

UPMT010035462025



**IN THE COURT OF SESSIONS JUDGE, MATHURA**

**Present- Vikash Kumar - I (H.J.S.)**

**Crl. Revision No. 214/2025**

**Ramji Lal S/o Late Shri Angad, Aged 70 years, R/o Gathauli, P.S. Govardhan, District - Mathura**

**.....Revisionist/Second Party**

***Versus***

**1. U.P. State through Ld. D.G.C. (Crl.), Mathura**  
**2. Chauhan Singh S/o Shri Bhamar Singh @ Bhaura, R/o Nagla Gathauli (Nagla Chamaraan) Bhag Gathauli, Tehsil & P.S. Govardhan, District - Mathura**

**.....Respondent/First Party**

**JUDGEMENT**

**1.** This Revision is preferred against the order dt. 25.02.2025 passed by the Sub Divisional Magistrate, Govardhan, District Mathura during the exercise of proceeding U/s 145/146 Criminal Procedure Code (for short "Cr.P.C.") in Case No. 167/2021 (Computerized Case No. T202101500600167) Chauhan Singh Vs. Ramji Lal, whereby application dated 24.09.2024 has been rejected without clarifying any reason.

**2.** Brief facts for the purpose of the present revision are that First Party moved an application dt. 15.10.2020 before the S.D.M., Govardhan, District Mathura mainly with averments that dispute regarding the share of 1/2 part of property in question i.e. Khata No. 127, Khasra No. 1294 अ, Area 0.33 Hectares situated at Mauja Gathauli, Tehsil Govardhan, District Mathura, is existed between Revisionist/Second Party and Respondent No.2/First Party and both contested parties belong to the same family. Further, the First Party Prayed for initiation of proceedings U/s 146 Cr.P.C. against Second Party. In this regard, a report was submitted by P.S. Highway, District Mathura that the Revisionist side occupied the residential tin shed of Respondent No. 2, which was a part of disputed land and in relation to vacate the said disputed property, proceedings U/Ss 107/116 Cr.P.C. and Section 151 Cr.P.C. against the Revisionist has already been issued. That regarding said disputed land, Inspector of P.S. concerned by means of its report prayed for issuing the proceedings U/s 145 Cr.P.C.

In view of above, the S.D.M., Tehsil Govardhan, District Mathura issued preliminary order dt. 19.11.2020, U/s 145(1) Cr.P.C. in the said matter.

**3.** The record of the concerned Magistrate discloses that against the aforesaid preliminary order, Revisionist/Second Party moved an application 04.01.2021 (filing dt. 08.01.2021) mainly with averments that the said order is not maintainable and the said order be recalled. Against the said application,

First Party/Respondent No. 2 filed objection and supported the aforesaid order passed U/s 145(1) Cr.P.C.

Thereafter, during the initiation of proceedings in the light of aforesaid order, Revisionist/Second Party again moved an application dt. 24.09.2024 mainly with averments that a Civil Suit regarding the disputed property, is pending before the Civil Court, Mathura, in which Amin Report has also been submitted. It is further submitted that the details of property in dispute are incorrect and the report of concerned P.S. is also not correct and a Civil Suit between both the contested parties, is pending before the Civil Court, Mathura, therefore, the notice issued U/s 145(1) Cr.P.C. be withdrawn and the proceedings of aforesaid order U/s 145(1) Cr.P.C. be closed.

Against the said application, First Party filed objection dated 26.11.2024 mainly with averments that P.S. and address of Revisionist, are wrongly mentioned in the application dt. 24.09.2024. That regarding the disputed land, an intense dispute existed between both the contested parties and there is strong possibility of breach of peace. That the report of P.S. concerned is correct. That revisionist has moved the said application on the same ground as taken in his earlier application dated 04.01.2021, therefore, in the interest of justice, the application dt. 24.09.2024 of Second Party be dismissed.

4. In the above context, after hearing both the parties and perusal of the aforesaid application and objection of both the contested parties, the concerned Magistrate found that the application 24.09.2024 is liable to be dismissed. Accordingly, vide impugned order dated 25.02.2025, the aforesaid application of revisionist has been rejected without mentioning any reason. Aggrieved with the said order, Revisionist/Second Party has preferred this revision.

