

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2153 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Nandkishore Pandey Son of Late Raja Pandey, Resident of Mohalla Gayatri Nagar, Police Station- Motihari Town District East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary General And Administrative Department, Governmen
2. The District Magistrate, East Champaran, Motihari.
3. The Sub Divisional Magistrate Sadar, Motihari, District East Champaran.
4. The Executive Officer, Nagar Parishad, East Champaran, Motihari.
5. Sri Shashi Kumar Mishra, Son of Late Fuldeo Mishra, Resident of Mohalla Gayatri Nagar, P.O.- Motihari, P.S. Motihari Town, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kr. Singh, Advocate Mr. Virendra Kuar, Advocate
For the Respondent No. 4	:	Mr. Surendra Prasad, Advocate
For the Respondent No. 5	:	Mr. Sunil Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 20-02-2023 Heard the parties.

This petition has been filed on behalf of the petitioner for quashing the order dated 13.01.2016 passed by Additional Sessions Judge, 13th , East Champaran, Motihari in Cr. Revision No. 193 of 2014 and for quashing the order dated 15.07.2014 passed by Sub-Divisional Magistrate, Sadar, Motihari in Case No. 1232 M of 2014.

Neither the original order dated 15.07.2014 passed by the Sub-Divisional, Magistrate Sadar, Motihari in Case No. 1232 M of 2014 under Section 133 of the Cr.P.C. nor in the



Revisional Order dated 13.01.2016 passed by the Additional Session Judge 13th, East Champaran at Motihari, the case of the parties have been discussed by the Magistrate or the Revisional Court.

It has been argued by the learned counsel for the petitioner that both the original order dated 15.07.2014 and Revisional Order dated 13.01.2016 are bad in law as they are non-speaking orders and the case of the petitioner has not been considered in the operative portion of both the orders and it is settled law that a non-speaking order is no order in the eye of law.

Learned counsel for the OP No. 2 and the State have not been able to defend the orders on this legal submission.

In view of the above, the orders dated 13.01.2016 passed by Additional Sessions Judge, 13th, East Champaran, Motihari in Cr. Revision No. 193 of 2014 and the order dated 15.07.2014 passed by Sub-Divisional Magistrate, Sadar, Motihari in Case No. 1232 M of 2014 are hereby quashed.

(Sandeep Kumar, J)

Shishir/Vikas

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