

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS, JUDGE – VI, JAMUI

Criminal Revision No.- 98/2024
(Arising out of Complaint Case No. 952c/2023)

Present: Manoranjan Kumar Jha

District & Addl. Sessions, Judge - VI

Jamui

1. Ashok Sah, S/o- Jamui Sah aged about 44 years
2. Panchu Sah, S/o- Late Harihar Sah aged about 65 years

All R/o: Vill- Bangama, P.S.- Simultala, Distt.- Jamui

.....Petitioners/ Revisionists

Versus

1. The State of Bihar
2. Ashist Kumar Bidyarathi, S/o- Suresh Sah

R/o: Vill- Bangama, P.S.- Simultala, Distt.- Jamui

.....Opposite Parties/Respondents

For Revisionist : Ld. Adv., Ashok Kumar Sinha

For State : Sri Chigu Ravidas, Ld. Addl. Public Prosecutor

Date of order: 18/06/2026

ORDER

1. This Criminal Revision has been preferred to challenge the correctness, legality and propriety of the order dated 30.09.2024 passed by the Court of Ms. Naziya Khan J.M. First Class, Jamui, in case no. G.R. 818/2015, whereby and whereunder the Ld. Court below passed order on petition dated 13.12.2023 filed on behalf of prosecution under Section 311 of Cr.P.C. and its re-joinder dated 30.09.2024 filed on behalf of defence.

FACTS OF THE CASE

2. The case bearing G.R. No. 818/2015 of which Simultala P.S. Case No. 24/2015 dated 15.05.2015 had been instituted at the instant of informant namely Suresh Prasad who made allegation of assault, theft, intimidation, wrongful restraint, etc. against the accused named in the FIR. Further, the prosecution had examined as many as three witnesses till 03.08.2023. It further transpires that the Ld. Court below closed the prosecution evidence vide order dated 06.11.2023 and thereafter on 13.12.2023, the prosecution filed one petition under Section 311 of Cr.P.C. Thereupon, hearing the

parties, the Ld. Lower Court by his order dated 30.09.2024 allowed the petition which hereinafter referred to as impugned order.

Grounds Invoked For Revision

3. Being aggrieved and dis-satisfied with the order dated 30.09.2024 passed by the Ld. Court of Ms. Naziya Khan J.M. First Class, Jamui in above reference case no. G.R. 818/2015, the Petitioners/Revisionists prefer this memo of revision on and amongst the following grounds that:-

(i) The impugned order has been passed by the Ld. Magistrate without considering the facts and circumstances in the prospective, hence it requires to be set aside.

(ii) The Ld. Magistrate failed to appreciate the materials on record and passed the impugned order in haste and steadily manner without giving any reasoning for the passing such order and as such the alleged order is not sustainable.

4. Ld. Addl. P.P. and Ld. Counsel for the O.P. No. 2 are present in the Court and submit that the order passed by Ld. Lower Court is in accordance with mandate of law and settled principles and as such it requires no interference. It is, therefore, prayed to dismiss the instant revision petition with heavy cost.

FINDINGS

5. Heard Ld. Counsel for the revisionist and Ld. Addl. P.P. and perused the record and the materials available on it. On its perusal, it reflects that the Ld. Court below had closed the prosecution evidence by its order dated 06.11.2023 and fixed the record for recording of statement under Section 313 of Cr.P.C. It further reflects that one petition was filed on behalf of the prosecution under Section 311 of Cr.P.C. and its re-joinder was filed on 30.09.2024. It further reflects that the Ld. Court below by its order dated 30.09.2024 allowed the petition dated 13.12.2023. It is pertinent to re-produce the order dated 30.09.2024 passed by the Ld. Court below.

30.09.2024 : “अभियुक्त अशोक साह एवं सुनिल सोरेन की हाजरी सह नवीन वकालतनामा दाखिल किया गया। शेष अभियुक्तों की ओर से प्रतिनिधित्व का आवेदन है, जिसे मात्र आज भर के लिए स्वीकृत किया जाता है। अभियुक्तों की ओर से दिनांक 13.12.2023 को अभियोजन की ओर से दाखिल आवेदन का प्रतिउत्तर दाखिल किया गया। आवेदन पर सुना। अभियोजन की ओर से दाखिल दिनांक 13.12.2023 के आवेदन को स्वीकृत किया जाता है तथा निर्देशित किया जाता है कि अगली तीन तिथियों में वे साक्ष्य पूर्ण कर लेंगे।”

6. On perusal of the impugned order, it reflects that though the Ld. Court below had allowed the petition dated 13.03.2023 filed under Section 311 Cr.P.C. but there is no mentioning of any reason for the passing of such order.

