

**Niranjan Mondal Vs. the State**

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**SooperKanoon Citation :** [sooperkanoon.com/886795](http://sooperkanoon.com/886795)

**Court :** Kolkata

**Decided On :** Feb-09-1978

**Reported in :** 1978CriLJ636

**Judge :** Sudhamay Basu, J.

**Appellant :** Niranjan Mondal

**Respondent :** The State

**Judgement :**

ORDER

**Sudhamay Basu, J.**

1. This Rule was obtained against an order of conviction Under Sections 323/504 of the IPC with a sentence to pay a fine of Rs. 25/- in respect of Section 323 IPC in default, to suffer rigorous imprisonment for five days and a fine of Rs. 25/- in respect of the conviction Under Section 504 I. P. C; in default, to suffer rigorous imprisonment for five days more passed by Shri K. Chowdhury, Judi. Magistrate, 1st Class, Bolpur dated 29th Oct. 1976 in 'C Case No. 178 of 1975.

2. The judgment is as follows:

It is ordered that accused Debasish, Narayan, Sunil Prabir and Shyamal are found not guilty of the offences charged with and as such they are acquitted; but

accused Niranjan is found guilty of the offences punishable Under Sections. 323/504 IPC and he is convicted and sentenced to pay a fine of Rs. 25/- i.e. to R.I. for 5 days for his offence punishable Under Section. 323 IPC and also to pay a fine of Rs. 25/- in default to R.I. for 5 days more for ill's offence punishable Under Section. 504 IPC

3. Heard Mr. Bag, Mr. Hossain and Mr. De appearing for the parties. The judgment is an example of what a judgment shall not be. It is very unfortunate that the learned Magistrate has not adhered to the elementary principles in delivering judgment. The provisions of Section 354 Cr.PC make incumbent that the judgment shall contain the point or points for determination, the decision thereon and the reasons for the decision. In complete disregard of the same, the learned Magistrate has simply found some persons not guilty and some others guilty without assigning any reason. There is nothing to show that he considered the evidence before him or applied his mind. The Supreme Court has also from time to time directed that all orders passed by the court should be speaking orders giving reasons for the decision after noting the point at issue. There must be expression to show that the court applied its mind to the facts and circumstances germane to the point in issue. The judgment should be self-contained and should show that the learned Magistrate independently applied his mind to the facts of the case and the evidence led therein by the parties and a consideration of the evidence leading to the conclusions to which the learned Magistrate feels persuaded. In this connection reference may be made to the case of *Mst. Budhia v. Chhetelal*; reported in AIR 1966 Raj 122 : 1966 Cri LJ 583 and to the case of *Sudhir Chandra Jana v. Amulya Chandra Misra*, reported in 1969 Cr LJ 1079 (Cal).

4. In view of what is stated above, the petition must succeed. The order of conviction and sentence passed by the learned Magistrate on 29th Oct. 1976 is hereby set aside.

5. Let the records go back and the learned Magistrate will then proceed to consider the matter afresh according to law. The Rule is made absolute.