

Court No. - 87

Case :- APPLICATION U/S 482 No. - 35985 of 2023

Applicant :- Sukhveer Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rakesh Kumar Srivastava, Ashutosh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicant and learned AGA for the State.

2. The present application under section 482 Cr.P.C. has been filed for quashing the order dated 3.7.2023 and order dated 21.7.2023 passed by Special Court, 138 of N.I. Act, Gautam Budh Nagar in Complaint Case No. 1604 of 2015 as well as order dated 17.8.2023 passed by Sessions Judge, Gautam Budh Nagar in Criminal Misc. 507 of 2023.

3. Learned counsel for the applicant submitted that earlier opposite party no.2 has filed complaint under Section 138 of N.I. Act on 1.6.2015, which was registered as Complaint Case No. 1604 of 2015 later on, number of said complaint was changed as Complaint Case No. 81 of 2022. After lapse of seven years, opposite party no.2 has filed an application for producing additional document upon which applicant has filed an objection on 10.7.2023, which was rejected and application was allowed vide order dated 21.7.2023 by non-speaking order. Against that, he has preferred revision, which was also rejected vide order dated 17.8.2023 on the ground of maintainability. He firmly submitted that once the application has been filed after seven years upon which objection was also filed by applicant, learned trial Court while rejecting the objection, must have recorded reasons, which is missing in the present case, therefore, order is bad and liable to be set aside.

4. Learned AGA for the State could not dispute the fact that impugned order is having no reasons and non speaking order.

5. I have considered the rival submissions advanced by the learned counsel for the parties and perused the record as well as impugned

orders. From perusal of the impugned order, it is apparently clear that order is having no reasons as to why application filed by opposite party no.2 with delay of seven years has been allowed.

6. Therefore, under such facts and circumstances of the case, impugned orders dated 21.7.2023 and 17.8.2023 are hereby quashed and application is **allowed**. Matter is remanded back to learned trial Court to pass fresh order in accordance with law within a period of four weeks from the date of production of certified copy of this order.

7. After going through the impugned orders, this Court has no option, but to observe that impugned order dated 21.7.2023 and many other orders on order sheet are hand written, which are absolutely illegible. This is sorrow state of affairs, in fact, Court is not in a position to properly read the order, therefore, this Court warns and direct the concerned Judicial Officer to write legible orders on order sheet, in case hand written.

Order Date :- 7.12.2023

Junaid