

Court held that the Magistrate was not required to record detailed reasons for passing an order either way and the learned counsel further suggested that such a course of action would foreclose all options for the petitioner and would amount to an expression on merits, and a few lines reflecting application of mind would suffice compliance of the mandate of Section 156 (3) Cr.P.C.

There are so many provisions in Cr.P.C which require the Magistrate or the Court to record reasons for arriving at a decision. Under some provisions even for passing orders before taking cognizance and even during investigation; the Court is required to record reasons. The examples for this can be found in Section 167 Cr.P.C. However, the provision of Section 156 (3) Cr.P.C does not cast any duty upon the Magistrate to record the reasons, and this omission in language of Section 156(3) Cr.P.C is deliberate and for good reasons. The Magistrate can apply his mind to the facts disclosed in the complaint and documents attached therewith for limited purpose to see if cognizable offence is disclosed, and if it is so disclosed; whether an investigation by police is required. But he need not put-out his thinking on order sheet.

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