

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 628 OF 2016

Santosh Balasaheb Kale

.....Petitioner

V/s.

Madhav Babasaheb Mate and others

....Respondents

Mr. S. S. Salunkhe Advocate for Petitioner.

Mr. A. R. Patil APP for the State.

CORAM : RAVINDRA V. GHUGE, J.

DATED : JULY 4, 2016.

PC :

- 1) Heard respective counsel.
- 2) Rule. Rule made returnable forthwith with the consent of the parties.
- 3) The Petitioner is aggrieved by the order dated 27/01/2016 passed by the learned Additional Sessions Judge, Barshi below Application Exhibit 38 in Sessions Case No. 118 of 2014.
- 4) The learned Advocate for the Petitioner submits that by the said application, it was prayed that Respondent no. 2 herein be added as an accused in the case. The grievance is that the said application has been rejected by a cryptic order. It does not reflect application of mind and it does not indicate the reasons as to why the Court has rejected the said application

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even without issuing notice to Mrs. Archana Santosh Kale.

5) The learned APP has appeared on behalf of the State. He submits that the impugned order calls for no interference. He, however is not in a position to contend that an unreasoned order could be passed by the Court.

6) I have considered the submissions of the learned Advocates.

7) The impugned order dated 27/01/2016 reads as under:

*“Perused. Heard.
Being devoid of merits rejected”.*

8) It is Trite Law that any Judicial order or even for that reason a quasi-judicial order ought to be reasoned and should indicate that the material on record has been considered and upon due consideration, the application is allowed or rejected with reasons. An unreasoned order of the nature as like the impugned order, cannot be appreciated.

9) I am not issuing notice to Respondent nos. 1 and 2, considering the fact that the application was filed for seeking addition of parties and the Respondent/accused is in no way concerned with the said application. Since the same has been rejected without even hearing the other side, this petition deserves to be allowed.

10) In the light of the above this Criminal Writ Petition is partly allowed.

- 11) The impugned order dated 27/01/2016 passed by the Addl. Sessions Judge, Barshi is quashed and set aside. Application Exhibit 38 is remitted to the learned Addl. Sessions Judge, Barshi in Sessions Case No. 118 of 2014 for re-hearing.
- 12) Needless to state, it is expected that the learned Court would decide the said application by passing a reasoned order.
- 13) Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)