



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 3378/2026
CNR: RJHC010403732026 | URN: CRLMP / 6049U / 2026

Rajendra Kumar @ Surajmal S/o Nemichand, Aged About 53
Years, R/o Gorva Bera,sojat City, Police Station Sojat City, tehsil
Sojat, Dist. Pali. (Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Jeevaram S/o Dhanaram, R/o Sojat City, Dist. Pali.

-----Respondents

For Petitioner(s) : Mr. M.S. Purohit
For Respondent(s) : Mr. Sameer Pareek, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

24/07/2026

Reportable

1. The present Criminal Miscellaneous Petition has been filed by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the order dated 19.03.2026 passed by the learned Additional Chief Judicial Magistrate, Sojat, District Pali, in Case No. 291/2025 arising out of FIR No. 381/2023 registered at Police Station Sojat City, District Pali, for the offences punishable under Sections 420, 466, 467, 468 and 120-B of the Indian Penal Code, 1860.

2. Learned counsel for the petitioner has laid challenge to the order dated 19.03.2026, contending that after completion of investigation, a negative final report came to be filed by the investigating agency. Thereafter, the complainant preferred an application seeking further investigation and the learned magistrate, while exercising powers under Section 173(8) Cr.P.C.,



directed further investigation by prescribing the manner in which such investigation was to be undertaken. Learned counsel submits that although the magistrate is empowered to direct further investigation, it is well settled that the Court cannot direct the investigating agency to conduct the investigation in a particular or point-wise manner, as the mode and manner of investigation lies exclusively within the domain of the investigating agency. It is thus submitted that the impugned order, to the extent it directs point-wise investigation, deserves to be quashed and set aside.

3. Learned counsel has further placed reliance upon the judgment passed by a Co-ordinate Bench of this Court in ***Smt. Prabhat Kanwar Vs. State of Rajasthan & Ors. (S.B. CRLMP No.1298/2017)***, as also the subsequent judgments rendered by this Court in ***Bhawar Lal & Anr. Vs. State of Rajasthan (S.B. CRLMP No.10598/2025)*** and ***Mahaveer Vs. State of Rajasthan (S.B. CRLMP No.7453/2025)***.

4. Per contra, learned public prosecutor has vehemently opposed the petition and submits that the learned magistrate has not directed point-wise investigation, but has merely directed further investigation after assigning reasons for not accepting the negative final report. It is submitted that the impugned order is a reasoned and speaking order and no interference is warranted.

5. This Court has considered the submissions advanced by learned counsel for the parties and has carefully gone through the impugned order dated 19.03.2026.



6. At the outset, it may be noticed that the law regarding the scope of powers exercisable by the magistrate under Section 173(8) Cr.P.C.(now section 193(9) BNSS) is no longer *res integra*. It is well settled that while the magistrate is empowered to decline acceptance of a final report and direct further investigation, the manner in which such investigation is to be conducted remains within the exclusive domain of the investigating agency. Investigation of a cognizable offence is a statutory function entrusted to the police under Chapter XII of the Cr.P.C (now Chapter XIII of BNSS) and the Court cannot ordinarily supervise or dictate the manner in which such investigation is to be carried out. The Court may require further investigation where circumstances so warrant, but it cannot direct the investigating officer to collect a particular piece of evidence, adopt a particular mode of investigation or submit a report in a particular manner.

7. The Hon'ble Supreme Court in ***M.C. Abraham & Anr. Vs. State of Maharashtra & Ors., (2003) 2 SCC 649***, has categorically held that investigation of an offence is the field exclusively reserved for the executive through the police department and though the Magistrate may order further investigation, he cannot direct the investigating agency to submit a report in accordance with his own views. Similar principles have been reiterated in ***State of Uttar Pradesh Vs. Aman Mittal & Anr., (2019) 19 SCC 740*** as well as ***Manohar Lal Sharma Vs. Principal Secretary, (2014) 2 SCC 532***, wherein it has been held that while the Court may monitor the progress of



investigation, it cannot supervise or dictate the manner in which investigation is to be undertaken.

8. This Court in **Bhawar Lal & Anr. State of Rajasthan (supra)** as well as the coordinate bench in **Mahaveer Vs. State of Rajasthan (supra)**, after an elaborate consideration of the statutory scheme and the judgments of the Hon'ble Supreme Court, has held that while the Court may direct further investigation, the method and manner of investigation is left entirely to the discretion of the investigating agency and any judicial direction prescribing the mode of investigation would amount to unwarranted interference with the statutory powers of the investigating officer.

9. Although the principle laid down by the Hon'ble Apex Court, as also by this Court is not in dispute and continues to hold the field, the same has to be appreciated in the backdrop of the equally well settled principle that every judicial order must disclose due application of mind and must be supported by reasons. The requirement of recording reasons assumes particular significance where the Court is called upon to exercise its judicial discretion, as the reasons must disclose the basis on which such discretion has been exercised. The necessity of recording reasons in judicial orders is a settled principle of law and has been reiterated by the Hon'ble Supreme Court in several decisions. In this regard, reference may be made to the judgment of the Hon'ble Supreme Court in **Anil Kumar v. M.K. Aiyappa**, reported in **(2013) 10 SCC 705**, wherein, while considering an order



passed by the learned Magistrate under Section 156(3) Cr.P.C., the Hon'ble Supreme Court observed as under:-

"8. We may first examine whether the Magistrate, while exercising his powers under [Section 156\(3\)](#) Cr.P.C., could act in a mechanical or casual manner and go on with the complaint after getting the report. The scope of the above mentioned provision came up for consideration before this Court in several cases. This Court in [Maksud Saiyed](#) case (supra) examined the requirement of the application of mind by the Magistrate before exercising jurisdiction under Section 156(3) and held that where a jurisdiction is exercised on a complaint filed in terms of Section 156(3) or [Section 200](#) Cr.P.C., the Magistrate is required to apply his mind, in such a case, the Special Judge/Magistrate cannot refer the matter under Section 156(3) against a public servant without a valid sanction order. The application of mind by the Magistrate should be reflected in the order. The mere statement that he has gone through the complaint, documents and heard the complainant, as such, as reflected in the order, will not be sufficient. After going through the complaint, documents and hearing the complainant, what weighed with the Magistrate to order investigation under [Section 156\(3\)](#) Cr.P.C., should be reflected in the order, though a detailed expression of his views is neither required nor warranted. We have already extracted the order passed by the learned Special Judge which, in our view, has stated no reasons for ordering investigation."

