

CrPC S. 378 - While considering a judgment of acquittal was discussed and it was observed that unless the appellate court comes to the conclusion that the judgment of the acquittal was perverse, it could not set aside the same.

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In **Atley v. State of U.P., AIR 1955 SC 807**, the approach of the appellate court while considering a [judgment](#) of acquittal was discussed and it was observed that unless the appellate court comes to the conclusion that the judgment of the acquittal was perverse, it could not set aside the same. To a similar effect are the following observations of this Court speaking through Subba Rao J., (as His Lordship then was) in **Sanwat Singh v. State of Rajasthan, AIR 1961 SC 715**:

*“9. The foregoing discussion yields the following results: (1) an appellate court has full power to [review](#) the [evidence](#) upon which the order of acquittal is founded; (2) the principles laid down in Sheo Swarup case afford a correct guide for the appellate court's approach to a case disposing of such an appeal; and (3) the 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 in its arriving at a conclusion on those facts, but should also express those reasons in its judgment, which lead it to hold that the acquittal was not justified.”*

The need for the aforesaid observations arose on account of observations of the majority in **Aher Raja Khima v. State of Saurashtra, AIR 1956 SC 217** which stated that for the High Court to take a different view on the evidence *“there must also be substantial and compelling reasons for holding that the trial court was wrong.”*

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