

INDRAJEET YADAV

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v.

SANTOSH SINGH AND ANR.

(Criminal Appeal No. 577 of 2022)

APRIL 19, 2022

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[M. R. SHAH AND B. V. NAGARATHNA, JJ.]

Practice and Procedure – Pronouncement of final orders without a reasoned judgment, deprecated – High Court while allowing appeals of the accused pronounced the operative portion of the order and set aside the judgment and order of conviction passed by the trial court and directed the accused who was in jail to be released, but a reasoned judgment and order was pronounced after approximately five months – On appeal, held: Despite strong observations made by Supreme Court as far as back in the year 1984 and thereafter repeatedly reiterated, still the practice of pronouncing only the operative portion of the judgment without a reasoned judgment and to pass a reasoned judgment subsequently has been continued – Such a practice of pronouncing the final orders without a reasoned judgment has to be stopped and discouraged – On facts, a reasoned judgment was pronounced and uploaded by the High Court after a period of almost five months – Impugned judgment and order passed by the High Court accordingly set aside – Appeals remanded to High Court for decision afresh in accordance with law and on merits – IPC – s.302 r/w s.34.

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Balaji Baliram Mupade & Anr. v. The State of Maharashtra [Decision of Supreme Court dated 29-10-2020 in Civil Appeal No. 3564 of 2020]; State of Punjab & Ors. v. Jagdev Singh Talwandi, (1984) 1 SCC 596: [1984] 2 SCR 50 and Anil Rai v. State of Bihar, (2001) 7 SCC 318: [2001] 1 Suppl. SCR 298 – referred to.

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Case Law Reference

[1984] 2 SCR 50	referred to	Para 3.1
[2001] 1 Suppl. SCR 298	referred to	Para 3.1

- A CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No.577 of 2022.

From the Judgment and Order dated 30.03.2019 of the High Court of Judicature at Allahabad in Criminal Appeal No.1083 of 2012.

- B With
Criminal Appeal No.578 of 2022.
Divyesh Pratap Singh, Shashank Singh, Mohd. Asad Khan, Anupam Chaudhary, Advs. for the Appellant.
Raj Kumar Chauhan, Ms. Sangita Chauhan, Chandan K. Pandey,
C Devendra Kumar Shukla, Ms. Srishti Singh, Advs. for the Respondents.

The Judgment of the Court was delivered by

M. R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned common
D judgment and order dated 30.03.2019 passed by the High Court of
Judicature at Allahabad in Criminal Appeal No.1083 of 2012 and Criminal
Appeal No.1178 of 2012 by which the High Court has allowed the said
appeals preferred by the original accused and has acquitted them for the
offences punishable under Section 302 read with Section 34 of the Indian
Penal Code (for short, 'IPC'), the original complainant/informant has
E preferred the present appeals.
2. We have heard learned counsel appearing for the respective
parties.
3. Learned counsel appearing on behalf of the appellant – original
F complainant/informant and learned counsel appearing on behalf of the
State have drawn our attention to the fact that in the present case the
arguments in the appeals were concluded on 30.03.2019 and the High
Court allowed the said appeals on the very day and pronounced the
operative portion of the order and set aside the judgment and order of
conviction passed by the learned Trial Court and directed the accused
G who was in jail to be released, but a reasoned judgment and order was
pronounced after a period of approximately five months.
- 3.1 Learned counsel appearing on behalf of the appellant – original
complainant/informant has heavily relied upon the recent decision of this
Court dated 29.10.2020 in **Civil Appeal No.3564 of 2020** in the case
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of **Balaji Baliram Mupade & Anr. versus The State of Maharashtra**, by which such a practice of pronouncing the final order without a reasoned judgment has been deprecated. It is submitted that in the aforesaid case this Hon'ble Court considered another decision of this Court in the case of **State of Punjab & Ors. versus Jagdev Singh Talwandi, (1984) 1 SCC 596** as well as other decisions referred in para 4 of the said decision. It is submitted that this Court also considered in detail another decision in the case of **Anil Rai versus State of Bihar, (2001) 7 SCC 318** by which guidelines have been issued by this Court regarding the pronouncement of judgments and orders.

4. Applying the law laid down in the case of **Balaji Baliram Mupade (supra)** and the earlier decisions of this Court in the case of **Jagdev Singh Talwandi (supra)** to the facts of the case on hand, the impugned judgment and order passed by the High Court is unsustainable.

4.1 In the case of **Balaji Baliram Mupade (supra)** in paragraphs 1 to 4 it is observed and held as under:

“1. Judicial discipline requires promptness in delivery of judgments – an aspect repeatedly emphasized by this Court. The problem is compounded where the result is known but not the reasons. This deprives any aggrieved party of the opportunity to seek further judicial redressal in the next tier of judicial scrutiny.

