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CRA 9660/2023 & CRA 7483/2023

**IN THE HIGH COURT OF MADHYA
PRADESH**

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

CRIMINAL APPEAL No. 9660 of 2023

Victim X

Versus

The State of Madhya Pradesh & Others

Appearance:

Ms Archana Jadia - Advocate for the appellant.

Shri. Jay Pal Choksey – Government Advocate for the
respondents State

CRIMINAL APPEAL No. 7483 of 2023

The State of Madhya Pradesh & Others

Versus

JS

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Appearance:

Shri. Jay Pal Choksey – Government Advocate for the
appellant State

Reserved on :- 17.08.2026

Post on :20.08.2026

ORDER

This order shall govern the disposal of CRA Nos. 9660 of 2023 and 7483 of 2023 as both the appeals arise out of the common judgment of acquittal dated 20.02.2023 passed in Sessions Case No. 24/2021. This criminal appeal has been preferred under the statutory provisions of Section 372 of the Code of Criminal Procedure, 1973, seeking appellate intervention against the impugned judgment. The appellant herein, aggrieved by the final decision rendered by the learned trial court, has approached this Court to challenge the validity and legality of the order of acquittal. The core objective of this appeal is to seek a complete reversal of the findings that led to the exoneration of the accused.

2. The challenge in the present appeal is specifically directed against the judgment of acquittal dated 20.02.2023 passed by the Court of Second Additional Sessions Judge, Shujalpur. The said

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judgment was pronounced in

Sessions Case No. 24/2021, whereby the entire prosecution story was disbelieved by the trial court. The appellant asserts that the learned subordinate court has committed a grave error of law in passing the said impugned judgment.

FACTS IN BRIEF

3. The prosecution case, in brief, is that on the date of 05.03.2021 at approximately 5:00 p.m., the minor complainant was entirely alone at her residence. The record indicates that her parents had gone away to work as labourers, and her brother had gone to fetch water from a government hand pump situated a little distance away from the house. At the relevant time, the complainant was engaged in sweeping the open courtyard space situated just outside her residential premises.

4. It is further alleged by the prosecution that while the complainant was sweeping the said open space, the accused, JS , who resided in the immediate neighbourhood, approached her. The prosecution claims that the accused caught her right hand with malicious intentions and explicitly stated that he wanted to do something wrong with her. The accused allegedly attempted to

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entice her and drag her towards a nearby drain to perform indecent and wrongful acts against her will.

5. Resisting the said attempt, the complainant reportedly freed herself, hit the accused with a broom, and immediately ran towards the hand pump to narrate the ordeal to her brother. The brother subsequently informed their parents via phone, and upon their swift arrival, the family contacted the authorities by calling dial 100. The complainant, accompanied by her father and brother, then travelled in the police vehicle to the police station to formally lodge the First Information Report (Exhibit P-1), leading to the registration of Crime No. 50/2021.

6. Following the registration of the crime, the investigating agency conducted a medical examination of the complainant on the same day, marking it as Exhibit P-3(A). On 06.03.2021, a spot map of the incident location (Exhibit P-2) was prepared, and the complainant's formal statement under Section 164 of the Cr.P.C. was recorded before the competent court. Subsequently, relevant school registers certifying the victim's age were seized (Exhibit P-5), the accused was arrested, and upon the completion of the investigation, the final charge-sheet was presented before the court on 25.03.2021.

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CONTENTIONS OF THE APPELLANTS

7. Learned counsel for the appellant vehemently submitted that the impugned judgment passed by the learned trial court is inherently liable to be set aside as it stands contrary to settled law and principles of natural justice. It was forcefully argued that the trial court has committed a serious and manifest error by not rationally analysing the statements and evidence presented by the prosecution witnesses. The appellant contends that the acquittal order is a direct result of a legally flawed evaluation of the available evidentiary record.

8. It was further contended that the trial court erroneously discarded the consistent and corroborative testimonies of the complainant, her father, her brother, her mother, and the investigating officer, SI. Learned counsel emphasized that the parents of the complainant fully supported the prosecution case, testifying that they were informed about the accused holding the complainant's hand and saying, "If you want to do dirty things with me, come to the drain, I will give you money."

