2026 INSC 67

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOs. 2120-2121 OF 2024

TULASAREDDI @ MUDAKAPPA & ANR. ... APPELLANTS

VERSUS

THE STATE OF KARNATAKA & ORS. ... RESPONDENTS

WITH

CRIMINAL APPEAL NOs. 2542-2543 OF 2024

VEERUPAKSHAGOUDA ... APPELLANT

VERSUS

THE STATE OF KARNATAKA ... RESPONDENT

J U D G M E N T

VIPUL M. PANCHOLI, J.

1. The appellants have preferred the present appeals challenging the common judgment and order dated 28.11.2023 passed by the High Court of Karnataka, Dharwad Bench, whereby the High Court has quashed and set aside the order of acquittal passed by the concerned Trial Court and thereby convicted the present appellants for committing the offences punishable under

Sections 302, 120-B, 201, 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter to be referred as the 'IPC'), and sentenced them to :

(a) undergo life imprisonment and to pay fine of Rs.10,000/-, each for an offence punishable under Section 302 read with Section 34 of IPC, in default, shall undergo for further six months imprisonment.

(b) undergo life imprisonment and pay fine of Rs.10,000/- each, for an offence punishable under Section 120-B read with Section 34 of IPC, in default, shall undergo for further six months imprisonment.

(c) undergo sentence for a period of two years and to pay fine of Rs.5,000/- each, for an offence punishable under Section 201 read with Section 34 of IPC, in default, shall undergo for further three months imprisonment.

(d) undergo sentence for a period of six months and to pay fine of Rs.2,500/- each, for an offence punishable under Section 506 read with Section 34 of IPC, in default, shall undergo for further two months imprisonment.

2. Since both sets of appeals arise from the same impugned judgment and order of the High Court and pertain to the same crime, trial, and appellate proceedings, they were heard together and are being disposed of by this common judgment.

3. **FACTUAL MATRIX**

(i) The prosecution's case originates from a missing complaint and subsequent allegations of conspiracy, abduction, murder, and disappearance of evidence relating to one Martandgouda (deceased), resident of village Hulkoti, District Gadag.

(ii) On 16.12.2011 at about 15:45 hours, the son of the missing person lodged a complaint before Gadag Rural Police Station stating that his father, Martandgouda, had been missing since 11.12.2011. It was stated that the complainant was pursuing engineering studies at Laxmeshwar and had been informed by his mother that his father was not traceable. Upon returning to the village and making enquiries, the complainant was unable to locate his father, leading to registration of FIR in Crime No.277/2011.

(iii) Initially, the FIR was registered as a missing person case. During the course of investigation, the complainant gave a further statement on 03.01.2012 alleging suspicion against his uncle, Veerupakshagouda (accused no.1), on account of prior civil disputes relating to land-property, including litigation instituted by the sister of accused no.1 against him, allegedly at the instance of the deceased.

(iv) It was further alleged that accused no.1 had developed animosity towards the deceased due to injunction orders obtained in civil proceedings. Suspicion was also cast upon Tulasareddi @ Mudakappa (accused no.2), stated to be a close associate of Accused No.1 and a signatory to certain sale deeds, and Ningappa (accused no.3), a former tenant of the deceased, who had allegedly been evicted from the land and had monetary disputes with the deceased.

(v) The prosecution further alleged that accused no.4 had an illicit relationship with the deceased and that she had absconded from the village around the time, the deceased went missing. On the basis of these allegations, it was asserted that all the accused had entered into a criminal conspiracy,

abducted the deceased on 11.12.2011, murdered him, and disposed of his dead body to screen themselves from punishment.

(vi) On completion of investigation, a charge-sheet came to be filed against six accused persons for offences punishable under Sections 143, 147, 120-B, 364, 302, 201 and 506 of the IPC read with Section 149 of the IPC. The case was committed to the Court of Sessions and registered as Sessions Case No.37/2012.

