IN THE HIGH COURT OF JHARKHAND AT RANCHI

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Acquittal Appeal (D.B.) No. 47 of 2024

(***Arising out of judgment of acquittal dated 16.03.2024, passed by learned Additional Sessions Judge-II, East Singhbhum, Jamshedpur, in S.T. Case No.331 of 2019***)

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Md. Jamaluddin, S/o Late Nabi Miya, R/o Road No.6, Jawaharnagar PO & PS Mango, Jamshedpur, District East Singhbhum

….. Appellant(s)

Versus

1.The State of Jharkhand
2. Manzarul Hassan @ Manjoor Hassan, S/o Late Izharul Hassan, R/o Azad Nagar, Road No.4, House No.7, PO & PS Mango, Jamshedpur, District East Singhbhum
3.Saifuddin @ Dablu, S/o Late Nasifuddin, R/o H. No.20 Road No.10, East Jakirnagar, PO & PS Mango, District East Singhbhum

…. Respondent(s)

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For the Appellant : Mr. M.I. Khan, Advocate
Mr. Ayub Ansari, Advocate

For the State : Ms. Priya Shrestha, Spl. Public Prosecutor
Mr. Kaushik Sarkhel, Advocate
For the Resp. No.3 : Mr. Apurv, Advocate
Mr. A.K. Mahato, Advocate

PRESENT
Sri Ananda Sen, J.
Sri Pradeep Kumar Srivastava, J.

J U D G M E N T

06.10.2026
***By Court.*:**

This acquittal appeal is preferred against the judgment of acquittal dated 16.03.2024 passed in S.T. Case No.331 of 2019, whereby and whereunder respondent Nos.2 to 3 namely, Manzarul Hassan @ Manjoor Hassan and Saifuddin @ Dablu have been acquitted of the charge under Sections 419/420/406/467/ 468/471/506/307/ 34 of IPC.

2. A complaint petition being C/1 Case No. 1278/2015 was filed and referred under Section 156(3) Cr.P.C., pursuant to which

Mango P.S. Case No. 343/2015 was instituted. As per the averment contained therein Kiran Dhara, S/o Late Kamal Dhara was owner of the land measuring about 83 kathas (137.19 decimals), recorded under Khata No. 246 and Plot Nos. 570, 572(P), 573, 574, 575, 576(F) and 576(G), and that the informant was his registered power-of-attorney holder under GPA Deed No. IV-461 dated 30.04.2008. It is alleged that under an agreement for sale dated 09.11.2012, the accused agreed to purchase the land for Rs.2,49,00,000/- at Rs. 3,00,000/- per katha and paid Rs. 10,00,000/- as advance. The informant alleged that the accused fraudulently induced him to execute Sale Deed No.7125 dated 24.12.2012 by assuring payment of the balance consideration. However, the sale deed allegedly mentioned only Rs. 40,00,000/- as consideration, and the accused thereafter failed to pay the remaining Rs. 2,09,00,000/-. It is further alleged that the accused cheated the informant, committed breach of trust, fabricated/used the sale deed, threatened him with death, and attempted to forcibly take possession of the property. On 01.06.2015, the accused allegedly entered the land with labourers and anti-social elements, committed criminal trespass and started digging its foundation. On being opposed, they allegedly assaulted and attempted to strangulate the informant and threatened to forcibly dispossess him from the property.

3. The police after investigation, submitted chargesheet against respondent Nos.2 & 3 and they were put on trial.

4. Altogether eight witnesses have been examined in this case by the prosecution, who are as follows:-

(i) P.W.-1 Inamuddin
(ii) P.W.-2 Md. Shabbir Ahmad
(iii) P.W.-3 Md. Abid
(iv) P.W.-4 Jamaluddin is informant
(v) P.W.-5 Shiv Shankar Ram is investigating officer
(vi) P.W.-6 Ghulam Sarwar
(vii)P.W.-7 Dr. Naushad Akhtar Khan
(viii) P.W.-8 Prabhunath Sharma

5. The following documentary evidences were exhibited by the prosecution:-

Exhibits-1 to 1/9- Signature of P.W.-4 on Complaint Petition
Exhibits-1/10 Endorsement on Complaint Petition
Exhibit- 2 Certified copy of General Power of Attorney
Exhibit-3 Agreement for Sale dated 09.11.2012
Exhibit-4 Certified copy of Registered Sale Deed dated 24.12.2012
Exhibit-5 Formal F.I.R.
Exhibit-6 Medical Prescription
Exhibit-7 Certified copy of Heading of Deposition in O.S. No.81 of 2019

6. Learned counsel for the appellant submits that being power of attorney holder of the land belonging to Kiran Dhara the informant had voluntarily executed sale deed on 24.12.2012 after receiving the full consideration amount, but had not handed over possession of the land for which the accused- Manzarul Hassan had lodged Mango P.S. Case No.72 of 2014 against him and the land owner and the informant himself cheated and committed criminal breach of trust upon the accused persons and later on filed the instant case just to save their skin.