2. A Constitution Bench of this Court as far back as in the year 1983 in the *State of Punjab & Ors. v. Jagdev Singh Talwandi - 1984 (1) SCC 596* drew the attention of the High Courts to the serious difficulties which were caused on account of a practice which was increasingly being adopted by several High Courts, that of pronouncing the final orders 2 without a reasoned judgment. The relevant paragraph is reproduced as under:

“30. We would like to take this opportunity to point out that serious difficulties arise on account of the practice increasingly adopted by the High Courts, of pronouncing the final order without a reasoned judgment. It is desirable that the final order which the High Court intends to pass should not be announced until a reasoned judgment is ready for pronouncement. Suppose, for example, that a final order without a reasoned judgment is announced by the High Court that a house shall be demolished, or that the custody

- A of a child shall be handed over to one parent as against the other, or that a person accused of a serious charge is acquitted, or that a statute is unconstitutional or, as in the instant case, that a detenu be released from detention. If the object of passing such orders is to ensure speedy compliance with them, that object is more often defeated by the aggrieved party filing a special Leave Petition in this Court against the order passed by the High Court. That places this Court in a predicament because, without the benefit of the reasoning of the High Court, it is difficult for this Court to allow the bare order to be implemented. The result inevitably is that the operation of the order passed by the High Court has to be stayed pending delivery of the reasoned judgment.”
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- D 3. Further, much later but still almost two decades ago, this Court in *Anil Rai v. State of Bihar - 2001 (7) SCC 318* deemed it appropriate to provide some guidelines regarding the pronouncement of judgments, expecting them to be followed by all concerned under the mandate of this Court. It is not necessary to reproduce the directions except to state that normally the judgment is expected within two months of the conclusion of the arguments, and on expiry of three months any of the parties can file an application in the High Court with prayer for early judgment.
- E If, for any reason, no judgment is pronounced for six months, any of the parties is entitled to move an application before the then Chief Justice of the High Court with a prayer to re-assign the case before another Bench for fresh arguments.
- F 4. The aforementioned principle has been forcefully restated by this Court on several occasions including in *Zahira Habibulla H. Sheikh &Ors. v. State of Gujarat &Ors. [AIR 2004 SC 3467 paras 80-82]*, *Mangat Ram v. State of Haryana (2008) 7 SCC 96* paras 5-10] and most recently in *Ajay Singh &Anr. Etc. v. State of Chhattisgarh &Anr.- AIR 2017 SC 310.”*
- G 4.2 Despite the strong observations made by this Court as far as back in the year 1984 and thereafter repeatedly reiterated, still the practice of pronouncing only the operative portion of the judgment without a reasoned judgment and to pass a reasoned judgment subsequently has been continued. Such a practice of pronouncing the final orders without a reasoned judgment has to be stopped and discouraged.
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4.3 For immediate reference the order passed in the present case speaks for itself. The High Court heard the arguments on 30.03.2019 and passed only the following order on that day:

“Heard Sri V. M. Zaidi, Senior Advocate assisted by Sri M. J. Akhtar, learned counsel for the appellant in the Criminal Appeal No. 1083 of 2012 and Sri Sunil Kumar, learned counsel for the appellant in connected Criminal Appeal No. 1178 of 2012, Sri J. K. Upadhyay, learned A.G.A. for the State and Sri P. C. Srivastava, learned counsel for the informant.

We are making the operative order here and now. We will give reasons later.

Both the appeals are allowed. The impugned judgement and order dated 24.02.2012 passed by Additional District and Session Judge, T.E.C.P., Court No. 1, Azamgarh in S.T. No. 151 of 2009 is hereby set-aside.

Appellant Santosh Singh in Criminal Appeal No. 1083 of 2012 is on bail. He need not surrender. His bail bonds are cancelled and his sureties discharged.

Appellant Avdhesh Singh @ Chhunnu Singh in connected Criminal Appeal No. 1178 of 2012 is in jail. He shall be released forthwith unless he is wanted in some other case.

Both the appellants shall comply with the provisions of Section 437-A Cr.P. C. within one month from today.

There shall however, be no order as to costs.”

4.4 From the record of proceedings it appears that the reasoned judgment was pronounced and uploaded after a period of almost five months. Therefore, applying the law laid down by this Court in the decisions referred to hereinabove, we set aside the impugned judgment and order passed by the High Court without further entering into the merits of the case nor expressing anything on merits in favour of either party. We remand the appeals to the High Court to decide the same afresh in accordance with law and on its own merits. We request the High Court to finally decide and dispose of the appeals at the earliest and preferably within a period of six months from the date of the receipt of the present order. However, it is observed that during the pendency of the appeals before the High Court the accused need not surrender

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- A and they may be treated to have been released on bail and continued to be released on bail, however subject to the ultimate outcome of the appeals before the High Court. If the conviction is sustained the accused shall surrender within a period of two weeks from the date of the pronouncement of the judgment.
- B Present appeals are accordingly allowed to the aforesaid extent. Registry is directed to return the record of proceedings of the case received to the High Court forthwith.

Bibhuti Bhushan Bose

Appeals allowed.