TRIAL COURT PROCEEDINGS AND JUDGMENT

(vii) Charges were framed against all the accused on 20.10.2012. The accused pleaded not guilty and claimed to be tried. During the course of trial, the prosecution examined 22 witnesses out of 32 cited witnesses and produced 41 documentary exhibits along with material objects. The defence examined witnesses and produced documents in support of their case. Statements of the accused were recorded under Section 313 of the Code of Criminal Procedure, 1973.

(viii) The prosecution case mainly rested upon the deposition given by PW-5 so-called eye-witness as well as on the basis of

circumstantial evidence. The alleged motive, last seen theory, recovery, and conduct of the accused were sought to be relied upon to establish the chain of circumstances.

(ix) Upon an exhaustive appreciation of the entire evidence on record, the learned Additional District and Sessions Judge, Gadag, by judgment dated 30.03.2019, acquitted all the accused of all charges. The Trial Court recorded findings that the prosecution had failed to establish a complete and unbroken chain of circumstances pointing only towards the guilt of the accused. The alleged motive was held to be weak and speculative; the theory of conspiracy was found to be unsubstantiated; and crucial links such as last seen together and recovery were not proved beyond reasonable doubt.

(x) The Trial Court specifically held that mere suspicion, however strong, could not take the place of proof, particularly in a case based solely on circumstantial evidence. Consequently, benefit of doubt was extended to all the accused.

HIGH COURT PROCEEDINGS AND IMPUGNED JUDGMENT

(xi) Aggrieved by the acquittal, the complainant and the State of Karnataka preferred Criminal Appeal Nos.100190/2019 and

100284/2019 respectively before the High Court of Karnataka, Dharwad Bench.

(xii) By the common judgment and order dated 28.11.2023, the High Court allowed both the appeals and thereby set aside the judgment and order of acquittal rendered by the Trial Court. The High Court convicted the accused nos. 1 to 4 for committing an offence punishable under Sections 302, 120-B, 201, 506 read with Section 34 of IPC. However, the High Court has confirmed the order of acquittal passed by the Trial Court *qua* original accused nos. 5 & 6. At this stage, it is relevant to note that during the pendency of the proceedings before the High Court original accused no. 4 died.

4. Against the impugned judgment and order rendered by the High Court, the original accused no. 2 and 3 have preferred Criminal Nos. 2120-2121 of 2024 whereas original accused no.1 has preferred Criminal Appeal Nos. 2542-2543 of 2024 before this Court.

5. Heard learned counsel appearing for the appellants-convicts, learned AAG on behalf of the State of Karnataka (respondent

no.1) and learned counsel appearing on behalf of the original informant.

6. Learned counsel for the appellants-convicts would mainly submit that the only allegation against accused no. 1 is that he allegedly conspired with the other accused to commit the offence. There is no allegation of "last seen", no allegation of participation in abduction or committing murder of the deceased. It is further submitted that there is no recovery at the instance of accused no. 1. There are no eye-witnesses who have alleged that accused no. 1 is connected with the incident in question.

7. Learned counsel further submits that conspiracy being a serious criminal charge, cannot be presumed. It requires proof of meeting of minds, a prior agreement, and concerted action towards the commission of an illegal act. Mere suspicion, association, or existence of civil disputes cannot serve as a substitute for proof. In the present case, the prosecution has failed to establish any of the foundational ingredients of conspiracy. At this stage, it has been pointed out from the record that PW-1 has admitted in cross-examination that the dispute between the deceased and accused no. 1 was purely civil in

nature, arising from ancestral property matters and in fact no prior threat, violence, or criminal conduct ever occurred. It is also pointed out from the record that PW-4 admitted that the disputed land stands in the name of Melagirigouda and not in the name of accused no. 1 and, therefore, the prosecution has failed to establish the motive on the part of accused no. 1 to commit alleged offences. It has been further contended that PW-10 to PW-13 have turned hostile. At this stage, it has been contended that PW-21, the Investigating Officer had admitted that no material was found during investigation to establish any enmity between the deceased and accused no.1 or any agreement or concerted action suggesting conspiracy.

