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**CASE COMMENTARY:**  
**KALYAN V. STATE OF U.P., AIR 2001 SC 3976: (2001) 9**  
**SCC 632 2001 AIR SCW 3953**

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**Introduction:**

‘Innocent until proven guilty’ is one of the most enshrined concepts in law. It ensures the criminal justice system does everything in its power to conduct a fair trial, examine all the evidence and then come to a conclusion, acquittal or conviction, and there must be no doubt about either.

The crux of this case revolves around the overturning of an acquittal appeal and if the same was within the legal bounds or not. While analyzing the judgement of all three courts, I tried to remain true to the subject matter and delved into all the sections mentioned. Out of these, I felt S 378, S 386 of the Code of Criminal Procedure (Powers of High Court to Reverse Acquittal in Appeal) and S 3, 4, 114 of the Evidence Act, 1872 (Presumption of Innocence) to be most essential to the case. The Supreme Court’s judgement also rested on these and relied on these provisions to be the basis of their judgement.

**IRAC Analysis**

**Preliminaries:**

Kalyan v. State of U.P., AIR 2001 SC 3976: (2001) 9 SCC 632 2001 AIR SCW 3953

**Forum:**

Supreme Court of India

**Bench:**

M.B. Shah & R.P. Sethi

**Facts:**

The instance which the case revolves around originally took place in 1977, in a village situated in the district of Badayun, Uttar Pradesh, where it led to the death of 3 male members- father, son and uncle- along with their acquaintance. Prosecution Witness 1, who narrated the instance for the FIR, stated that the victims had an old enmity with a Pt. Hori Lal, who had filed a malicious case against them and wanted to allegedly kill the 3 family members. Pt. Hori Lal was a well-known gang leader and it was soon after the case was filed that the 11 accused, at the gangster's behest, reached the scene of the crime, armed with various types of dangerous weapons; ranging from guns to lathis, all meant for grievous harm. Seeing this and fearing for their lives, Mulaim Singh (the father) and the others entered their home and shut the door in order to save themselves. Subsequently, the informant's home was surrounded by the accused.

It was gathered that, for self-defence, the 4 victims would have gathered guns. They, then made their way to the roof, where the shooting by the accused started from the immediate surroundings. While 3 of the family members were immediately killed as a result of their gunshot wounds, the 4<sup>th</sup>, a Ram Murti, succumbed to his injuries soon after additionally being physically assaulted with lathis and ballams. It was said that the accused also took away one of the victim's gun, a distinct make and type. Upon filing of the FIR by PW-1, the investigation commences and followed all routine procedure such as seizing of evidence, arresting accused and preparing a formal charge-sheet. After due process of law and a fair trial, the Trial Court acquitted all the accused persons. This was followed by an appeal from the Respondent, i.e., the state of UP, wherein the High Court reversed the judgement of the lower court and found the accused guilty, sentencing them to different lengths of punishment, ranging up till life imprisonment.

**Issues:**

1. Was the High Court right in overturning the trial court's carefully decided acquittal order?
2. What are the factors considered for acquittal as compared to conviction, specifically for the High Court?

**Rules:**

- S 378, S 386 of the Code of Criminal Procedure (Powers of High Court to Reverse Acquittal in Appeal)
- S 302, 307, 147, 148 read with S 149 and S 120-B
- S. 154 of the Code of Criminal Procedure (Evidentiary Value of FIR)
- S 3, 4, 114 of the Evidence Act, 1872 (Presumption of Innocence)

**Analysis:**

The Petitioner's side believes that the conviction by the Hon'ble High Court falls outside the bounds of law since the prosecution's case rested only on reasonable doubt and had no concrete basis. Moreover, there was an obvious dichotomy between the statements given for the FIR and the depositions of the witnesses in the court, regarding the sequence of circumstances. If there is an accusation of such a serious crime on the accused, the burden of proof rests on the prosecution to prove their guilt without a shadow of doubt, so that the punishment meted out is not done so unjustly. Thus, in the given case, the High Court should not have been so quick in reversing the decision of the Trial Court- a court which presumably witnessed the behaviour of the witnesses first-hand and was privy to all the information so that it came to a just decision. Given this reason, the petitioners cited the landmark case of *Kali Ram v State of Himachal Pradesh*<sup>1</sup>, wherein it was held that a thought which binds the sanctity of the justice system is the belief that, in criminal cases, the view that is favourable to the accused should be accepted if there are two alternative interpretations of the evidence presented in the case, one suggesting the accused is guilty and the other his innocence.

