution. Despite this, the trial court erred in acquitting the accused, relying on defense claims of a land dispute and the absence of proof of an unlawful assembly at 1:00 a.m. on 20.07.2014. The injuries, corroborated by medical and seizure reports (X-ray P-12, panchnamas P-4, P-5), establish the prosecution case beyond reasonable doubt, making the acquittal legally unsustainable.

4. This Court has carefully considered the submissions made by learned counsel for the State and perused the judgment under challenge. The material on record reveals that the trial court thoroughly evaluated the statements of prosecution witnesses and the documentary evidence before



concluding that the prosecution failed to establish the charges beyond reasonable doubt. The alleged witnesses, though related, did not find independent corroboration, nor was there any unimpeachable evidence proving the presence of the accused at the scene at 1:00 a.m. The medical evidence, while confirming certain injuries, did not conclusively link the same to the acts attributed to the respondents

5. The view taken by the learned trial Court is a plausible and possible view based on evidence, and merely because another view is possible, the appellate court would not be justified in reversing an order of acquittal. The settled legal position, as reiterated by the Hon'ble Supreme Court in the case of **Chandrappa and Ors. v. State of Karnataka, (2007) 4 SCC 415**, is that an order of acquittal strengthens the presumption of innocence in favour of the accused and such an order should not be interfered with lightly.

6. In the present case, no compelling reason has been demonstrated to take a different view from that of the trial Court. The impugned judgment does not suffer from any legal infirmity or perversity and, therefore, warrants no interference.

7. Accordingly, the petition seeking leave to appeal is hereby dismissed.

(MILIND RAMESH PHADKE)
JUDGE