

CrPC, 1898, S. 417 and 423 - Appeal against acquittal - Power of High Court's to interfere is wide enough - An appellate court has full power to review the evidence upon which the order of acquittal is founded - Constitution of India, 136 - Special Leave Appeal - Confers a wide discretionary power on this Court to entertain

**. Criminal Procedure Code, 1898, Sections 417 and 423 - Appeal against acquittal - Power of High Court's to interfere is wide enough - An appellate court has full power to review the evidence upon which the order of acquittal is founded - Principles laid down in Sheo Swarup's case, 61 Ind App 398 afford a correct guide for the appellate court's approach to a case in disposing of such an appeal - Different phraseology used in the judgments of this Court, such as, (i) "substantial and compelling reasons", (ii) "good and sufficiently cogent reasons", and (iii) "strong reasons", are not intended to curtail the undoubted power of an appellate court in an appeal against acquittal to review the entire evidence and to come to its own conclusion; but in doing so it should not only consider every matter on record having a bearing on the questions of fact and the reasons given by the court below in support of its order of acquittal is its arriving at a conclusion on those reasons in its judgement, which led it to hold that the acquittal was not justified. [Para 9]**

**Constitution of India, Article 136 - Special Leave Appeal - Scope of -Confers a wide discretionary power on this Court to entertain appeals in suitable cases not otherwise provided for by the Constitution - The reserve power that it cannot be exhaustively defined, but decided cases do not permit interference unless "by disregard to the forms of legal process or some violation of the principles of [natural justice](#) or otherwise, substantial and grave injustice has been done" - Though Article 136 is couched in widest terms, the practice of this Court is not to interfere on questions of fact except in exceptional cases when the finding is such that it shocks the conscience of the court - *Held*, High Court has given reasons which led it to hold that the acquittal was not justified. In the circumstances, no case has been made out for our not accepting the said [findings](#). [Para 16]**

Tags: [COI Art. 136](#), [CrPC \(1898\) S. 417](#), [CrPC \(1898\) S. 423](#)