While the CrPC already lays down guidelines for how the High Court should deal with the situation where they have to reverse the acquittal order by the trial court during an appeal, the Supreme Court in this case cited another important case, *Antar Singh v. State of Madhya Pradesh*<sup>2</sup>, to direct the High Courts that they may not reverse an acquittal order purely on the basis that the Trial Court takes a different view from theirs and to not take such a court lightly. Thus, in a way, they clarified that even if there is a hierarchy in the courts system, it in no way means that the opinion of a lower court is inferior to that of a senior one.

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<sup>1</sup> [AIR 1973 SC 2773]

<sup>2</sup> [AIR 1979 SC 1188]

I also believe the High Court's decision to interfere to be wrong since their decision to overturn the acquittal doesn't reflect any valid precedent or opinion. The Trial Court's decision, on the other hand, seems to be cohesive and thought-out, appropriately citing valid reasons as per valid legal provisions. There was no compelling reason provided to them for them to think of the accused as guilty, especially since the prosecution presented a shaky case at best, since the testimony of eyewitnesses was completely separate from the story of the FIR. Additionally, the FIR is an essential document for investigation as well as trial. Since it is filed immediately after the commission of the crime, one cannot disregard the details it enumerates. Moreover, the investigative procedures like a post-mortem revealed that the cause of death of the victims was different than the one stated by prosecution witnesses. It is a valid conclusion to believe that the prosecution was unable to establish a solid case against the appellants in light of the discrepancies between the eyewitness accounts and the medical evidence, as well as the significant inconsistencies and improvements in the eyewitness depositions.

Thus, this judgement reflects the well-known and enshrined principle of presumption of innocence. If a shadow of doubt is cast or there is reasonable apprehension that the accused are not actually guilty of the crime, the Trial Court can absolutely acquit them. To subject one to mental and physical torture of a punishment like life imprisonment when there is a chance they did not commit any offence is a heavy burden and a permanent stain on our justice system. It is also important to note that overturning an acquittal appeal has not been made impossible and in no way, are the accused of a crime favoured. However, there *are* certain conditions which have to be fulfilled so that the reversal of an acquittal judgement is valid for the High Court but unfortunately in this case, those criteria were not met. The Trial Court's decision rested on a solid foundation of evidence, precedents, provisions and investigative proof like medical reports and testimonies.

### **Conclusion:**

The Supreme Court delivered a very well-balanced judgement by not only upholding the Trial Court's judgement but also clarifying the grounds on which the High Court could have reversed the acquittal. They reaffirmed the Trial Court's position as an equal legal authority in terms of their opinions and judgements and didn't stand for the High Court's baseless reversal.

The points to be noted were the variations in the depositions and the FIR statements of the

prosecution witnesses, the prosecution side's inability to establish their case as having no aspersions about the guilt of the accused, and the investigative proof like post mortem reports. The aforementioned helped the Trial Court to come to the conclusion of passing an acquittal order. Contrary to this, the High Court did not seem to appreciate the available evidence as thoroughly as the lower court and were not exposed to the demeanour of the witnesses as the previous court was, before coming to the conclusion of passing the judgement of conviction. Keeping this in mind, it can be reasonably concluded that the High Court was not correct in interfering with the decision of the Trial Court and did not fulfil the requisite conditions to overturn an acquittal appeal. And thus, the Supreme Court maintained the appellants' order of acquittal that the trial court had issued. Unless needed in another case, they ordered the appellants to be released immediately.

### **Bibliography:**

*Case Law: Kalyan v. State of U.P., AIR 2001 SC 3976: (2001) 9 SCC 632. (Sourced from SCC Online)*

