

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.884 of 2015

Maadhapan @ Raja

.. Petitioner/Defacto Complainant.

vs

The Inspector of Police
Palacode Police Station
Dharmapuri District.

.. Respondent/Respondent.

Criminal Revision case filed under Sections 397 r/w 401 of Cr.P.C. against the order dated 28.05.2015 passed by the learned Judicial Magistrate, Palacode in Crime No.315 of 2013.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.Mohd.Riyaz
Government Advocate
(Crl.side)

ORDER

This Criminal Revision case has been filed as against the order dated 28.05.2015 passed by the learned Judicial Magistrate, Palacode in closing the petition filed by the petitioner in Crime No.315 of 2013.

2. Learned counsel for the petitioner would submit that the learned Magistrate has not given any valid reason for closing the petition filed by the petitioner and he has passed a cryptic order.

3. Learned Government Advocate (Criminal side) would also submit that the Court below has not given any reason for closing the petition filed by the petitioner and it has only stated that notice was served on the defacto complainant and after hearing his objection, the FIR is closed.

4. Heard both sides and perused the order passed by the Court below, which is cryptic in nature.

5. At this juncture, it is relevant to refer to the decision of the Hon'ble Supreme Court reported in (2010) 3 SCC 732 (Secretary and Curator, Victoria Memorial Hall vs. Howrah Ganatantrik Nagrik Samity and others) wherein it is held as follows:-

"41. Reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same, it becomes lifeless. Reasons substitute subjectivity by objectivity. Absence of reasons render the order indefensible/unsustainable particularly when the order is subject to further challenge before a higher forum (vide Raj Kishore Jha vs. State of Bihar, SCC p.527, para 19; Vishnu Dev Sharma vs. State of UP; SAIL v. STO, State of Uttanchal vs. Sunil Kumar Singh Negi, U.P. SRTC vs. Jagdish Prasad Gupta, Ram Phal vs. State of Haryana, Mohd Yusuf vs. Faij Mohammad and State of H.P. vs. Sada Ram)

1. Thus, it is evident that the recording of reasons is a principle of natural justice and every judicial order must be supported by reasons recorded in writing. It ensures transparency and fairness in decision making. The person who is adversely affected may know, as to why his application has been rejected."

6. It is evident from the aforesaid decision of the Hon'ble Supreme Court that every judicial order must be supported by reasons, recorded in writing, because such reasons recorded in writing ensures transparency and fairness in decision making. In this background, when the impugned order is looked into, the Court below has not assigned any reasons for closing the complaint filed by the petitioner.

7. Hence, without expressing any opinion on the merits of the case, suffice to state that the Court below shall consider afresh and pass a detailed order on merits, giving reasons, after affording opportunity to both sides.

8. In the result, this Criminal Revision Case is allowed. The order dated 28.05.2015 passed in Crime No.315 of 2013 on the file of the learned Judicial Magistrate, Palacode is set aside and the matter is remitted back to the Court below, which in turn, shall

issue fresh notice to the concerned parties and after affording an opportunity of hearing to both parties, shall decide the matter afresh and pass orders, on merits and in accordance with law, as expeditiously as possible.

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s/d-
Assistant Registrar(J)

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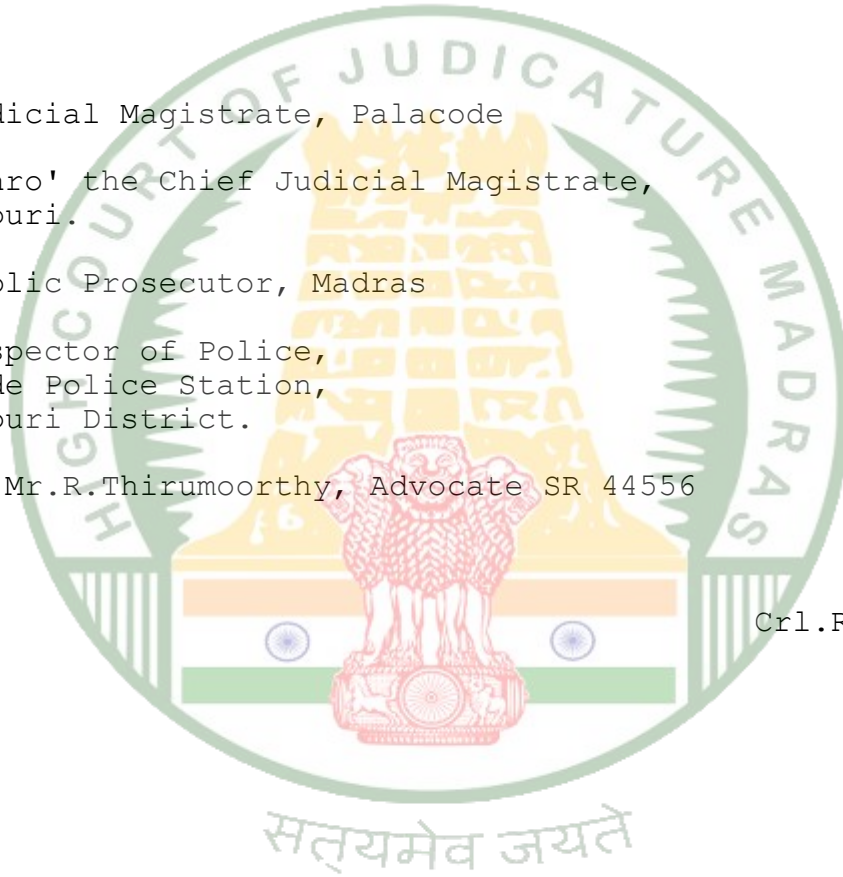
Sub-Assistant Registrar

To

1. The Judicial Magistrate, Palacode
 2. -do- thro' the Chief Judicial Magistrate, Dharmapuri.
 3. The Public Prosecutor, Madras
 4. The Inspector of Police, Palacode Police Station, Dharmapuri District.
- + 1 cc to Mr.R.Thirumoorthy, Advocate SR 44556

sr(co)
prk8/9

Crl.RC.No.884 of 2015



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