

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1279/2017

VASANT RAO GUHE

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

Date : 09-08-2017 These matters were called on for hearing today.

For Appellant(s) Mr. Harsh Parashar, AOR

For Respondent(s) Mr. C. D. Singh, AOR
Mr. Prateek, Adv.
Mr. Gaurav Shukla, Adv.

Hon'ble Mr. Justice Amitava Roy pronounced the judgment of the Bench consisting of Hon'ble Mr. Justice Dipak Misra, His Lordship and Hon'ble Mr. Justice A.M. Khanwilkar.

In view of the materials on record and the state of law as above, we are thus of the considered opinion that the prosecution has failed to prove beyond all reasonable doubt the charge of criminal misconduct under Section 13(1)(e) of the Act and punishable under Section 13(2) thereof against the appellant. He is thus entitled to the benefit of doubt. The prosecution to succeed in a criminal trial has to pitch its case beyond all reasonable doubt and lodge it in the realm of "must be true" category and not rest contented by leaving it in the domain of "may be true". We are thus left unpersuaded by the charge laid by the prosecution and the adjudications undertaken by the Courts below. The conviction and sentence, thus is set aside. The appeal is allowed in terms of the signed reportable judgment.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed reportable judgment is placed on the file)