

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 9 of 1981
The State of West Bengal
Vs.
Milan Kumar Das

For the State : Mr. Debasish Roy, Adv.
Mr. R.R. Roychowdhury, Adv.
Mr. Kutubuddin, Adv.

Heard On : 21.05.2025

Judgment Delivered On : 21.05.2025

Apurba Sinha Ray, J. :-

1. The prosecution case in a nutshell is that the accused was an Assistant in the accounts department of Calcutta University during the month of June, 1973. During his job, he was preparing a salary bill sum of Rs. 470/- in the name of a fictitious person namely, Dipak Kumar Dutta, purported to be an employee in the Department of Pure Chemistry. The accused while doing such an act used the seal of Dr. (Mrs.) Ashima Chatterjee, Khaira Professor of Chemistry Department and Dean of the Faculty of Science. Further it was alleged that the accused prepared an authority slip and induced to have it

executed by Dipak Kumar Dutta and counter-signed by Dr. (Mrs.) Ashima Chatterjee and took payment of Rs. 470/- from cash section on 16.06.1973.

2. At the time of checking two papers, Sisir Dhara suspected the genuineness of the signature of Dr. (Mrs.) Ashima Chatterjee. The signature under the seal also seemed to be dubious. Then he brought the fact to the cashier, namely, Bhabani Prasad Dutta and he intimated such fact to the Internal Auditor namely, Sri Radheshyam Roy. Then an enquiry was held that whether any person namely, Dipak Kumar Dutta was working in such department or not. However, it was revealed that the bill was fraudulently prepared. The matter was reported to the Pro Vice- Chancellor.

3. On 20.06.1973 at about 10.45 am, Haripada Das, Peon of the Department, was handed over a half opened letter and he placed it to the Vice-Chancellor and the letter was directed to keep the cash in the custody of the cashier.

4. On 28.06.1973 the Registrar of Calcutta University sent a letter of Complaint to Deputy Commissioner of Police, Detective Department, Lalbazar for an enquiry into the matter, upon which the investigation was started and the accused was directed to stand trial for the charges under Section 420/465/467/471 of Indian Penal Code. The prosecution adduced as many as 12 witnesses. Thereafter, the accused was examined under Section 313 Cr.P.C. The defence was of innocence and false implication.

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 respondent as in our view, it will not be prejudicial in the interest of the respondent 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 since, in our view, 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 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, 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 however with regard to no order of costs.

I Agree.

(RAJARSHI BHARADWAJ, J.)

(APURBA SINHA RAY, J.)