

Approach of the appellate court while considering an appeal against an order acquitting the accused and stated as follows:

*“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.”*

The object and the purpose of the aforesaid approach is to ensure that there is no miscarriage of justice. In another words, there should not be an acquittal of the guilty or a conviction of an innocent person.

Ramesh Babulal Doshi v. State of Gujarat, (1996) 9 SCC 225