7. Learned counsel for the respondents submits that the Trial Court correctly appreciated the evidence of the prosecution witnesses and came to a conclusion that the prosecution has failed to prove its case beyond reasonable doubt. Further, he stated that there is no eye-witnesses to the occurrence and only on the basis of the conjecture and surmises, the witnesses have leveled allegation against the accused persons.

8. Heard, learned counsel for the appellant, learned counsel for the State and learned counsel for the respondents and we have gone through the impugned judgment and records.

9. The law dealing with the challenge thrown to the judgment of acquittal has been settled by Hon'ble Supreme Court. The Hon'ble Supreme Court in the case of ***Bhupatbhai Bachubhai Chavda and Another vs State of Gujarat*** reported in ***2024 SCC OnLine SC 523*** at para 6 has held as under:-

> *"6. It is true that while deciding an appeal against acquittal, the Appellate Court has to reappreciate the evidence. After re-appreciating the evidence, the first question that needs to be answered by the Appellate Court is whether the view taken by the Trial Court was a plausible view that could have been taken based on evidence on record. Perusal of the impugned judgment of the High Court shows that this question has not been adverted to. Appellate Court can interfere with the order of acquittal only if it is satisfied after reappreciating the evidence that the only possible conclusion was that the guilt of the accused had been established beyond a reasonable doubt. The Appellate Court cannot overturn order of acquittal only on the ground that another view is possible. In other words, the judgment of acquittal must be found to be perverse. Unless the Appellate Court records such a finding, no interference can be made with the order of acquittal. The High Court has ignored the well-settled principle that an order of acquittal further strengthens the presumption of innocence of the accused. After having perused the judgment, we find that the High Court has not addressed itself on the main question."*

10. Further, the Hon'ble Supreme Court in the case of ***Mallappa v. State of Karnataka,*** reported in ***(2024) 3 SCC 544*** at paras 26 & 27 has held as under:-

> ***"26.*** *No doubt, an order of acquittal is open to appeal and there is no quarrel about that. It is also beyond doubt that in the exercise of appellate powers, there is no inhibition on the High Court to reappreciate or re-visit the evidence on record. However, the power of the High Court to reappreciate the evidence is a qualified power, especially when the order under challenge is of acquittal. The first and foremost question to be asked is whether the trial court thoroughly appreciated the evidence on record and gave due consideration to all material pieces of evidence. The second point for consideration is whether the finding of the trial court is illegal or affected by an error of law or fact. If not, the third consideration is whether the view taken by the trial court is a fairly possible view. A decision of acquittal is not meant to be reversed on a mere difference of opinion. What is required is an illegality or perversity.*
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> ***27.*** *It may be noted that the possibility of two views in a criminal case is not an extraordinary phenomenon. The "two-views theory" has been judicially recognised by the courts and it comes into play when the appreciation of evidence results into two equally plausible views. However, the controversy is to be resolved in favour of the accused. For, the very existence of an equally plausible view in favour of innocence of the accused is in itself a reasonable doubt in the case of the prosecution. Moreover, it reinforces the presumption of innocence. And therefore, when two views are possible, following the one in favour of innocence of the accused is the safest course of action. Furthermore, it is also settled that if the view of the trial court, in a case of acquittal, is a plausible view, it is not open for the High Court to convict the accused by reappreciating the evidence. If such a course is permissible, it would make it practically impossible to settle the rights and liabilities in the eye of the law."*

11. Further, the Hon'ble Supreme Court in the case of ***Girish Singh v. State of Uttarakhand,*** reported in ***(2020) 18 SCC*** at paras 29, 30, 31 & 32 has held as under:-

