

30.08.2023
tkm/ct 28
sl no.43

C.R.A. 852 of 2013

In Re : An appeal under section 372 of the Code of Criminal Procedure
And

In Re : Ranajit Ghosh appellant

Ms. Sreeparna Das

..... for the appellant

1. Learned Assistant Sessions Judge, Bolpur, Birbhum in Sessions case no. 142 of 2008 acquitted respondent no. 1 from the charge under section 376 IPC.
2. In appeal learned sessions judge affirmed the order of acquittal.
3. Present appeal is a second appeal against the appellate order affirming acquittal. Neither proviso to section 372 Cr.P.C nor section 378 of the Cr.P.C envisages a second appeal affirming order of acquittal by the trial court. It is another thing if the appellate court had set aside an order of conviction and acquitted the accused. Under such circumstances the State or the victim may prefer an appeal to the High Court against the acquittal. This is not the case here.
4. We have also gone through the lower court records and the impugned judgment. We do not find any perversity or legal infirmity to convert the appeal into a criminal revision.
5. Hence, the appeal is not maintainable and is dismissed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)