9. The appellant also argued that the trial court severely erred in considering the prosecution story doubtful merely on the basis of alleged prior enmity between the families. Relying on the judicial

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precedent laid down in Karu Lal and others vs State of Madhya Pradesh ILR 2020 MP 2524 SCC, the counsel submitted that if witnesses are otherwise credible, previous enmity in itself does not make their evidence unreliable. It was urged that the trial court committed an error of law by failing to appreciate this settled legal proposition.

10. Placing heavy reliance on the judicial precedent in Vijay alias Chini vs. State of Madhya Pradesh 2010 8 ACCC 191, the appellant submitted that the absence of physical injuries on a minor complainant's body is completely immaterial for establishing the offence. It was further argued that if the sole statement of the complainant is entirely credible, there is no absolute requirement for corroboration from independent witnesses, and the trial court could have comfortably recorded a conviction based solely on her testimony.

CONTENTIONS OF THE RESPONDENT

11. Learned counsel appearing for the respondent strongly opposed the appeal, submitting that the judgment of acquittal passed by the learned trial court is perfectly justified and requires no interference. It was argued that the trial court has meticulously and correctly appreciated the entire evidence available on record,

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specifically noting the glaring contradictions and material admissions made by the prosecution witnesses. The respondent maintained that the prosecution miserably failed to establish the charges against the accused beyond all reasonable doubt.

12. The respondent further contended that the explicit admissions regarding prior animosity and verbal altercations, drawn from the complainant's own cross-examination, were rightly considered fatal to the prosecution's case. It was emphasized that the highly unnatural conduct of the complainant, coupled with the complete absence of independent corroboration in a densely populated public area, strongly justified the trial court's decision. Therefore, the respondent prayed for the outright dismissal of the present appeal, supporting the trial court's detailed findings.

ANALYSIS AND CONCLUSION

13. This Court has carefully considered the extensive submissions advanced by both the parties and meticulously perused the trial court record.

14. On a careful perusal of the evidential record, it is clear that the trial court rightly examined whether the FIR was a byproduct of a prior employment-related dispute involving AP . The complainant (PW-1) explicitly admitted in paragraph 10 of her

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cross-examination that both her father and the accused's father previously worked for the said AP. She acknowledged that Accused's father frequently misunderstood her father, which directly led to a serious verbal altercation between them on the date of the incident.

15. More significantly, the trial court rightfully placed substantial weight on the categorical admission made by the complainant in paragraph 12 of her cross-examination. In that specific paragraph, she clearly admitted that a day before the alleged incident, a heated conversation had taken place between her father and the accused's father. Crucially, she further admitted that solely because of this prior altercation, her father, acting out of sheer anger, proceeded to file a formal police report against the accused.

16. This pre-existing animosity is further corroborated by the testimony of the complainant's father (PW-2), who stated during his cross-examination that he was currently working as a labourer on AP's farms. He admitted that the accused's father had not stopped working there, but rather a direct disagreement had arisen between them because he had started working elsewhere. This consistent evidence unequivocally establishes the fact that there was a tangible dispute and a standing grudge between the two families prior to the incident.

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17. While it is a settled legal proposition that a conviction can occasionally be sustained on the sole testimony of a victim, such evidence must inspire unshakeable confidence. According to the complainant's initial version, the accused forcefully dragged her towards a drain situated near the house to commit an offence. However, the trial court observed that the said drain is notably absent from the official spot map (Exhibit P-02), casting initial doubt on the geographical accuracy of the prosecution's central narrative.

18. The trial court further reasoned that no person was present at the complainant's house at the exact time of the alleged incident, making it a completely isolated spot. If the accused genuinely intended to commit a wrongful act with the complainant, he would logically not have attempted to drag her towards an open drain through a widely accessible public place. The deliberate act of dragging a victim towards a public space when an isolated house was readily available appears contradictory and unnatural.