> *"**29.** We have referred to the entire evidence. The trial court acquitted the accused. The jurisdiction of the appellate court, when it deals with such an order, is no longer res integra and is subject-matter of a catena of decisions of this Court.*
> ***30.** In Upendra Pradhan v. State of Orissa [Upendra Pradhan v. State of Orissa, (2015) 11 SCC 124 : (2015) 4 SCC (Cri) 309] , this Court took the view that if there is benefit of doubt, it must go to the accused, and in case of two views, the view that favours the accused, should be taken, which was more so where the trial court's decision was not manifestly illegal, perverse and did not cause miscarriage of justice.*
> ***31.** In Dilawar Singh v. State of Haryana [Dilawar Singh v. State of Haryana, (2015) 1 SCC 737 : (2015) 1 SCC (Cri) 759] , this Court took the view that the Court will not interfere with the verdict of acquittal merely because on evaluation of evidence, a different plausible view may arise. Very substantial and compelling reasons must exist with the appellate court to interfere with an acquittal.*
> ***32.** In Gamini Bala Koteswara Rao v. State of A.P. [Gamini Bala Koteswara Rao v. State of A.P., (2009) 10 SCC 636 : (2010) 1 SCC (Cri) 372 : AIR 2010 SC 589] , this Court accepted the contention of the appellant that interference in an appeal against acquittal should be rare and in exceptional circumstance. It was further held that it is open to the High Court to reappraise the evidence and conclusions arrived at by the trial court. However, it is limited to those cases where the judgment of the trial court was perverse. This Court went on to declare that the word "perverse", as understood in law, has been understood to mean, "against the weight of evidence". If there are two views and the trial court has taken one of the views merely because another view is plausible, the appellate court will not be justified in interfering with the verdict of acquittal (see K. Prakashan v. P.K. Surenderan [K. Prakashan v. P.K. Surenderan, (2008) 1 SCC 258 : (2008) 1 SCC (Civ) 182 : (2008) 1 SCC (Cri) 200])."*

12. Further, the Hon'ble Supreme Court in the case of ***State of Odisha v. Banabihari Mohapatra,*** reported in ***(2021) 15 SCC 268 at*** para 32 has held as under:-

> *"**32.** As held by this Court in Sadhu Saran Singh v. State of U.P. [Sadhu Saran Singh v. State of U.P., (2016) 4 SCC 357 : (2016) 2 SCC (Cri) 275], an appeal against acquittal has always been on an altogether different pedestal from an appeal against conviction. In an appeal against acquittal, where the presumption of innocence in favour of the accused is reinforced, the appellate court would interfere with the order of acquittal only when there is perversity. In this case, it cannot be said that the reasons given by the High Court [State of Odisha v. Banabihari Mohapatra, 2020 SCC OnLine Ori 936] to reverse the conviction of the accused are flimsy, untenable or bordering on perverse appreciation of evidence."*

13. Considering the aforesaid judgment, we are dealing with this Acquittal Appeal. It is the case of the appellant that respondent Nos.2 & 3 have cheated the appellant in sale and purchase of land by

preparing forged documents and further have attempted to commit murder of the appellant.

14. In this case, we find that it is the case of the prosecution that an agreement of sale was executed on 09.11.2012 between both these parties for sale of land of Khata No.83 measuring 137.19 decimals and total consideration amount was fixed as Rs.2,49,00,000/- and the accused persons have paid Rs.10 lakhs and after some time they have registered a sale deed on 24.12.2012 in favour of the accused persons mentioning the total consideration amount as Rs.40,00,000/-. It is the case of the prosecution that when the remaining balance amount was asked for, the accused persons have beaten the informant.

15. From this case, we find that for alleged breach of an agreement this case has been filed giving it a colour of criminal offence. From the evidence of the prosecution witnesses, we find that there is contradiction in the deposition of the witnesses in this regard. We also find some improvement an exaggeration in the deposition of the informant also.

16. Further, simple breach of an agreement cannot give rise to criminal prosecution. In this case, we also find that the prosecution has failed to establish execution of any forged sale deed as no evidence in this regard has been produced.

17. Further, we find that the prosecution has miserably failed to establish the offence of attempt to murder as none of the witnesses have supported the prosecution case in this regard. As per the deposition of informant Kiran Dhara (owner of the land) was present at the time of assault, but he was not examined in this case. This non-examination of Kiran Dhara has caused serious dent to the prosecution case. From the deposition of the Doctor, we find that he had stated that there was bruise on the head of the informant, which was simple in nature and he had some headache also. Thus, we find that Section 307 of IPC cannot be applied in this case.

18. Considering the aforesaid fact, we find that the prosecution has miserably failed to establish its case and the Trial Court has correctly acquitted the accused from the charges.

19. Thus, we find no merit in this case, accordingly, this appeal filed by the informant is **dismissed**.

20. Let the Trial Court Record be transmitted to the Court concerned along with a copy of this judgment.

(Ananda Sen, J.)

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand, Ranchi
Dated 06/10/2026
R.S./S.K.D. Cp 03.
Uploaded on 09/10/2026.