

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23603 of 2015

Arising Out of PS. Case No.-567 Year-2013 Thana- SAHARSA SADAR District- Saharsa

Anwar Jahan wife of Fahim Ahmad Khan, Resident of village- Gonapur, P.S.
Fulwari sharif, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 13-02-2023 This application has been filed for quashing the order dated 16.04.2015 passed by the learned Judicial Magistrate, 1st Class, Saharsa in G.R. Case No.2403 of 2013, arising out of Saharsa Sadar P.S. Case No. 567 of 2023 by which the learned Magistrate has rejected the discharge petition filed by the petitioner.

This case is being disposed of on the limited ground that the impugned order dated 16.04.2015 by which the application for discharge has been rejected is a five line order and no reasons have been assigned in the impugned order dated for rejecting the discharge application of the petitioner.

Learned counsel for the petitioner submits that any order which is non-speaking is no order in the eye of law.

Learned counsel for the State and the opposite



party no.2 have opposed the prayer of the petitioner but they have not been able to deny the fact that the impugned order rejecting discharge application is a five line order and without any reasons.

Having considered the submissions of the parties and after having gone through the order dated 16.04.2015, it appears that the same is cryptic and non-speaking order. Hence the order dated 16.04.2015 passed by the learned Judicial Magistrate, 1st Class, Saharsa is quashed. The matter is remitted back to the Court below, who will pass a fresh order in accordance with law after hearing the parties.

With the aforesaid observations and directions this quashing application is allowed.

(Sandeep Kumar, J)

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