

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

PRESENT:

The Hon'ble Justice Rajarshi Bharadwaj
And
The Hon'ble Justice Apurba Sinha Ray

GA 2 of 1977
The Superintendent and Remembrancer
of Legal Affairs, West Bengal

-Vs-

Rita Roy @ Rita Roy Chowdhury @ Rita Gowala
& Ors.

For the State : Mr. Debashis Roy, Ld. APP
Mr. Partha P. Das

Heard on : 20.05.2025

Delivered on : 20.05.2025

Rajarshi Bharadwaj, J.:

1. The prosecution case is that the accused respondents other than respondent Nos. 1, 8 and 11 were at the material time workers in the factory of Kejriwal Iron and Steel Works which is located at 12/2, Girish Ghose Road, Police Station Bally. That about 200/250 workers were working in the factory and there were also 10/15 Clerks employed there at the material time. That there was a Union of workers and that a few months before the date of occurrence, a rival Union of the workers under the leadership of the accused

Kuber Singh who was a worker of Central Cotton Mill was formed, in consequence of which the relationship of the members of newly formed Union and the management became strained one. That on December 18, 1974 a disturbance was created by some retrenched workers of Kejriwal Iron and Steel Works in front of the factory; the members of the pre-existing Union did not participate in that disturbance on December 28, 1974 when the members of the pre-existing Union were about to enter the factory at about 7-15 a.m. through a small gate by the side of the main gate of the factory, the accused persons along with others armed with deadly weapons attacked them and assaulted them; these workers being assaulted raised alarm and on hearing this alarm Mohit Manna the Secretary of the pre-existing Union rushed to the place of occurrence being followed by others. As soon as Mohit came to the place of occurrence, the accused persons shouted "Mohit has come finish him" and they pounced on him and assaulted him with lathis and rods that the accused Kuber who had a dagger in his hand passed over the dagger to accused Murarilal asking him to do away with Mohit and Murarilal took the dagger, stabbed Mohit on the head and on the face; Kanaylal, another worker was also assaulted by the accused persons. Mohit fell down with his injuries and became unconscious. That Mohit and two other injured workers were taken to Uttarpara General Hospital, Mohit died on the same day in the Hospital at about 4-15 p.m. Deben Das another worker who sustained injuries was removed to Jaiswal Hospital. That in the meantime Sankar Mondal a worker of the factory and Adarsh Singh, a Clerk went to Bally Police Station and lodged information about the occurrence which was entered in a General Diary. Thereafter a Police Officer went to the factory and on getting information that injured persons had been removed to the hospital went to hospital, filed a complaint written by Ganesh Pathak, Secretary of the Union and dictated by injured Kanai Samanta, which was signed by Kanai. Written complaint was

treated as F.I.R. Thereafter, Police, on investigation, submitted charge sheet against the accused persons.

2. The learned Trial Judge framed charges under Sections 302/34, 148 and 325 of the Indian Penal Code against all the accused respondents.

3. The accused respondents pleaded not guilty to the charges framed against them and their defence was that they were falsely implicated in the case by the management of the Kejriwal Iron & Steel Works in collusion with the President and Vice-President respectively of the existing Workers' Union. That about 30/40 workers including accused persons submitted a representation to the Labour Commissioner against retrenchment and the Labour Commissioner had passed order for re-instatement of the retrenched workers but management had not complied with the order of the labour Commissioner so cases had been started in labour Tribunal and this had enraged the management and the accused persons were not present at the place of occurrence.

4. That in support of its case, prosecution examined 37 witnesses.

5. The Trial Court after compliance of necessary formalities, recorded an order of acquittal which is in challenge before this Hon'ble Court. In spite of service, the accused/respondents are unrepresented and as such, we propose to deal with the appeal on its merits.

6. Dispensing with the service upon the respondents as in our view, it will not be prejudicial in the interest of the respondents for the order we propose to pass.

7. We have heard the Learned Public Prosecutor who argues in favour of the appeal and points out some infirmities in the order of the Trial Judge.

8. We are however not convinced with the arguments advanced on behalf of the State by the Learned Public Prosecutor in view of the fact that the order of acquittal has been recorded by the Learned Trial Judge upon consideration of all the materials placed before him.

9. In view of the proposition laid down by the Hon'ble Apex Court from time immemorial and recently in the case of Constable 907 Surendra Singh & Anr. Vs. State of Uttarakhand, reported in 2025 SCC Online, SC 176, we do not think there is any scope for interference by this Hon'ble Court as the impugned judgment and order seems to be justified and reasonable.

10. Accordingly the appeal fails and is dismissed.

11. Copy of the judgement along with Lower Court Records, if any, shall be sent back to the trial court at once for necessary compliance.

12. Urgent Photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all requisite legal formalities.

[Rajarshi Bharadwaj, J.]

I agree

[Apurba Sinha Ray, J]