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CRA-10505-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 3rd OF SEPTEMBER, 2025

CRIMINAL APPEAL No. 10505 of 2024

THE STATE OF MADHYA PRADESH

Versus

DILIP SINGH

.....
Appearance:

Shri Surendra Kumar Gupta -Government Advocate for the appellant.

Shri Vasant Zokarkar - Advocate for the respondent.

Shri Manish Manana - Advocate for the intervenor.

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JUDGMENT

Per. Justice Binod Kumar Dwivedi

This appeal has been filed assailing the judgment dated 24.06.2024 passed by learned V Additional Sessions Judge, Ujjain, district Ujjain in S.T.No.159/2018 whereby the respondent/accused Dilipsingh has been acquitted of the charges under Sections 467,468,471, 420 and 506-II of IPC.

2. Draped in brevity, the facts of the case are that on 05.11.2015 complainant Narayansingh Sahu lodged FIR at Police Station Chimanganj vide Crime No.1228/2017 alleging that the accused/respondent Dilipsingh committed cheating, forgery against the complainant and Kishore Anjana. It is further alleged that the complainant and Kishore Anjana had purchased land Survey No.1708/3 Rakba 0.178 Hectare for Rs.15,21,000/- through registered sale deed dated 27.11.2015. The respondent-Dilipsingh has represented that the land sold to the



complainant was bequeathed to him by Kanchanbai. He applied for mutation and came to take physical possession of the land by fencing the land, but the neighbours objected alleging that the land belongs to the Government and it was not in possession of Dilipsingh and Kanchanbai. On enquiry it was also found that the land was being allocated for Insurance Hospital. When he contacted, the respondent told him about his grievance. He after dilly dallying said that complainant will have to search out his land. With the aforesaid allegation, FIR was lodged and after investigation charge sheet was filed.

3. The prosecution to prove its case has examined as many as 15 witnesses. Apart from this has also marked documents Ex.P-1 to Ex.P-42. The incriminating circumstances appearing against the respondent were brought to his notice in the examination under Section 313 of the Cr.P.C. The respondent either denied or claimed innocence regarding most of the incriminating circumstances and submitted that he has been falsely implicated in this case. The learned trial Court after giving opportunity of hearing to both the parties vide impugned judgment acquitted the respondent from the charges mentioned herein above which has given rise to this appeal.

4. Learned counsel for the appellant/State submits that the learned trial Court had failed to appreciate the evidence in right perspective. He submits that Rukmanil Sharma (PW-12A) who was posted some time in Sub Registrar Office has deposed that the will executed by Kanchanbai is not in the records of the Registrar Office and it is forged one on the basis of which respondent has sold the Government land to the complainant. Inviting attention of this Court towards the judgments and the aforesaid statement of Rukmani Sharma (PW-12A) prays for grant of leave to appeal for challenging the impugned judgment.

5. Learned counsel for the respondent has supported the impugned



judgment by submitting that no illegality or irregularity has been committed by the trial Court in passing the impugned judgment which is based on due appreciation of evidence finding that no legal evidence to connect the appellant with the alleged crime has acquitted the respondent which cannot be interfered and prays for dismissal of the appeal.

6. Heard and considered the submissions advanced by the learned counsel for the parties and perused the record.

7. Where two views on the given set of evidence are possible and resorting to one, the learned trial Court has acquitted the accused/respondent which cannot be interfered unless there is illegality or perversity in the finding of acquittal. The same view has been taken by the Apex Court in the case of **State of Goa v. Sanjay Thakran and another reported in (2007) 3 SCC 755**. Similar view has been taken by the Apex Court in the case of **Ramesh Babulal Doshi v. State of Gujarat (1996) 9 SCC 225**. The relevant paragraph 7 of the judgment is reproduced as under:-

"7. This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial court can be legitimately arrived at by the appellate court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellate court is first required to seek an answer to the question whether the findings of the trial court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellate court answers the above question in the negative the order of acquittal is not to be disturbed. Conversely, if the appellate court holds, for reasons to be recorded, that the order of acquittal cannot at all be sustained in view of any of the above infirmities it can then -and then only - reappraise the evidence to arrive at its own conclusions....."



