

**In Re: B.L.V. Rangarao**

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**SooperKanoon Citation :** [sooperkanoon.com/774774](http://sooperkanoon.com/774774)

**Court :** Chennai

**Decided On :** Jan-17-1945

**Reported in :** (1945)1MLJ183

**Appellant :** In Re: B.L.V. Rangarao

**Judgement :**

ORDER

**Mockett, J.**

1. This is a reference by the learned Sessions Judge of Vizagapatam under Section 438 of the Code of Criminal Procedure. The accused was charged under Section 467 of the Indian Penal Code--forgery, and Section 420 of the Indian Penal Code--cheating, the allegation being that he forged a signature on a money order form and by impersonating the true owner cheated. The learned Assistant Sessions Judge of Chicacole acquitted the accused of cheating but convicted him of forgery. The accused appealed and the learned Sessions Judge appears to find himself embarrassed by having on the record an acquittal which he considers inconsistent with the conviction. He seems to think while the acquittal stands his hands are in some manner tied with regard to confirming the conviction. It is not so. The whole evidence is before the Court. He is entitled if he thinks fit, to express his disagreement with the findings of fact in the acquittal although there being no appeal the acquittal still stands. He is not in the least bound by any finding of facts in the acquittal. The fact that the trial Judge was able to acquit of

cheating and convict of forgery makes evident that this is not a case when on precisely the same facts a man is tried for two offences.

2. So far as this reference is concerned, Mr. Justice Burn in *Syed Ghulam Ghouse Saha Sahib Kadir v. Emperor* has held that this High Court will not as a rule interfere with acquittals in revision. In any case a Court can do no more than set an acquittal aside. The reference will be returned to the learned Sessions Judge with these observations. He can come to his conclusion with regard to the appeal against the conviction under Section 467 quite untrammelled by the fact that the acquittal under Section 420 of the Indian Penal Code stands. It may act as a plea in bar to further trial for cheating but does not in the least act as a plea in bar with regard to the facts in so far as they are relevant in considering the charge of forgery. This position frequently arises in the High Court in which there are appellants before us in cases where some of the other accused have been apparently quite wrongly acquitted on similar evidence.

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