

**Rikhabdas Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/752630](http://sooperkanoon.com/752630)

**Court :** Rajasthan

**Decided On :** Jun-01-1951

**Reported in :** 1952CriLJ1381

**Judge :** Atma Charan, J.C.

**Appellant :** Rikhabdas

**Respondent :** State

**Judgement :**

ORDER

Atma Charan, J.C.

1. The accused-applicant stood acquitted' by order of the Court, dated 9.9.1949, in Criminal Revision No. 113 of 1948. The court below has laboured hard to come to the conclusion that the order of acquittal was no 'acquittal' at all. If the intention of the Court had been that the accused-applicant was to be tried again, then it would have said so. The Court 'acquitted' the accused-applicant holding that the sanction on the record of the trial court was an interpolated one. This does not necessarily mean that there was no sanction at all. In the circumstances, it is not open to the court below to retry the accused-applicant afresh on the same facts.

2. The application in revision accordingly is allowed, the order of the court below retrying the accused-applicant on the same facts after his 'acquittal' is quashed in entirety and he is discharged.

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