

## **Topic: Autrefois Acquit Under Article 20 (2)**

Meaning: When a person has been convicted for an offence by a competent court, the conviction serves as a bar to any further proceeding against him for the same offence. The idea is that no one ought to be punished twice for one and the same offence. If a person is indicated again for the same offence in a court, he can plead, as a complete defence, his former acquittal or conviction, or, as it is technically expressed, he can make plea of Autrefois Acquit.

Name of the case: State of Bombay v. SL Apte, AIR 1961 SC 578

Bench: Justice N Rajagopala Ayyangar, Justice SK Das, Justice AK Sarkar, Justice JR Madholkar

Facts of the Case: A person was convicted under Section 409, IPC, for criminal breach of trust. Later, he was prosecuted under same fact but for different offence under Section 105 of the Insurance Act.

Ratio: The Supreme Court while explaining the legal provision of Article 20 (2) observed that to operate as a bar the second prosecution and the consequent punishment thereunder, must be for the same offence. The crucial requirements for attracting the Article are that the offence is the same, i.e., they should be identical.

If, however, the two offences are distinct, then notwithstanding that the allegation of the fact in the two complaints might be substantially similar, the benefit of the ban cannot be invoked. It is, therefore, necessary to analyze and compare not the allegation into complaint but the ingredient of two offences and see whether their identity is made out.