

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 6 of 2003
The State of West Bengal
-Vs-

Debi Prasanna Roy Chowdhury & Ors.

For the State : Mr. Debasish Roy, Ld. PP
Mr. Partha Pratim Das

Heard on : 04.07.2025

Delivered on : 04.07.2025

Rajarshi Bharadwaj, J.:

1. No one appears for the respondents.
2. The prosecution case, inter alia, is as follows:
3. On the basis of a complaint lodged by Sri Subhas Chandra Roy, the then Branch Manager of Burdwan Central Co-operative Bank Ltd., Durgapur Branch at Chaitanya Avenue with the Officer-in-Charge, Durgapur Police Station on 19.07.1986 alleging, inter alia, to take appropriate step for shortage of money amounting to Rs.77,300/- against the cashier of the said bank, a case being Durgapur Police Station Case No.12 dated 19.07.1986 under Section 408 of the Indian Penal Code was started.

4. The investigating agency on completion of investigation of the said case submitted charge-sheet against the respondents under Sections 409/120B of the Indian Penal Code and committed the same to stand on trial.
5. The prosecution case in a nutshell, is that on 17.07.1986 while verifying the cash book and the relevant registers by the Branch Manager, of the said Bank, after day's transaction, it was detected that there was a shortage of total of Rs.77,300/- in the bundles of 100 Rupee and 50 Rupee notes in 706 and 34 pieces rupee on being query, the cashier of the said Bank, Debi Prasanna Roy Chowdhury had confessed his guilt and made a written statement to that effect.
6. The prosecution, to bring home the charges, has examined as many as 6 witnesses and produced 11 document as exhibits whereas the defence none.
7. The learned Judge, 4th Special Court, Burdwan, after taking evidence, perusing the materials on record and hearing the parties was pleased to acquit the said accused persons by a judgment and order dated 28.01.2003 as not guilty of the charges framed against them.
8. 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 of administrative notice, the accused/respondents are unrepresented and as such, we propose to deal with the appeal on its merits as no one responded even after issuance of such administrative notice.
9. 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.
10. We have heard the learned Public Prosecutor who argues in favour of the appeal and points out some infirmities in the order of the learned Trial Judge.
11. 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.

12. 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.

13. Accordingly, the appeal fails and is dismissed, however, with regard to no order as to costs.

14. Copy of this judgment along with the trial court records be sent down to the trial court immediately.

15. 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]