8. Learned counsel further submits that PW-5, the so-called sole eye-witness, did not attribute any active role to accused no. 1. Further the said witness did not speak of any planning or agreement involving the said accused.

9. Learned counsel appearing on behalf of the appellants in Criminal Appeal Nos.2120-2121 of 2024 mainly submits that PW-5 is projected as eye-witness. However, the statement of the said witness came to be recorded after a period of 21 days and

that too after the arrest of the accused. In fact, the said witness contradicts his own statements recorded on 05.01.2012 and 28.01.2012. It is also pointed out that the said witness was declared hostile as per the theory of the prosecution, *qua* accused nos. 5 & 6**.** Learned counsel further submits that PW-5 admitted that a rope was in his car and it was not brought by the accused. Learned counsel, therefore, urged that PW-5 is not a reliable witness and simply relying upon deposition given by the said witness, conviction cannot be recorded. Learned counsel for the appellants further submits that PW-14, the doctor who conducted the post-mortem of the dead body of the deceased has specifically stated that the death might have been occurred 10 days ago (prior to the date of post-mortem). However, in fact the dead body was found 21 days after the incident in question. It is, therefore, urged that medical evidence does not support the theory of the prosecution, despite which the High Court has recorded the order of conviction *qua* the present appellants.

10. Learned counsel for the appellants further submits that the prosecution has failed to prove the motive on the part of the accused to commit the alleged offences. In fact, the recovery and

discovery were also not duly proved. It has been pointed out that two persons (CW-22 and CW-23) who have brought the body from the canal have not been examined. Thus, the prosecution has failed to examine crucial witnesses.

11. It is also contended by the learned counsel for the appellants that the Trial Court has rightly appreciated the entire evidence on record and, thereafter, acquitted all the accused. The said view taken by the Trial Court was a plausible view and, therefore, while considering the acquittal appeal filed by the State or the informant, the High Court ought to have considered the aforesaid plausible view taken by the Trial Court and ought not to have interfered with the order of acquittal recorded by the Trial Court.

12. Per contra, learned AAG appearing on behalf of the respondent-State as well as learned counsel for the informant have vehemently opposed the present appeals. Learned counsel would mainly submit that the prosecution has proved the case against the appellants-accused beyond reasonable doubt by leading cogent evidence. As the Trial Court has committed grave error while acquitting all the accused, the High Court has rightly passed the impugned judgment and order of conviction

qua present appellants. Learned counsel for the respondents further submits that the voluntary disclosures made by accused No. 2 to 4 leading to the discovery of the dead body at a site near canal was within their special knowledge and hence admissible under Section 27 of the Indian Evidence Act, 1872. It is also contended that accused no. 2 to 4 made disclosure statements in which they disclosed that they took Martandagouda (deceased) in the car driven by PW-5, later killed him and then tied the dead body with cement slabs using bedsheet and dumped into the canal water. It is contended that of course the aforesaid disclosure statement falls within the purview of Section 27 of the Indian Evidence Act,1872, as they led to the discovery of facts. It is also contended that the dead body was recovered on 04.01.2012 and it is not explained by the accused as to how they came to possess the knowledge that the dead body was concealed in the canal. Learned counsel would mainly place reliance upon the deposition given by the sole eye-witness, PW-5. It is submitted that merely because the statement of the said witness was recorded after 21 days, the said statement cannot be discarded solely on this ground. It is also contended that PW-5

was treated as hostile as he did not disclose further facts in respect of accused Nos. 5 & 6 and, therefore, simply because he has been treated hostile, his evidence cannot be brushed aside in toto.

13. Learned Advocates also submit that PW-14, Doctor who conducted the post-mortem, has categorically opined that the death was due to manual strangulation. Thus, it is contended that the evidence of PW-14 also corroborates the evidence of PW-5.

