

**CrPC, S. 378 - Scope of - Even in the case where the High Court in an appeal against the order of acquittal interfered with the order of acquittal without specifically considering the reasons arrived at by the learned trial court and without specifically observing that the reasons are perverse, this Court can still maintain the order of conviction passed by the High Court, if this Court is satisfied itself that the approach of the trial court in dealing with the evidence was patently illegal or the conclusions arrived at by it are demonstrably unsustainable and the judgment of the appellate court is free from those infirmities - High Court is entitled to re-appreciate the entire evidence independently and come to its own conclusion, however, the High Court would not be justified in interfering with the order of acquittal solely on the ground on re-appreciation of the entire evidence that two views are possible - IPC, S. 302.. [Para 12]**

*Held,*

On re-appreciation of the entire evidence on record and the findings recorded by the learned trial court while acquitting the accused, we are of the opinion that the approach of the trial court was patently erroneous and the conclusions arrived at by it were wholly untenable. We find that it is not a case where two reasonable views on examination of the evidence are possible and so the one which supports the accused should be adopted. The view taken by the trial court can hardly be said to be a view on proper consideration of evidence, much less a reasonable view. The learned trial court, as observed hereinabove, committed a patent error in discarding the dying declaration and the other material evidence, discussed hereinabove. Therefore, the interference by the High Court in the appeal against the acquittal of the appellant and recording the finding of his conviction for the offence under Section 302 of the IPC, on consideration of the evidence, is justified. The judgment under appeal does not warrant any interference.

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