
(2008) 01 CAL CK 0015
In the Calcutta High Court
Case No : C.R.R. No. 4207 of 2007

Smt. Snehalata Mondal

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision : 25-01-2008

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 229, 313
Foreigners Act, 1946 — Section 14A

Citation : (2008) 1 CALLT 297

Hon'ble Judges : Ashim Kumar Roy, J

Bench : Single Bench

Advocate : Tanusree Ghosh, for the Appellant; Joy Sengupta, for the Respondent

Judgement

Ashim Kumar Roy, J.—The petitioner in the instant criminal revisional application along with others has been facing her trial before the learned Additional Sessions Judge, Fast Track, 4th Court, Krishnagar, Nadia of a charge u/s 14A of the Foreigners Act. During the course of recording of evidence of prosecution witnesses an application was filed on behalf of the petitioner praying for pleading guilty. However, the learned Trial Court rejected the said application, hence this criminal revision.

2. From perusal of the impugned order it appears that the learned Judge rejected the application of the petitioner, whereby she intends to plead guilty on the following grounds:

(a) The charge has already been framed and the trial is the midst of recording of evidence.

(b) At the time of framing charge the accused pleaded not guilty and claimed to be tried.

(c) It is the absolute discretion of the Court to accept or not to accept the plea of guilty.

(d) The decisions relied upon on behalf of the petitioner relates to the question of permissibility of pleading guilty at the stage of examination u/s 313 of the Code and not about of taking a plea of guilt in the midst of recording of the prosecution evidence.

3. Ms. Tanusree Ghosh, the learned Counsel appearing on behalf of the petitioner relied upon two decisions, one of the Hon''ble Supreme Court in the case of State of Maharashtra v. Sukhdeo Singh and Anr. reported in 1992 SCC (Cri) 705 as well as on a Division Bench decision of Allahabad High Court relating to the case of Ram Kishun Vs. State of U.P., and submitted the plea of guilty can be taken at any stage of trial after framing of charge. She further submitted the facts the accused pleaded not guilty at the time of framing of charge cannot operate as a bar in taking a plea of guilty at any subsequent stage. She further submitted the impugned order is wholly illegal and is thus liable to be set aside and the petitioner be permitted to plead guilty.

On the other hand, Mr. Joy Sengupta, the learned Counsel appearing on behalf of the State submitted before this Court that although the plea of guilty can be taken at any stage of the trial after framing of charge but contended it is entirely the discretion of the Court to accept such plea or not.

4. I have considered the rival submissions of the parties. Perused the materials on record as well as the decision cited on behalf of the petitioner.

5. In the case of State of Maharashtra v. Sukhdeo Singh and Anr. (supra) it has been categorically held by the Apex Court that there is nothing in Chapter VIII of the Code of Criminal Procedure which prevents an accused from pleading guilty at any subsequent stage of the trial after framing of charge but the Court must act with caution and circumspection before accepting and acting on the plea of guilt and the plea must be clear, unambiguous and unqualified and the Court must be satisfied that the accused has Understood the nature of the allegations made against him and admits them. The similar view was taken by the Division Bench of Allahabad High Court in the case of Ram Kishun v. State of Uttar Pradesh (supra) and where the Allahabad High Court held that there is no reason to restrict the applicability of Section 229 of the Code of Criminal Procedure to a particular date or occasion but the purport of section is obvious that plea of guilty can be advanced by an accused at any stage of the trial after framing of charge.

6. Thus, in view of the proposition of law as aforesaid, the impugned order cannot be sustained and the same is set aside.

I direct while the petitioner shall be permitted to plead guilty if so intended, but it would be the absolute discretion of the learned Court below to decide the question whether the Court would accept and act on such plea or not.

7. This Criminal Revision succeeds and is allowed.

Urgent xerox certified copy of this Judgment, if applied for, be given to the

parties, as expeditiously as possible.