14. Learned counsel for the respondents further contend that there is sufficient evidence on record in the form of evidence of PW-1, PW-4, PW-10 & PW-11 who have proved the motive on the part of accused no. 1 to commit the alleged offences with the help of the other co-accused. It has been contended that the deceased filed a suit for partition and obtained an order of stay on 07.12.2011. Thereafter, the deceased went missing on 11.12.2011. Immediately after the deceased went missing, accused No.1 had executed a sale deed on 16.12.2011 in favour of his mother. The signatory to the sale deed is accused no. 2. The accused no. 3 was tenant of the lands of the deceased and

enmity against him because he was removed from cultivation of his lands. Thus, it has been contended that the prosecution has proved the motive on the part of the accused to commit the alleged offences.

15. Learned counsel, therefore, urged that despite the aforesaid evidence on record, the Trial Court has failed to appreciate the same and thereby acquitted the accused and therefore, while the appeals were filed by the present respondents before the High Court, the High Court after reappreciating the entire evidence on record has rightly taken the view which is the only plausible view. Learned Advocate, therefore, urged that the High Court has not committed any error while convicting the present appellants and therefore both these appeals be dismissed.

16. Having heard learned Advocates appearing on behalf of the parties and having gone through the entire material placed on record as well as evidence led by the prosecution before the Trial Court, it would emerge that the occurrence took place on 11.12.2011 at about 6.30 p.m., when the deceased had gone missing. A complaint was lodged with the jurisdictional Police Station, Gadag on 16.12.2011 at 15:45 hours. PW-1,

complainant was the son of the deceased whose statement was recorded by PW-18. Thereafter, further statement was given by informant on 03.01.2012 suspecting the involvement of accused nos. 1 to 4 due to land disputes between accused no. 1 and the deceased. In the said further statement the accused nos. 1 to 4 were named. It is pertinent to note that relying upon further statement alleging involvement of accused, accused nos. 2 to 4 were arrested on 04.01.2012 whereas accused nos. 5 & 6 were arrested on 05.01.2012. It is also relevant to note that after the arrest of accused nos.2 to 4, their confession statements were recorded on the very same day by the Investigating Officer and it is the case of the prosecution that relying upon the said confession statements, the dead body was recovered near the canal. From the record, it transpires that two persons took out the dead body from the canal. Though said two persons (CW-22 and CW-23) are the important witnesses, they have not been examined by the prosecution. It also transpires from the record that after the arrest of the accused on 04.01.2012 the statement of the so-called eyewitness PW-5 came to be recorded. It is surprising that though PW-5 is projected as eyewitness, he did

not inform the police about the incident in question for a period of 21 days. The only explanation given by him for such delay is the threat given by the accused to him.

17. As per the case of the prosecution, PW-5, the driver of the tempo trax vehicle is the sole eye-witness projected by the prosecution. From the statement given by this witness under section 161 of the code, it is revealed that accused nos. 2 to 6 got into his vehicle in different stages. In the first stage, accused nos.4 and 6 along with Martandagouda (deceased) boarded the vehicle, accused no.6 sat next to him in the front seat. The vehicle moved towards Gadag and after covering a distance of around 1½ KMs, accused no.2 and 3 boarded the vehicle. When the vehicle was moving further, accused no.2 directed him to take the vehicle towards Asundi and when accused nos.2 and 3 boarded the vehicle, accused nos.4 and 6 who were sitting on the either side of Martandagouda (deceased), they sat in the rear portion of the vehicle. It is further stated by PW-5 that during the course of journey accused no.2 told the deceased as to why he is interfering in the sale of land and thereafter, accused no.6 told to Martandagouda (deceased) that he is having an eye on the

accused no.6 whereas accused no.4 told to Martandagouda (deceased) that is it not enough that she is available for him and thereafter all of them started beating deceased by hands.

18. PW-5 has given the statement under section 164 of Code of Criminal Procedure,1973, before the FCJM on 28.01.2012, as per the case of prosecution. The said statement is produced vide Exhibit P-18. As per the statement given under Section 164 of the Code, PW-5 has stated that accused nos. 2 to 6 boarded his vehicle on 11.12.2011. We have gone through both the statements given by PW-5 before the police as well as the learned Magistrate.

