

Date : 17-04-2023

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.

(Dr. Anshuman, J.)

Ritik/-

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CAV DATE	
Uploading Date	
Transmission Date	