8. From the aforesaid decisions it is apparent that while exercising power 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 would not have been arrived at by any reasonable person, therefore the decision is to be characterized 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.

9. The Apex Court in the case of **Arulvelu v. State represented by Public Prosecutor and another (2009) 10 SCC 206** has given summarized principles which require to be observed while dealing with the appeal against the order of acquittal. The relevant paragraph of the aforesaid judgment is reproduced as under:-

"34. In **Ghurey Lal v. State of Uttar Pradesh, (2008) 10 SCC 450** a two Judge Bench of this Court of which one of us (Bhandari, J.) was a member had an occasion to deal with most of the cases referred in this judgment. This Court provided guidelines for the Appellate Court in dealing with the cases in which the trial courts have acquitted the accused. The following principles emerge from the cases above:

1. The accused is presumed to be innocent until proven guilty. The accused possessed this presumption when he was before the trial court. The trial court's acquittal bolsters the presumption that he is innocent.
2. The power of reviewing evidence is wide and the appellate court can re-appreciate the entire evidence on record. It can review the trial court's conclusion with respect to both facts and law, but the Appellate Court must give due weight and consideration to the decision of the trial court.
3. The appellate court should always keep in mind that the trial court had the distinct advantage of watching the demeanour of the witnesses. The trial court is in a better position to evaluate the credibility of the witnesses.
4. The appellate court may only overrule or otherwise disturb the trial court's acquittal if it has "very substantial and compelling reasons" for doing so.
5. If two reasonable or possible views can be reached one that leads



to acquittal, the other to conviction -the High Courts/appellate courts must rule in favour of the accused."

10. Learned Government Advocate appearing for the appellant has placed reliance on the statement of Rukmani Sharma (PW-12A) for buttressing his point that will (Ex.P-17) allegedly executed by Kanchanbai in favour of respondent/Dilipsingh is forged. From perusal of the statement of Rukmani Sharma (PW-12A) it is apparent that she has not deposed before the Court that the will (Ex.P-17) which is registered is forged one. She has simply stated before the Court that at the relevant point of time i.e. on 05.05.1992 when the will (Ex.P-17) said to have been registered she was neither posted in Sub Registrar Office, Indore nor the will bears her signatures, but in her statement she has raised that *Vasiyatnama* is on plain paper and not on watermark paper therefore, it appears that it is forged. This statement of Rukmani Sharma (PW-12A) does not help the appellant in any way to prove his point because none of the legal heirs of Kanchanbai or no one else has come before the Court to prove that the will (Ex.P-17) is forged one.

11. From perusal of the record it is also apparent that the land in question has not been found to be in the name of Government in the revenue records rather it was in the name of Kanchanbai who has executed the will in favour of the respondent who in turn has executed sale deed in favour of the complainant. It appears that when the land in question could not be located by the complainant on the spot, he has filed FIR against the respondent, but sufficient material is not available on record to prove that the respondent has either forged the will or knowing that the land in question belongs to Government has executed the sale deed in favour of the complainant to play fraud with him. The learned trial Court has appreciated the evidence from Para 11 to Para 36 and in Para 37 came to the



conclusion that the State has failed to prove the charges levelled against the respondent beyond reasonable doubt. The reasoning given by the trial Court in the impugned judgment is reasonable and plausible based on proper appreciation of evidence. The impugned judgment is impregnable as there is neither illegality nor any irregularity in the findings so recorded. No compelling or substantial reasons for interference by this Court in the impugned judgment is made out.

12. Accordingly, the Criminal Appeal *sans* merit, fails and is hereby **dismissed**. All pending I.As. stand disposed off.

(VIVEK RUSIA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

RJ