19. PW-5 has specifically deposed that only accused nos. 2 to 4 boarded his vehicle at different stages. At the first stage, accused no. 4 and Martandagouda (deceased) who boarded the vehicle and after some distance accused nos. 2 and 3 got into the vehicle. During the course of his deposition, PW-5, has given complete go-by to accused nos. 5 & 6. PW-5 has been partially treated as hostile by the prosecution and certain suggestions are also made to him. It is relevant to observe that PW-5 has specifically stated that statement given under Section 164 given by him before the

Court has not been read over to him. During the cross-examination this witness also further admitted that he does not know accused nos. 2 to 4 personally. Similarly, he does not know even accused no. 1 personally.

20. Thus, from the aforesaid deposition of PW-5 it can be stated that the accused nos. 1 to 6 are complete strangers to him. It is also relevant to observe that when the accused got down from the vehicle and dumped the body in the canal during that time PW-5 could have informed to the police about the incident by making telephone calls. The said witness did not raise an alarm. It has also come on record that PW-5 has accepted that there are criminal antecedents against him. Thus, looking to the aforesaid aspects, it can be said that PW-5 can be said to be a planted witness.

21. Further, in the present case, no cogent reason for the silence on the part of PW-5 is forthcoming except the allegation that there was a threat. However, after 11.12.2011, how the so-called threat continued and persisted has not been brought to light. Further, statement of PW-5 was recorded after the post-mortem of the dead body of the deceased was conducted on 04.01.2012.

22. At this stage, it is also relevant to observe that PW-14, doctor who conducted the post-mortem of the dead body of the deceased, has specifically stated that the death might have been occurred 10 days ago. However, it is the case of the prosecution that the deceased was missing on 11.12.2011 and killed by the accused on the same day. Thus, we are of the view that the medical evidence also does not fully support the case of the prosecution and raises doubt.

23. Learned counsel appearing on behalf of the respondents have mainly placed reliance upon confessional statements of the accused and, thereafter, the discovery of the dead body of the deceased from the canal. We are of the view that simply relying upon the so-called confessional statements of the accused, and discovery of dead body which is also not duly proved, conviction cannot be recorded. Thus, looking to the overall facts and circumstances of the present case the sole so-called eyewitness, PW-5, cannot be said to be reliable and the other circumstances upon which the prosecution has placed reliance are insufficient to conclude that the accused have committed the alleged offences. The prosecution has failed to complete the entire chain

of circumstances from which it can be established that the accused had committed the alleged offences. We are of the further view that the view taken by the Trial Court was a plausible view based upon the evidence led by the prosecution.

24. It is the case of the prosecution that all the accused hatch the conspiracy for killing Martandagouda (deceased). As per the case of prosecution, one civil suit is filed by Martandagouda (deceased) with regard to the land bearing survey nos. 332 and 329 of a particular village. It is the case of the prosecution that injunction was granted in favour of Martandagouda (deceased) and restraining the defendant (accused no.1) from alienating the suit property. As per the case of the prosecution, accused no. 2 is also interested in selling the land belonging to his mother. Whereas the accused no. 3 was cultivating the land of Martandagouda (deceased) on sharing basis. However, the deceased did not allow accused no. 3 to cultivate the land. So far as accused no. 4 is concerned, it is the case of the prosecution that she had illicit relationship with Martandagouda (deceased). So far as accused no. 6 is concerned, she is the paternal aunt of accused no. 1 whereas accused no. 5 is the paramour of accused

no. 6. It is the theory of the prosecution that the deceased had asked accused no.4 to bring along with her accused no.6 for illicit physical relationship and this fact was communicated to accused no. 5 by accused no.4. Thus, accused no. 4 had become furious and had a grudge on deceased. Similarly, accused no. 6 had a grudge that she was called for illicit physical relationship by Martandagouda (deceased). Further, accused no. 5 had a grudge on deceased as deceased had called accused no. 6 for illicit physical relationship. As a result of the aforesaid grudge of each of the accused, they decided to eliminate Martandagouda (deceased) and thereby hatch conspiracy.

