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CRA-1706-2016

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE RAJENDRA KUMAR VANI

ON THE 11th OF DECEMBER, 2025CRIMINAL APPEAL No. 1706 of 2016*THE STATE OF MADHYA PRADESH**Versus**BABULAL MAL VIYA*

.....
Appearance:

*Shri D.R. Vishwakarma - Public Prosecutor for appellant/State.**Shri Mahesh Prasad Rajak - Advocate for respondent.*
.....

ORDER

This appeal under Section 372(I) of the Cr.P.C. has been filed by the appellant/State assailing the judgment and order of acquittal dated 16.05.2011 passed in CRA No.49/2012 by the Second Additional Sessions Judge, Bhopal (M.P.) whereby the respondent/accused has been acquitted of the offence under Section 323 of IPC.

2. At the outset, it is submitted by learned counsel appearing on behalf of appellant/State that the learned appellate Court without assigning reason has set aside the conviction and sentence awarded by the learned trial Court. The judgment/order is short, cryptic and non-speaking as it does not contain any discussion and reasoning. Thus, it suffers from perversity and illegality and cannot be allowed to be maintained. He prayed that this case has to be remanded back to the appellate Court to decide it as per law. The counsel for appellant has placed reliance upon the decisions viz. *Bani Singh and Others Vs. State of U.P. (1996) 4 SCC 720*, *State of Rajasthan Vs. Sohan Lal and*



Others (2004) 5 SCC 573 and *Aman Sinha Vs. State of U.P. & Ors. (2024) 6 ILRA 12*.

3. *Per contra*, learned counsel appearing on behalf of the respondent has opposed the prayer made by learned counsel appearing on behalf of appellant/State and also the appeal but he fairly admits that the learned appellate Court without giving any reasoning has set aside the judgment of conviction and sentence passed by the learned trial Court.

4. I have heard the learned counsel for the parties and perused the impugned judgement.

5. In case of *Bani Singh* (supra), it is held by the Hon'ble Apex Court that law clearly expects that the appellate court to dispose of the appeal on merits, not merely by perusing the reasoning of the trial court in the judgment, but by cross-checking the reasonings with the evidence on record with a view to satisfying itself that the reasoning and findings recorded by the trial court are consistent with the material on record.

6. In case of *Sohan Lal* (supra), the Hon'ble Apex Court in paragraph-3 of the judgment has again reiterated that giving of reason for a decision is an essential attribute of judicial and judicious disposal of a matter before courts, and which is the only indication to know about the manner and quality of exercise undertaken, as also the fact that the court concerned had really applied its mind. The judgment of *Bani Singh* (supra) has been followed by the Allahabad High Court in case of *Aman Sinha* (supra).

7. In case of *State of Project Director, UP Education for all Projects Board Ors. Vs. Saroj Maurya & Ors. (Civil Appeal No.3465 of 2023)*, the



Hon'ble Supreme Court has observed as under:-

"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.³. The relevant paragraphs of the judgment are extracted hereinbelow: -

"23. We are not venturing to comment upon the correctness or otherwise of the For short 'the G.Os.' (2010) 4 SCC 785 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."

8. The Allahabad High Court in case of *M/s Namo Narayan Singh Vs. State of U.P. and 2 others (Writ Tax No.1476 of 2022)*, has observed as under:-

"11. Following this very view, the Supreme Court in *State of Rajasthan v. Rajendra Prasad Jain*, (2008)15 SSC 711 stated that 'reason is the heartbeat of every conclusion, and without the same it becomes lifeless.

12. Providing of reasons in orders is of essence in judicial proceedings. Every litigant who approaches the Court with a prayer is entitled to know the reasons for acceptance or rejection of such request. Either of the parties to the lis has a right of appeal and, therefore, it is essential for them to know the considered opinion of the Court to make the remedy of appeal meaningful.

13. It is the reasoning which ultimately culminates into final decision which may be subject to examination of the appellate or other higher Courts. It is not only desirable but, in view of the consistent position of law, mandatory for the Court or Authority to pass orders while recording reasons in support thereof, however, brief they may be. It is a settled canon of legal jurisprudence that the Courts/Authorities are vested with discretionary powers but such powers are to be exercised judiciously, equitably and in consonance with the settled principles of



law. Whether or not, such judicial discretion has been exercised in accordance with the accepted norms, can only be reflected by the reasons recorded in the order impugned before the higher Court. Often it is said that absence of reasoning may ipso facto indicate whimsical exercise of judicial discretion.

14. Reason is the heart beat of every conclusion. In the absence of reasons the order becomes lifeless. Non recording of reasons renders the order to be violative of principles of natural justice. Reasons ensures transparency and fairness in decision making. It enables litigant to know reasons for acceptance or rejection of his prayer. It is statutory requirement of natural justice. Reasons are really linchpin to administration of justice. It is link between the mind of the decision taker and the controversy in question. Thus failure to give reasons amounts to denial of justice."

9. The perusal of impugned judgment as well as the judgment of the learned trial Court shows that the learned trial Court while discussing the evidence on record and other factual aspects has held respondent/accused-Babulal guilty of offence under Section 323 of IPC and passed the sentence of six months RI and fine of Rs.1,000/- with default stipulation, but the impugned judgment of learned appellate Court is short, cryptic and non-speaking. No reasoning has been given in the impugned judgment. The judgment of the learned trial Court has been set aside by mere mentioning that the appeal is allowable, therefore, allowed. The impugned judgment of conviction and sentence has been set aside and the accused/appellant (respondent herein) declared acquitted. Paragraphs 5 and 6 of the impugned judgment are referable which are as under:-

"05. उभय पक्ष के तर्क सुने गए तथा विचारण न्यायालय से प्राप्त मूल प्रकरण क्र0 697/08 का अबलोकन किया गया |

06. अपीलार्थी की यह अपील स्वीकार योग्य होने के कारण स्वीकार की जाती है तथा विचारण न्यायालय द्वारा दिया गया दंडादेश अपास्त कर अपीलार्थी को दोषमुक्त किया जाता है।"

10. As per settled principles of law and as observed in the aforesaid cases i.e. *Bani Singh* (supra), *Sohan Lal* (supra) and *Aman Sinha* (supra),



Saroj Maurya (supra) and *M/s Namu Narayan Singh*, the impugned judgment passed by the appellate Court is not tenable. It cannot be said to be lawful as no reasoning has been given for setting aside the judgment of learned trial Court which entails the appreciation and marshalling of the evidence on record. It is not expected from a Judicial Officer of the appellate Court to pass such a short, cryptic and non-speaking order without going into the merits of the case and discussing the evidence so also testing the reasonings given by the trial Court. Merely passing one line order that the appeal is accepted and to set aside the findings of the trial Court without assigning any reason is not proper on the part of appellate Court. The approach of the learned appellate Court as revealed from the impugned judgment is condemnable. The impugned judgment is liable to be set aside and the matter needs to be remitted back to the appellate Court for deciding it afresh as per law.

11. *Ex consequenti*, the impugned judgment dated 16.05.2021 passed by the learned appellate Court is set aside. The matter is remitted back to the appellate Court to decide the appeal afresh as per law.

12. With the aforesaid, the appeal stands allowed and disposed of.

(RAJENDRA KUMAR VANI)
JUDGE

ac/-