

Paramount Law Times Newsletter



(For uptodating law and events)

2014-15 – (second half)

Issue 0004

Welcome Announcement

Paramount has taken a initiative to have its Law Time Newsletter for updating law and events. All interested individuals and institutions are welcome to request this newsletter.

Legal Audit and Moral Audit Services

Paramount Law Consultants Ltd., Delhi has completed its research and is taking up legal audit and moral audit services for the Corporates.

Subhash Nagpal
Chairman
Paramount Law
Consultants Ltd., Delhi

LEGAL PRINCIPLES

Dr. S. K. Kapoor
Ved Ratan

I **Law in practice**

Law in practice ever remains in a progressive state of re-evaluation and consolidation and with it become an absolute necessity to regularly update the settled 'legal principles' accepted by the courts for 'adjudications.

II **To maintain Register of settled Principles of law**

Experience speaks in favour of those who are regular in maintaining Register of settled Principles of law.

III **New entry for Register of Principles of law**

Here, one entry for such Register.

GENERAL PRINCIPLES REGARDING POWERS OF APPELLATE COURT AGAINST ORDER OF ACQUITTAL

Supreme Court, in its recent judgment dated 15 July, 2014 (*C.K. Dasegowda & Ors. Vs State Of Karnataka in Criminal Appeal No.1381 Of 2014 @ Special Leave Petition (Crl.)No.4018 Of 2012*) has laid down general principles regarding powers of Appellate court against order of acquittal:

(1) An appellate Court has full power to review, re-appreciate and reconsider the evidence upon which the order of acquittal is founded:

(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law;

(3) Various expressions, such as, 'substantial and compelling reasons', 'good and sufficient grounds', 'very strong circumstances', 'distorted conclusions', 'glaring mistakes', etc. are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasize the reluctance of an appellate Court to interfere with acquittal than to curtail the power of the Court to review the evidence and to come to its own conclusion.

(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.”

Link of the above referred Judgment

(<http://judis.nic.in/supremecourt/imgs1.aspx?filename=41768>)

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