



2025:UHC:5284

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 320 of 2025

Ved Prakash Saini

--Revisionist

Versus

State Of Uttarakhand and Another

--Respondents

Presence:-

Mr. Shivam Gulati, learned counsel holding brief of Mr. Shubhr Rastogi, learned counsel for the revisionist.

Mr. Bhaskar Chandra Joshi, learned A.G.A. with Ms. Sweta Badola Dobhal, learned Brief Holder for State of Uttarakhand/respondent No.1.

Hon'ble Pankaj Purohit, J. (Oral)

Heard learned counsel for the parties.

2. By means of the present criminal revision, the revisionist has put to challenge the judgment and order dated 17.04.2025 passed by learned Additional Sessions Judge, Didihat, District Pithoragarh, in Criminal Appeal No.10 of 2023 *State Vs. Praveen Singh Kanyal*, whereby, the judgment and order dated 31.05.2022 passed by the learned Civil Judge/Judicial Magistrate, Didihat, District Pithoragarh in Case No.75 of 2019 *State of Uttarakhand Vs. Praveen Singh Kanyal*, was affirmed and the accused-respondent No.2 was acquitted of the charges under Sections 323, 353, 332 and 506 IPC.

3. It is contended by learned counsel for the revisionist that there is a cross case filed by the accused-respondent No.2, in which, a charge-sheet had also been filed. The learned Courts below completely failed to consider the relevant and connected nature of both cases, which had direct bearing upon each other. The revisionist-complainant being a public servant, was performing his official duties, when the alleged incident occurred. This important aspect has been overlooked by the learned Courts below, which would otherwise merit higher evidentiary value under law.



4. It is further contended by him that the learned Courts below were unable to consider the fact that there is threat to life of the revisionist, due to which, he was unable to join his duty as well as unable to join the proceedings of trial and further the department of the revisionist (Rural Development) even not cooperating with the revisionist. He also submits that the learned Courts below failed to take into account the plausible reasons behind the testimony of the key witnesses in the trial, particularly, the intimidation or influence exerted by the accused-respondent, who are local residents. The revisionist-complainant was an outsider posted in the locality, while the accused-respondent belonged to the said locality. The possibility of coercion or social pressure leading to witnesses turning hostile has not been considered at all. Learned counsel for the revisionist submits that the medical report has not been considered by the learned Courts below.

5. I have considered the submissions made by learned counsel for the revisionist and perused the judgment and order impugned in the present criminal revision. The arguments advanced by the learned counsel for the revisionist are totally bereft of merit. The reasoning given by the learned Additional Sessions Judge as well as by the learned Judicial Magistrate, while passing the impugned judgments and orders, is quite convincing and needs no interference.

6. There is yet another aspect of the matter. The respondents have been acquitted by both the learned Courts below. In revision against acquittal, it is held by Hon'ble Apex Court in catena of judgments that the Courts should be slow in interfering with the judgments of acquittal, as the innocence of the accused is further



re-enforced by his acquittal. As the scope of revision is very limited, unless and until there is perversity in the judgment of acquittal, the same should not be interfered with.

7. It is trite law that that while hearing the revision against acquittal, the power of reviewing evidence must be exercised with great care and caution, particularly so when under Section 401(3) Cr.P.C, expressly prohibits learned High Court to convert a finding of acquittal into that of conviction. I am fortified in my view by the judgment of Hon'ble Apex Court in the case of ***Bindeshwari Prasad @ B.P. Singh Vs. State of Bihar (Now Jharkhand)*** reported in **2002 (6) SCC 650**. For the sake of convenience, paragraph no.12 of the said judgment is quoted below:-

"12. We have carefully considered the material on record and we are satisfied that the High Court was not justified in re-appreciating the evidence on record and coming to a different conclusion in a revision preferred by the informant under Section 401 of the Code of Criminal Procedure. Sub-section (3) of Section 401 in terms provides that nothing in Section 401 shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction. The aforesaid sub-section, which places a limitation on the powers of the revisional court, prohibiting it from converting a finding of acquittal into one of conviction, is itself indicative of the nature and extent of the revisional power conferred by Section 401 of the Code of Criminal Procedure. If the High Court could not convert a finding of acquittal into one of conviction directly, it could not do so indirectly by the method of ordering a re-trial. It is well settled by a catena of decisions of this Court that the High Court will ordinarily not interfere in revision with an order of acquittal except in exceptional cases where the interest of public justice requires interference for the correction of a manifest illegality or the prevention of gross miscarriage of justice. The High Court will not be justified in interfering with an order of acquittal merely because the trial court has taken a wrong view of the law or has erred in appreciation of evidence. It is neither possible nor advisable to make an exhaustive list of circumstances in which exercise of revisional jurisdiction may be justified, but decisions of this Court have laid down the parameters of exercise of revisional jurisdiction by the High Court under Section 401 of the Code of Criminal Procedure in an appeal against acquittal by a private party."



8. The learned Trial Court and learned Appellate Court below had passed an elaborate judgment for recording the finding of acquittal and this Court does not want to reiterate the same for the sake of repetition. The instant case is not one where any such illegality was committed by the trial court. In the absence of any legal infirmity either in the procedure or in the conduct of the trial, there is no justification for the High Court to interfere in exercise of its revisional jurisdiction. Learned counsel for the revisionist could not point out any ground so as to interfere with the well reasoned judgment passed by the learned Trial Court.

9. For the aforesaid reasons and following the dictum of the Hon'ble Apex Court, I am also of the considered view that no ground for interference, at all, is made out in this matter, as there is no illegality and perversity in the impugned judgment and order.

10. In view of the above, the present criminal revision is bereft of merit and is accordingly dismissed *in-limine*.

(Pankaj Purohit, J.)

23.06.2025

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