5. In the grounds of revision, the Revisionist/Second Party has mainly stated that the impugned order is contrary to the provisions of law and passed without assigning any reason. That the facts of the application dated 24.09.2024 are that under sub-rule 5 of section 145 CrPC, the notice of section 145(1) Cr.P.C. issued against the Revisionist be withdrawn and as the civil case is already pending between both the contested parties, therefore, the said proceedings be closed and the report dt. 16.10.2020 of P.S. concerned be also rejected. That both the contested parties have filed their objections. That on 19.09.2020, the Ameen Report was filed in the Civil Suit No. 512/2020 Ramji Lal Vs. Chauhan Singhy, pending in the Court of Civil Judge (J.D.), Mathura. That according to the Ameen Report and site map, Revisionist is in possession of disputed property. That in the report of concerned P.S., Khasra number and area were not mentioned, then how was Khasra number 1294 अ, area 0.330 mentioned in the notice issued U/s 145(1) Cr.P.C. That Khasra number and Khata number are not correctly mentioned, therefore, the notice issued U/s 145(1) Cr.P.C. be withdrawn. That when a Civil Suit is pending before the Civil Court, proceedings under Section 145(1) Cr.P.C. cannot be conducted. That the the said order is not related to breach of peace. It concerns the ownership of the property, therefore, the report of P.S. concerned along with site map be rejected. That the concerned Magistrate passed the Order U/s 145(1) Cr.P.C. without considering the necessary facts of case. That Section 145 Cr.P.C. provides the provision for maintaining of peace not the determination of ownership of property. That in the report of concerned P.S., Khasra number and area were not mentioned, therefore, the said report is not reliable and it is liable to be rejected. That the Magistrate has passed the impugned order 25.02.2025 without

applying its mind and without considering all the facts of the application which is contrary to law. That the revisionist has relied upon the various legal citations of Hon'ble Supreme Court and Hon'ble High Courts. That since the Ameen Report is in favour of Revisionist, the Respondent No. 2 filed Suit No. 167/2021, U/s 145 Cr.P.C. before the S.D.M., Govardhan, District Mathura. That the impugned order is perverse and against the provisions of law and the Court of S.D.M. has wrongly exercised the jurisdiction vested in it. The impugned order is passed without mentioning any reason. On the above grounds, prayer is made to allow the said revision and set aside the impugned order.

**6.** Respondent No. 2/First Party while supporting the impugned order in their objection paper No. 14(kha) mainly stated that the First Party/Respondent No. 2 is the registered partner of 1/2 share of disputed land i.e. Khatauni No. 117, Khasra No. 1294 ँ, area 0.033 hectare situated at Mouza Gathauli, Tehsil Govardhan, District Mathura. That the said property is marked as private inhabited land and is being used as private land. That Revisionist and his sons Gyaasi, Mahendra and Charan Singh were trying to forcibly occupy the share of the Respondent No. 2. In this regard, he registered complaint at P.S. Govardhan and to the S.S.P., Mathura, on which the concerned police took action against the Revisionist and his sons U/Ss 107/116 and 151 Cr.P.C. That on 14.10.2020 at about 04:00 p.m., Revisionist & his sons, assembled unlawfully armed with weapons and forcibly tried to take illegal possession of the Respondent No.2/First Party's share of disputed land. Thereafter, on 15.10.2020, he filed application before the S.D.M. concerned and made prayer for initiating the proceeding U/s 145 Cr.P.C. and also prayed for attachment of the disputed land. That in the said suit, Respondent No. 2 has submitted his evidence whereas the Revisionist has not submitted any evidence. That Ld. Magistrate provided last opportunities for two times but revisionist has not submitted his evidence and thereafter, the opportunity of revisionist was closed and the file was fixed for hearing. That on the basis of wrong facts, the Revisionist filed a suit before the District Magistrate, Mathura for transferring the said suit to some other court, which was also dismissed by the District Magistrate, Mathura. That this revision is filed on the basis of false facts, which is liable to be dismissed. That in the Civil Suit No. 512/2020, pending before the Civil Judge (J.D.), Mathura, no evidence has been submitted by the Revisionist. That Revisionist has filed the revisions etc. with intention to linger on the proceedings of the said case. On the above grounds, prayer is made to dismiss the revision.

**7.** Heard the Ld. Counsels of revisionist and respondent No. 2 as well as Ld. D.G.C. (Crl.) for respondent No. 1.

**8.** The Ld. Counsel of Revisionist has advanced his arguments in the light of averments taken in revision and further he has mainly submitted that vide impugned order 25.02.2025, application dated 24.09.2024 of Revisionist/ Second Party has been dismissed by the S.D.M. in Suit No. 00167/2021 "without mentioning any reason". That regarding the disputed land, a Civil Suit is pending before the Court of Civil Judge (J.D.), Mathura, in which the possession of Revisionist has been proved by Ameen Report and in the Report of P.S. concerned, the details related to disputed property are not mentioned, therefore, in such circumstances, the proceedings U/Ss 145/146 Cr.P.C. be closed. Regarding the proceeding U/Ss 145/146 Cr.P.C., Ld. Counsel has relied upon the various legal citations propounded by Hon'ble Supreme Court and

Hon'ble High Court. That Magistrate has dismissed the application 24.09.2024 of Revisionist by stating that "उक्त प्रार्थना पत्र खारिज होने योग्य है। अतः उक्त प्रार्थनापत्र खारिज किया जाता है।". That there is no reason has been mentioned in the impugned for rejecting the said application of revisionist. Therefore, the Ld. Counsel has prayed to allow the Revision and setaside the impugned order.

