

(2008) 12 AHC CK 0155
In the Allahabad High Court

Kuldeep Sharma	Vs	APPELLANT
State of U.P.and Others		RESPONDENT

Date of Decision : 15-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0155

Hon'ble Judges : A.K.Roopanwal, J

Final Decision : Allowed

Judgement

A.K. Roopanwal, J.

This petition under Section 482, Cr.P.C. has been moved by the complainant of the case against the order dated 9.4.08 passed by the Special Judge (DAA), Jhansi whereby the protest petition was rejected and the final report submitted by the police was accepted.

Heard Mr. S.P. Sharma, learned counsel for the applicant, learned AGA and perused the record.

Mr. Sharma argued that the order impugned in this petition is an unreasoned order and should not be allowed to stand.

A look at the order dated 9.4.08 would reveal that the learned Judge concluded the matter just by saying that as the I.O. had recorded the statements there was no necessity for further investigation. He further wrote that protest petition is liable to be rejected.

There is no necessity to say that the order passed by a Judicial Authority must be supported by reasons and the order impugned here does not satisfy this parameter. Therefore, petition is allowed. Order dated 9.4.08 is set aside. The matter is remanded back to the concerned court with an expectation that the court shall pass a reasoned order regarding the matter before it.