

25.11.2024  
Serial no.DL/14  
Asraf  
Ct. No. 30

**IN THE HIGH COURT AT CALCUTTA**  
**CRIMINAL REVISIONAL JURISDICTION**  
**APPELLATE SIDE**

**CRR 857 of 2023**

**PIYUSH JAIN**  
**VS.**  
**THE STATE OF WEST BENGAL & ANR.**

Mr. Uday Sankar Chattopadhyay  
Ms. Trisha Rakshit  
Ms. Bidisha Chakraborty  
**.....for the Petitioner**

Mr. Debasish Roy, Ld. Public Prosecutor  
Mr. Imran Ali  
Mrs. Debjani Sahu  
**.....for the State**

Mr. Souvik Mitar  
Mr. Avik Ghatak  
Mr. Amit Ranjan Pati  
**.....for the Opposite Party No.2**

**1.** The present revisional application has been preferred praying for quashing of the impugned order dated December 9, 2022 passed by the learned Chief Judicial Magistrate, Paschim Bardhaman in GR case no.1603 of 2022 arising out of Raniganj PS case no.285 of 2022 dated May 14, 2022 under Section 406 of the Indian Penal Code (IPC).

**2. By the said order under revision, the learned Chief Judicial Magistrate passed the following order :-**

**"09.12.22**  
*Case record is put up today.*

*Defacto complainant Kanika Jain filing for Narazi petition.*

***Heard submission of the defacto complainant. Considered. Inspector-in-charge Raniganj PS is directed to depute another I.O. in the rank of SI for further investigation of this case and to report.***

***Sd/-  
CJM***

3. It appears from the said order that the direction for further investigation has been passed without recording any reasons as to why a further investigation was required.

4. In ***State Project Director U.P. Education for All Project Board & Ors. Vs. Saroj Maurya & Ors., in Civil Appeal No. 3465 of 2023, decided on 21<sup>st</sup> August, 2024***, the Supreme Court held:-

***“3. We are of the opinion that in the absence of any reasoning in the impugned judgment, the same cannot be sustained. In this regard, we are benefitted by the following observations made by this Court in CCT v. Shukla & Bros., (2010) 4 SCC 785. The relevant paragraphs of the judgment are extracted hereinbelow: -***

***“23. We are not venturing to comment upon the correctness or otherwise of the contentions of law raised before the High Court in the present petition, but it was certainly expected of the High Court to record some kind of reasons for rejecting the revision petition filed by the Department at the very threshold. A litigant has a legitimate expectation of knowing reasons for rejection of his claim/prayer. It is then alone, that a party would be in a position to challenge the order on appropriate grounds. Besides, this would be for the benefit of the higher or the appellate court. As arguments bring things hidden and obscure to the light of reasons, reasoned judgment where the law and factual matrix of the case is discussed,***

**provides lucidity and foundation for conclusions or exercise of judicial discretion by the courts.**

**24. Reason is the very life of law. When the reason of a law once ceases, the law itself generally ceases (Wharton's Law Lexicon). Such is the significance of reasoning in any rule of law. Giving reasons furthers the cause of justice as well as avoids uncertainty. As a matter of fact it helps in the observance of law of precedent. Absence of reasons on the contrary essentially introduces an element of uncertainty, dissatisfaction and give entirely** different dimensions to the questions of law raised before the higher/appellate courts. In our view, the court should provide its own grounds and reasons for rejecting claim/prayer of a party whether at the very threshold i.e. at admission stage or after regular hearing, howsoever concise they may be.

25. We would reiterate the principle that when reasons are announced and can be weighed, the public can have assurance that process of correction is in place and working. It is the requirement of law that correction process of judgments should not only appear to be implemented but also seem to have been properly implemented. Reasons for an order would ensure and enhance public confidence and would provide due satisfaction to the consumer of justice under our justice dispensation system. It may not be very correct in law to say, that there is a qualified duty imposed upon the courts to record reasons.

26. Our procedural law and the established practice, in fact, imposes unqualified obligation upon the courts to record reasons. There is hardly any statutory provision under the Income Tax Act or under the Constitution itself requiring recording of reasons in the judgments but it is no more res integra and stands unequivocally settled by different judgments of this Court holding that the courts and tribunals are required to pass reasoned judgments/orders. In fact, Order 14 Rule 2 read with Order 20 Rule 1 of the Code of Civil Procedure requires that, the court should record findings on each issue and such findings which obviously should be reasoned

*would form part of the judgment, which in turn would be the basis for writing a decree of the court.*

*27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. [1974 ICR 120 (NIRC)] there are apt observations in this regard to say "failure to give reasons amounts to denial of justice". Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove."*

5. Thus the order of the learned Magistrate clearly suffers from inherent defects being not a reasoned order and permitting such an order to remain, shall be an abuse of process of law.
6. **Accordingly, in the interest of justice, the order dated December 9, 2022 passed by the learned Chief Judicial Magistrate, Paschim Bardhaman in GR case no.1603 of 2022 arising out of Raniganj PS case no.285 of 2022 dated May 14, 2022 under Section 406 of the Indian Penal Code (IPC), is hereby set aside.**
7. **The learned Magistrate is directed to hear the 'Narazi' petition afresh** considering the documents

filed before this Court by the petitioner relating to her stridhan articles and on considering the said materials and giving an opportunity of hearing to both sides shall decide the Narazi petition by **passing a reasoned order within a period of two months** from the date of this order.

- 8. The instant revisional application being CRR 857 of 2023 is thus disposed of.**
- 9.** All applications connected thereto, if any, stand disposed of.
- 10.** Interim order, if any, stands vacated.
- 11.** Let a copy of this order be sent to the learned Trial Court for compliance.
- 12.** Urgent photostat certified copy of this order, if applied for, be supplied to the parties as expeditiously as possible after compliance of legal formalities.

**[Shampa Dutt (Paul), J.]**