Per contra, Ld. Counsel for the Respondent No. 2 has vehemently opposed the arguments of the Revisionist side and advanced his arguments in the light of averments taken in his Objection paper No. 14kha and prayed to dismissed the said revision.

Ld. D.G.C. (Crl.) while supporting the impugned order categorically stated that there was intense dispute existed between Revisionist/Second Party and Respondent No.2/First Party on the question of possession of disputed land, therefore, the S.D.M. has passed the impugned order as per law after considering all the facts of the case.

9. The record shows that in the present matter, proceedings under Sections 145/146 Cr.P.C. were initiated regarding the possession over the disputed land (details as mentioned above). Thereafter, regarding the maintainability of the order passed U/s 145(1) Cr.P.C., the revisionist filed objections/applications dated 04.01.2021 & 24.09.2024 and material documents before the Court of S.D.M. Thereafter, vide impugned order dated 25.02.2025, S.D.M. concerned has rejected the application dated 24.09.2024 of revisionist. However, the impugned order does not contain proper discussion, reasoning, or analysis of the material placed on record. Accordingly, the impugned order is under challenge through this revision.

10. Now, reverting to the impugned order to analyse whether impugned order is passed contrary to the provisions of law as claimed by Revisionists or the said order is passed as per law as pressed by Respondent side.

For determining the said point, we have to peruse the impugned order dated 25.02.2025 that whether it is “**non-speaking and unreason**” ?

The perusal of impugned order reveals that the application dt. 24.06.2024 of revisionist was rejected only by stating that "उक्त प्रार्थना पत्र खारिज होने योग्य है। अतः उक्त प्रार्थनापत्र खारिज किया जाता है।" In the impugned, the concerned Magistrate has not discussed about the pleadings of the parties, documents on record, evidence or submissions. The concerned Magister has also not discussed the reason as to why the application dated 24.09.2024 was rejected and how the findings were arrived at. The order merely records conclusions without supporting reasons. Such an order clearly reflects non-application of mind, mechanical exercise of jurisdiction and also violation of settled legal principles. Hence, it is apparent that the said order falls under the category of “**non-speaking and unreason**”.

11. Now, it will also be relevant to consider the fact that whether the impugned order is liable to be set aside for being a “non-speaking and unreason order”?

12. In this context, it is settled principle of law that every judicial or quasi-judicial order must be a “reasoned and speaking order”. Recording of reasons is an essential facet of natural justice. The Hon'ble Supreme Court has categorically held that the practice of passing orders “without reasons must be discourage” and such orders are liable to be set aside. The courts are under a

legal obligation to pass “speaking and reasoned orders” failing which such orders cannot be sustained.

**13.** In the matter of **Prem Kishore Vs. State of U.P. & Ors. 2015 (3) JIC 904 (All)**, Hon’ble High Court while referring the principle laid down by Hon’ble Supreme Court in the case of **Ashok Kumar V. State of Uttrakhand, 2013 (80) ACC 599 (SC)**, in which during the discussion of provisions of Sections 145/146 Cr.P.C., Hon’ble Court also held that **“the order passed during the exercise of Section 145/146 Cr.P.C., it must be reasoned and speaking.”**

**14.** In view of the above discussion, this Court is opined that the impugned order dated 25.02.2025 is a non-speaking, passed without assigning any reasons, and therefore suffers from illegality and material irregularity. Accordingly, the Revision is liable to be allowed and the impugned order passed by the S.D.M, Tehsil Govardhan, District Mathura is liable to be set aside.

### **ORDER**

The Revision is allowed and impugned order is set aside. The trial Court is directed to proceed in the matter strictly as per provisions of law, legal principles and observations made in this judgement.

A copy of this judgement and order along with record of trial Court be transmitted to the Court concerned. Parties to appear before the trial Court on 16.04.2026 to seek further necessary directions/proceedings.

Dated: 06.04.2026

**(Vikas Kumar - I)**  
Sessions Judge, Mathura  
I.D. No. UP 1910

This Judgement signed, dated and pronounced by me, in open Court today.

Dated: 06.04.2026

**(Vikas Kumar - I)**  
Sessions Judge, Mathura  
I.D. No. UP 1910

Virendra Tripathi  
Steno