



[SC] IPC S. 302 - Acquittal - Possible views - Both versions as taken by the trial court and by the High Court appear to be the possible views - Circumstantial evidence - View taken by the High Court in extending the benefit of doubt to the accused persons appears to be the most plausible view . [2023 SCeJ 575]

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## ACQUITTAL -SECTION 302 OF IPC

### 1. Role and Credibility of the Sole Eyewitness (Complainant/Father):

- The complainant, who is the father of the deceased and the sole eyewitness, did not witness the actual killing or burning of the victim. His testimony covered only the events leading up to the abduction of the deceased.  
- His lack of intervention during the assault and absence of injuries raised doubts about the veracity and presence of the complainant during the incident. The court found his explanation for inaction under threats from the accused unconvincing.

### 2. Discrepancies in the [fir](#) and [evidence](#):

- The FIR mentioned assault with a knife and iron rod but did not include the use of a pistol, contradicting the recovered empty cartridge and the postmortem report indicating death by firing from close range. These inconsistencies cast doubt on the complainant's presence at the scene.

### 3. Assessment of the Complainant's Testimony:

- As a relative and the most interested witness, the complainant's testimony was scrutinized with caution. The High Court questioned the reliability of his solitary evidence due to his enmity with the accused group and other inconsistencies.

### 4. Evaluation of Both Versions and Evidence:

- Both the trial court and High Court provided possible interpretations of the events. The prosecution's failure to prove guilt through circumstantial evidence and eyewitness testimony led to the High Courts conclusion that the chain of events was incomplete and the presence of the eyewitness doubtful.

The High Court's acquittal of the accused, granting them the benefit of the doubt, was deemed the most plausible view .

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