10. The aforesaid principles laid down in ***Anil Kumar (supra)*** were again considered and relied upon by the Hon'ble Apex Court in ***Ramdev Food Products Private Limited v. State of Gujarat is (2015) 6 SCC 439.***

11. The Hon'ble Supreme Court, in ***Kranti Associates (P) Ltd. v. Masood Ahmed Khan, (2010) 9 SCC 496***, after considering the earlier judicial pronouncements on the necessity of recording reasons by courts, quasi-judicial authorities and even administrative authorities, succinctly summarised the governing principles in paragraph 47 of the judgment as under:

"**47.** Summarising the above discussion, this Court holds:

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.





(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in *Defence of Judicial Candor* [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See *Ruiz Torija v. Spain* [(1994) 19 EHRR 553] EHRR, at 562 para 29 and *Anyu v. University of Oxford* [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires,

"adequate and intelligent reasons must be given for judicial decisions".

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process".

12. The principles summarised by the Hon'ble Apex Court in ***Kranti Associates (supra)*** were further reiterated in ***M/S Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (2021) 19 SCC 401***, while considering the powers of the High Court in passing interim orders during the exercise of its inherent



powers under Section 482 CrPC and/or Article 226 of the Constitution of India.

13. The Hon'ble Supreme Court, in ***Raj Kishore Jha v. State of Bihar & Ors., (2003) 11 SCC 519***, has emphasised the indispensable requirement of recording reasons while rendering a judicial conclusion and observed that "***reason is the heartbeat of every conclusion***" and in the absence thereof, the conclusion becomes lifeless.

14. The aforesaid principle was also reiterated by the Hon'ble Supreme Court in ***Ramkrishna Forgings Limited v. Ravindra Loonkar, Resolution Professional of ACIL Limited & Anr., (2024) 2 SCC 122***. The said judgment is apposite to the issue under consideration, wherein the Hon'ble Apex Court reiterated that a Court or quasi-judicial authority is required to record reasons for its decision.

39. In the recent past, from *Kranti Associates (P) Ltd v. Masood Ahmed Khan* [Kranti Associates (P) Ltd. v. Masood Ahmed Khan, (2010) 9 SCC 496 : (2010) 3 SCC (Civ) 852] to *Manoj Kumar Khokhar v. State of Rajasthan* [Manoj Kumar Khokhar v.State of Rajasthan, (2022) 3 SCC 501 : (2022) 2 SCC (Cri) 1] , the clear position in law is that a court or even a quasi-judicial authority has a duty to record reasons for its decision. Needless to add, "Reason is the heartbeat of every conclusion. Without the same, it becomes lifeless." [*Raj Kishore Jha v. State of Bihar*, (2003) 11 SCC 519 : 2004 SCC (Cri) 212] That apart, the order of NCLT dated 1-9-2021 [*IDBI Bank Ltd.v. ACIL Ltd., 2021 SCC OnLine NCLT 30896*] suffers from a jurisdictional error, as in the facts that prevailed, it was not entitled to pass the direction that it did.

15. In view of the aforesaid settled position, this Court finds that while dealing with an application, the learned magistrate is required to apply his judicial mind to the issues raised before him. Such application of mind must be discernible from the reasons assigned in the order. In the absence of such reasons, the order



would suffer from non-application of mind and would cease to be a reasoned and speaking order. The order must disclose what weighed with the learned magistrate in arriving at the conclusion recorded therein.

16. In the present case, the learned trial Court, while considering the application seeking further investigation, has observed that the investigating agency, while filing the negative final report, had not conducted investigation with regard to the necessary documents, particularly the voters list and the relevant pattas. It was further observed that the material in question had not been sent for FSL examination. In view of the aforesaid observations regarding the investigation, while dealing with the points raise by the applicant, the learned magistrate found that further investigation was warranted in the mater. The learned magistrate, while allowing the application, has neither directed the investigating agency to adopt any particular mode or manner of investigation nor required the investigating officer to submit the report in any particular form or manner. In such circumstances reasons assigned by the learned magistrate itself cannot be construed as a direction for point-wise investigation.

17. Accordingly, this Court is of the considered opinion that the reliance placed by learned counsel for the petitioner on the judgments prohibiting point-wise investigation does not advance the case of the petitioner. The said judgments undoubtedly lay down that the Court cannot direct the investigating agency to conduct investigation in a particular manner, however on the facts



of the present case, no such direction has been issued. The learned magistrate has merely passed a reasoned order directing further investigation, which is within the jurisdiction vested in the Court.

18. In view of the aforesaid discussion, this Court finds no illegality or perversity in the impugned order warranting interference in exercise of its inherent jurisdiction under Section 528 of the BNSS. The present criminal miscellaneous petition is, accordingly, dismissed.

19. However, the investigating agency shall conduct further investigation independently and submit the result thereof in accordance with law.

20. Pending application(s), if any, shall also be disposed of.

(BALJINDER SINGH SANDHU),J

247/Deepak/669