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September
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C.R.R. No. 1650 of 2012
(Via Video Conference)

In Re: An application under Section 397 read with Section 401 of the
Code of Criminal Procedure, 1973.

Smt. Saroj Agarwal
Versus
State of West Bengal & Ors.

Mr. Bibhasaditya Chakraborty.
...for the petitioner.

Mr. Chakraborty, learned advocate appearing for the petitioner expresses his grievances regarding the order of acquittal which was passed by the learned ACJM, Bidhannagar on 28.6.2010 and affirmed by a judgment and order dated 29.02.2012 in Criminal Appeal No.13 of 2011 by the learned Additional Sessions Judge, Fast Track Court No.1, North 24 Parganas, Barasat.

Having regard to the contentions which has been advanced by the petitioner, I am of the opinion that it is very difficult to interfere at this belated stage in view of the settled principles of law. The Hon'ble Apex Court has categorically observed that in case of acquittal, the High Court must be aware regarding the fact that the plea of innocence of an accused is already fortified by judgment and order of acquittal of trial court. In this case, it is not only the judgment and order of trial court which has acquitted, but the same has been affirmed by the appellate court also. No manifest error or illegality which touches the root of the case could be pointed out. Records also reflect that initial order of acquittal was passed in the year 2010, almost eleven years ago.

Having regard to the cumulative set of circumstances appearing before this Court, I am not inclined to interfere at this belated stage with an order of acquittal.

Accordingly, CRR 1650 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

Department is directed to send back the lower court records forthwith.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)