19. Furthermore, it is an admitted fact on record that the accused is a physically strong man-aged about 23 years, whereas the minor complainant is roughly twelve and a half years old. Given this stark physical disparity, if the accused forcefully dragged her to commit a crime, she would have naturally sustained some defensive or

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friction injuries while violently struggling to free her hand. However, the official medical report (Exhibit P-03(A)) conclusively shows an absolute absence of any injury marks on the complainant's body.

20. Adding to the unnatural circumstances surrounding the prosecution's case, the complainant clearly admitted in paragraph 13 of her cross-examination that she did not raise any alarm or shout when the accused forcibly caught her hand. She stated that she merely shook off the accused's hand and escaped. The trial court correctly observed that in a terrifying situation where a woman is allegedly being dragged for a wrongful act, the total failure to shout or scream for help appears completely unnatural and highly improbable.

21. Additionally, the overall evidence on record comprehensively demonstrates that the incident allegedly transpired in a densely populated residential and public area. The complainant (PW-1) accepted the direct suggestion that there were around 6-7 women actively fetching water at the hand pump located just a little distance away. Similarly, the complainant's father (PW-2) and mother (PW-5) clearly admitted that people frequently pass by the main road situated right in front of their courtyard where the incident occurred.

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22. Furthermore, the brother (PW-3) admitted the existence of a higher secondary school opposite their house, with a playground where students remain actively present until 6 p.m. Even the Investigating Officer (PW-8) conceded that the spot is a busy residential area, yet no independent local residents were examined. Given the time of 5:00 p.m. and the highly public nature of the location, the fact that no independent person witnessed the event or was questioned by the police brings the entire incident strictly under the ambit of suspicion.

23. The explicit and fatal admission made by the complainant regarding her father filing a false police report in a fit of rage is thoroughly strengthened by the numerous other circumstantial weaknesses present in the case. The glaring lack of any outcry at the time of the incident, the absolute absence of physical injuries on the complainant's hands, the highly public nature of the immediate vicinity, and the prosecution's failure to produce any independent corroborative witnesses collectively destroy the foundation of the prosecution's story.

24. Consequently, it can be safely concluded that the defence has entirely succeeded in refuting any initial presumption that could be drawn from the chief examination of the prosecution witnesses. The undeniable existence of prior intense rivalry between the two

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families, coupled with the glaring inconsistencies and weaknesses formally extracted during cross-examination, undeniably casts a heavy shadow of reasonable doubt over the entire prosecution narrative, rendering it legally unsafe to base a conviction upon.

25. In the considered opinion of this Court, the learned trial court has highly appropriately evaluated the entire spectrum of evidence and rightly extended the benefit of the doubt to the accused. There is absolutely no manifest error, illegality, or perversity in the appreciation of evidence, nor has the trial court misdirected itself in applying the settled principles of law to the proven facts. The findings of the trial court are well-reasoned, highly logical, and strictly based on the evidentiary material available on record.

26. This Court, after conducting an exhaustive review of the evidence and the pleadings, finds no substantive legal infirmity, procedural illegality, or factual perversity in the impugned judgment of acquittal passed by the learned trial court. The judicial view taken by the subordinate court is not only entirely reasonable but is also the only plausible conclusion that could be legally drawn from the specific material placed on record. Therefore, no compelling grounds exist to warrant any appellate interference in this matter.

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27. Accordingly, for all the detailed reasons stated hereinabove, the impugned judgment of acquittal dated 20.02.2023, comprehensively passed by the learned Second Additional Sessions Judge, Shujalpur, in Sessions Case No. 24/2021, is hereby upheld and affirmed in its entirety. The accused shall remain free from all the charges levelled against him in connection with the present crime number, as the prosecution has failed to establish his guilt.

28. Consequently, both the Criminal Appeals, being devoid of any substantive legal merit, stands **dismissed**. 29. Let a certified copy of this final judgment, along with the original trial court record, be immediately transmitted back to the concerned subordinate court below for their necessary information, updating of records, and strict compliance. All pending interlocutory applications, if any, shall also stand formally closed and disposed of.

29. Copy of this judgment be kept in the connected appeal i.e CRA No. 7483 of 2023, for ready reference.

(Jai Kumar Pillai)
Judge

NEUTRAL CITATION NO. 2026:MPHC-IND:23904

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