7. Further, a Court is empowered by law to allow or reject petition filed under Section 311 Cr.P.C. but it is expected that for passing any kind of judicial order, Ld. Court must assign reason. It is settled law that judicial order must be speaking and reasoned order because it is well recognized in our judicial system that right to know the reasons for the decisions made by the Judges/Courts is an indispensable right of a litigant. Further, even a brief recording of reasoned opinion justifying the decision made would suffice to withstand the test of a reasoned order. Further, a non-speaking, unreasoned or cryptic order passed without taking into account the relevant facts, evidence available and the law attracted thereto has always been looked at negatively and judicially de-recognized by the Courts.

8. It is observed by Hon'ble Apex Court in the case of **CCT v. Shukla & Bros.** (2010) 4 SCC 785 that:-

"23. We are not venturing to comment upon the correctness or otherwise of the contentions of law raised before the High Court in the present petition, but it was certainly expected of the High Court to record some kind of reasons for rejecting the revision petition filed by the Department at the very threshold. A litigant has a legitimate expectation of knowing reasons for rejection of his claim/prayer. It is then alone, that a party would be in a position to challenge the order on appropriate grounds. Besides, this would be for the benefit of the higher or the appellate court. As arguments bring things hidden and obscure to the light of reasons, reasoned judgment where the law and factual matrix of the case is discussed, provides lucidity and foundation for conclusions or exercise of judicial discretion by the courts.

24. Reason is the very life of law. When the reason of a law once ceases, the law itself generally ceases (Wharton's Law Lexicon). Such is the significance of reasoning in any rule of law. Giving reasons furthers the cause of justice as well as avoids uncertainty. As a matter of fact it helps in the observance of law of precedent. Absence of reasons on the contrary essentially introduces an element of uncertainty, dissatisfaction and give entirely different dimensions to the questions of law raised before the higher/appellate courts. In our view, the court should provide its own grounds and reasons for rejecting claim/prayer of a party whether at the very threshold i.e. at admission stage or after regular hearing, howsoever concise they may be.

25. We would reiterate the principle that when reasons are announced and can be weighed, the public can have assurance that process of correction is in place and working. It is the requirement of law that correction process of judgments should not only appear to be implemented but also seem to have been properly implemented. Reasons for an order would ensure and enhance public confidence and would provide due satisfaction to the consumer of justice under our justice dispensation system. It may not be very correct in law to say, that there is a qualified duty imposed upon the courts to record reasons.

26. Our procedural law and the established practice, in fact, imposes unqualified obligation upon the courts to record reasons. There is hardly any statutory provision under the Income Tax Act or under the Constitution itself requiring recording of reasons in the judgments but it is no more res integra and stands unequivocally settled by different judgments of this Court holding that the courts and tribunals are required to pass reasoned judgments/orders. In fact, Order 14 Rule 2 read with Order 20 Rule 1 of the Code of Civil Procedure requires that, the court should record findings on each issue and such findings which obviously should be reasoned would form part of the judgment, which in turn would be the basis for writing a decree of the court.

27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. [1974 ICR 120 (NIRC)] there are apt observations in this regard to say "failure to give reasons amounts to denial of justice". Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove."

9. Keeping in mind the abovementioned proposition of law and the fact that in the impugned order dated 30.09.2024 wherein though the Ld. Lower Court had allowed the petition filed under

Section 311 Cr.P.C. but the same is without any reason and as such this Court is of the considered opinion that the approach of the Court to pass order without assigning any reason is completely unknown to the prevalent judicial system. Therefore, such order is not sustainable in the eye of law and as such the impugned order dated 30.09.2024 passed by Ld. Lower Court definitely requires interference.

10. Accordingly, the impugned order dated 30.09.2024 is hereby **set aside**. Further, the Ld. Lower Court is directed to pass order afresh in accordance with law after hearing the parties and preferably within two months of this order.

11. Consequently, this criminal revision is hereby **allowed** without order as to cost.

Ordered accordingly.

Sd/-
D.A.S.J.-VI
Jamui
Dated: 18.06.2026