

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 303 OF 2013
(@ SPECIAL LEAVE PETITION (CRIMINAL) NO.2500 OF 2012)

PANKAJ GARG

...APPELLANT

VERSUS

MEENU GARG & ANR.

...RESPONDENTS

O R D E R

1. Leave granted.

2. This appeal by special leave is directed against the judgment and order passed by the High Court of Judicature for Rajasthan at Jaipur in S.B. Criminal Misc. Petition No. 1374 of 2010, dated 21.02.2012. By the impugned judgment and order, the High Court has reversed the findings and the conclusions reached by the learned Additional Civil Judge (J.D.) and Judicial Magistrate, in the order dated 19.02.2008, as well as by the learned Additional District and Sessions Judge, in the order dated 06.07.2010.

3. The facts in nutshell are: The appellant and the respondent no.1 are husband and wife. The respondent no.1 has lodged a complaint against the appellant-accused for the offences punishable under Sections 498-A and 406 of the Indian Penal Code, 1860 ("the IPC" for short). The learned Additional Civil Judge (J.D.) and Judicial Magistrate, after analyzing the evidence on record, has come to the conclusion that the complaint and the evidence adduced by the parties does not constitute the offences

punishable under Sections 498-A and 406 of the IPC. Accordingly, it has dismissed the complaint by order dated 19.02.2008.

4. Being aggrieved by the aforesaid order, the Complainant had filed a Revision Petition before the learned District and Sessions Judge. The said Petition was dismissed by the Revisional Court confirming the findings of the Trial Court by order dated 06.07.2010. The said order was called in question by the Complainant before the High Court by filing S.B. Criminal Misc. Petition No. 1374 of 2010, under Section 482 of the Code of Criminal Procedure, 1973.

5. The High Court, after noticing the facts *in extenso*, has set aside the orders passed by the Trial Court as well as by the Revisional Court and has remanded the matter to the Trial Court for fresh disposal in accordance with law by a cryptic order, dated 21.02.2012. It is the correctness of otherwise of this order which is called in question by the appellant-accused in this appeal.

6. We have heard learned counsel for the parties to the *lis* and also carefully perused the judgment and order passed by the High Court. To say the least, the order passed by the High Court is a non-speaking order. It is a settled position of law that an order which does not contain any reason is no order in the eye of law. Therefore, the impugned judgment and order requires to be set aside

and the matter requires to be remanded to the High Court for fresh disposal in accordance with law.

7. In the result, the appeal is allowed and the judgment and order passed by the High Court is set aside. The matter is remanded to the High Court for fresh disposal in accordance with law, after affording opportunity of hearing to both the parties.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(RANJAN GOGOI)

NEW DELHI;
FEBRUARY 12, 2013

JUDGMENT