25. It is relevant to note that the prosecution has failed to prove the aforesaid aspect by leading cogent evidence and in fact the High Court has also not believed the story of conspiracy and involvement of accused nos. 5 and 6 with the accused nos. 1 to 4. Thus, the High Court has confirmed the order of acquittal passed by the trial court, *qua* accused nos. 5 & 6. In view of the above, we are of the view that conviction of the accused nos. 1 to 4 cannot be sustained.

26. At this stage, we would like to refer the decisions rendered by this Court on the aspect of interference of Appellate Court in the appeal filed by the State challenging the acquittal of the accused recorded by the Trial Court.

27. In the case of ***Babu Sahebagouda Rudragoudar v. State of Karnataka***[1] this Court held in paragraphs 39 to 42 as under:

> *39. This Court in Rajesh Prasad v. State of Bihar [Rajesh Prasad v. State of Bihar,(2022) 3 SCC 471 : (2022) 2 SCC (Cri) 31] encapsulated the legal position covering the field after considering various earlier judgments and held as below : (SCC pp.482-83, para 29)*
>
> > *"29. After referring to a catena of judgments, this Court culled out the following general principles regarding the powers of the appellate court while dealing with an appeal against an order of acquittal in the following words: (Chandrappacase [Chandrappa v. State of Karnataka, (2007) 4 SCC 415 : (2007) 2 SCC (Cri)325], SCC p. 432, para 42)*
> >
> > *'42. From the above decisions, in our considered view, the following general principles regarding powers of the appellate court while dealing with an appeal against an order of acquittal emerge:*
>
> *(1) An appellate court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded.*
>
> *(2) The Criminal Procedure Code, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.*
>
> *(3) Various expressions, such as, "substantial and compelling reasons", "good and sufficient grounds", "very strong*

[1] 2024 (8) SCC 149

circumstances", "distorted conclusions", "glaring mistakes", etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of "flourishes of language" to emphasise the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.

(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.'

40. Further, in H.D. Sundara v. State of Karnataka [H.D. Sundara v. State of Karnataka, (2023) 9 SCC 581 : (2023) 3 SCC (Cri) 748] this Court summarised the principles governing the exercise of appellate jurisdiction while dealing with an appeal against acquittal under Section 378 CrPC as follows : (SCC p. 584, para 8)

"8. … 8.1. The acquittal of the accused further strengthens the presumption of innocence;

8.2. The appellate court, while hearing an appeal against acquittal, is entitled to reappreciate the oral and documentary evidence;

8.3. The appellate court, while deciding an appeal against acquittal, after reappreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;

8.4.If the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and

8.5. The appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible."

41. Thus, it is beyond the pale of doubt that the scope of interference by an appellate court for reversing the judgment of acquittal recorded by the trial court in favour of the accused has to be exercised within the four corners of the following principles:

41.1. That the judgment of acquittal suffers from patent perversity;

41.2. That the same is based on a misreading/omission to consider material evidence on record; and

41.3. That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

42. The appellate court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse the judgment of acquittal rendered by the trial court.

28. In the case of ***Ramesh v. State of Uttarakhand***[2], this Court has observed and held in para 19 & 20 as under:

"19. In a case like this when the trial court acquitted the accused persons of their charges, the High Court could not have reversed the finding merely on the basis that other view, as recorded by the High Court, appeared to it to be a plausible view. Such an approach by the High Court, against the judgment of the acquittal, is impermissible. In this context, we may usefully refer to Kalyan v. State of U.P. [Kalyan v. State of U.P., (2001) 9 SCC 632 : 2002 SCC (Cri) 780] wherein it was held : (SCC pp. 640-41, paras 15, 18 & 20)

> *"15. … The view taken by the trial court could have been disturbed only if there were compelling*

[2] 2020 (20) SCC 522

reasons. We do not find any compelling reason noticed [State of U.P. v. Hari Lal, 1998 SCC OnLine All 1216 : 1999 All LJ 142] by the High Court while setting aside the order of acquittal.

