

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE**

PRESENT:

The Hon'ble Justice Apurba Sinha Ray

**GA 9 of 1992
The State of West Bengal
Vs.
Sri Gulab Bhai P. Chandrana**

For the State : Mr. Debasish Roy, Adv.
: Ms. Zareen N. Khan, Adv.

Heard On : 11.06.2025

Judgment Delivered On : 18.06.2025

Apurba Sinha Ray, J. :-

1. The instant appeal has been filed against the order dated 04.10.1991 passed by the Learned Court of 4th Special Judge, Calcutta, in connection with the said case no. 4 of 1977.

2. The accused/respondent has filed a petition praying for an order of acquittal on the grounds, inter alia, that though the trial of the case under Section 420/468/477/120B of the I.P.C. and section 5(2)(b) of Prevention of Corruption Act, 1988, was continued for more than 14 years and, further, 18 witnesses were examined, the proceedings could not be completed within 4

years under Section 245(3) of Cr.P.C. (West Bengal State Amendment), and hence, the petitioner was entitled to an order of acquittal.

3. The Learned Special Judge by order dated 04.10.1991, after referring the provisions of Section 245(3) of Cr.P.C. (West Bengal State Amendment), quashed the proceedings and acquitted the respondent from the charges of the case.

4. The said order dated 04.10.1991 was challenged in this appeal. In spite of service, the respondent remained unrepresented and as such, the matter is taken up for disposal on its merits.

5. I have gone through the materials on record. Section 245(3) of Cr.P.C (West Bengal State Amendment) is quoted herein below:

.....

“(3) If the evidence referred to in section 244 are not produced in support of the prosecution within four years from the date appearance of the accused, the magistrate shall discharge the accused unless the prosecution satisfies the magistrate that upon the evidence already produced and for special reasons there is ground for presuming that it shall not be in the interest of justice to discharge the accused.”

6. The State has preferred this appeal on 09.06.1992, challenging the said judgment of acquittal. In spite of service, the respondent remained unrepresented and as such, the matter is taken up for disposal on its merits.

7. In my view, it will not prejudice the respondents even if the service is dispensed with after taking into consideration all materials available on the record.

8. I 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.

9. This court, however, is not convinced with the arguments advanced on behalf of the State since, according to me, the order of acquittal has been recorded by the Learned Trial Judge upon consideration of all the materials placed before him, including the provisions of section 245(3) of Cr.P.C. (West Bengal State Amendment).

10. In view of the law 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, I do not think there is any scope for interference by this Hon'ble Court as the impugned order dated 04.10.1991 seems to be justified and reasonable.

11. Accordingly, the appeal fails and is, thus, dismissed. No order as to costs.

(APURBA SINHA RAY, J.)