

## Laxman Sah Vs State Of Bihar

**Court:** Patna High Court

**Date of Decision:** April 17, 2023

**Acts Referred:** Code Of Criminal Procedure, 1973 " Section 145

**Hon'ble Judges:** Dr. Anshuman, J

**Bench:** Single Bench

**Advocate:** Shally Kumari, Dilip Kumar, Milind Kumar Mishra

**Final Decision:** Allowed

### Judgement

Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the opposite party No.2.

The present Cr. Revision Application has been filed against the order dated 04.01.2016 passed by Sub-Divisional Officer, Nakatiaganj in Case No.

1314 of 2012, by which, proceeding under Section 145 of Cr.P.C. has been decided in favour of first party/opposite party No.2.

Learned counsel for the petitioner submits that from the contents of order sheet, it transpires that both the parties have submitted their pleadings on

record as well as adduced their evidences, first party adduced six evidences and second party adduced four evidences. It also transpires from the

record that examination, cross-examination and documents were also produced from the parties but the trial court prior to deciding the case in favour

of anyone, has not discussed a single oral witness in this case. Such type of finding is absolutely perverse and without application of mind.

Learned counsel for the opposite party No.2 submits that there is a finding of the court, because court had discussed that he reached on the conclusion

after going through the entire records.

It transpires to this Court that passing such type of order is basically an administrative order. The officer i.e. Sub-Divisional Officer, Nakatiaganj may

holding the executive post but at the time of deciding the proceeding under Section 145 of Cr.P.C. he is a quasi-judicial authority and suppose to pass a

judicial order and not an administrative order. It is well established that judicial order is the order which is based upon the reasonings on the basis of

materials on record and with full discussion which are absolute lacking in this case.

In this view of the matter, the order dated 04.01.2016 passed by Sub-Divisional Officer, Nakatiaganj in Case No. 1314 of 2012 is set-aside and

remand back the matter before trial court who shall decided the case afresh on the basis of pleadings and documents on record.

With this direction, the present Cr. Revision Application stands allowed.