18. Even if another view regarding the occurrence was possible, as taken by the High Court, the same could not be made a basis for setting aside the order of the trial court in view of the settled position of law on the point.

20. Under the circumstances, the appeal is allowed by setting aside the judgment of the High Court convicting the accused persons and sentencing them to various imprisonments including life imprisonment. We uphold the order of acquittal passed by the trial court in favour of the appellants."

20. In another judgment in Basappa v. State of Karnataka [Basappa v. State of Karnataka, (2014) 5 SCC 154 : (2014) 2 SCC (Cri) 497] , this Court noticed plethora of judgments where this very principle had been adopted, as can be seen from the following discussion therefrom : (SCC pp. 158-61, paras 11-12, 14 &; 17-18)

"11. In Bhim Singh v. State of Haryana [Bhim Singh v. State of Haryana, (2002) 10 SCC 461 : 2003 SCC (Cri) 1469] , it has been clarified that interference by the appellate court against an order of acquittal would be justified only if the view taken by the trial court is one which no reasonable person would in the given circumstances, take.

12. In Kallu v. State of M.P. [Kallu v. State of M.P., (2006) 10 SCC 313 : (2006) 3 SCC (Cri) 546] , it has been held by this Court that if the view taken by the trial court is a plausible view, the High Court will not be justified in reversing it merely because a different view is possible.…

14.In Ganpat v. State of Haryana [Ganpat v. State of Haryana, (2010) 12 SCC 59 :(2011) 1 SCC (Cri) 309] , SCC para 15, some of the above principles have been restated. To quote : (SCC p. 62)

> *'15. The following principles have to be kept in mind by the appellate court while dealing with appeals, particularly, against an order of acquittal:*
>
> > *(iv) An order of acquittal is to be interfered with only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference.'*
>
> *17. … It is not the stand of the High Court that there had been some miscarriage of justice in the way the trial court has appreciated the evidence. On the contrary, it is the only stand of the High Court that on the available evidence, another view is also reasonably possible in the sense that the appellant-accused could have been convicted. In such circumstances, the High Court was not justified in reversing the acquittal.…*
>
> *18. The appeal is allowed. The impugned judgment [State of Karnataka v. Basappa, 2010 SCC OnLine Kar 5110] is set aside and that of the trial court is restored."*

29. From the aforesaid decisions rendered by this Court, it can be said that if two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb the findings of acquittal recorded by the Trial Court. Further, if the view taken is a possible view, the Appellate Court cannot overturn the order of acquittal on the ground that another view was also possible. The following principles have to be kept in mind by the Appellate Court while dealing with the appeals against an order of acquittal:

(a) whether the judgment of acquittal suffers from patent perversity;

(b) whether the judgment is based on misreading/omission to consider the material evidence on record;

(c) an order of acquittal is to be interfered with only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference.'

(d) the appellate court, while deciding an appeal against acquittal, after reappreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;

(e) if the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and

(f) the appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible.

30. Keeping in view the aforesaid principles and the law laid down by this Court, if the entire evidence as well as the order of acquittal recorded by the Trial Court and the impugned judgment and order passed by the High Court are examined, we are of the view that the High Court has failed to consider the aforesaid aspect while dealing with the acquittal appeals.

31. In view of the aforesaid discussion, the judgment and order dated 28.11.2023 passed by the High Court of Karnataka is hereby set

aside and the judgment and order of the Trial Court dated 30.03.2019 is restored.

32. The appellants are ordered to be released forthwith, if they are in custody and their presence is not required in any other case.

33. The appeals are accordingly allowed.

.....J.
[SANJAY KAROL]

.....J.
[VIPUL M. PANCHOLI]

NEW DELHI,
16th JANUARY, 2026