Court No. - 91

Case :- APPLICATION U/S 482 No. - 30827 of 2023

Applicant :- Monu
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Vikrant Gupta
Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant, learned State counsel and perused the record.

2. This application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the impugned charge sheet dated 10.07.2020 as well as cognizance/ summoning order dated 21.10.2020 and the entire proceedings of Case No. 3662 of 2020 (State vs. Monu) arising out of Case Crime No. 148 of 2020, under Sections 4/21 of Mines and Minerals Act and under section 2/3 of Public Property Damages Act, 1984, P.S.- Tanda, District Rampur, pending in the court of Chief Judicial Magistrate, Rampur and with the further prayer to stay the entire proceedings of the said case.

3. Learned counsel for the applicant has drawn the attention of the Court to the cognizance/ summoning order, the copy of which is annexed at page no. 39 to the paper book. It is argued that the same is on a printed proforma without application of mind. It is argued that from perusal of the order dated 21.10.2020, it is apparent that the same is on a printed proforma in which the Section, Police Station, Case No., name of the accused are kept blank and have been filed by ink along with next date for appearance of the accused whereas all the other contents of the order are previously printed. It is argued that the same clearly demonstrates that there has been total non application of mind by the concerned trial court and the order taking cognizance and summoning the accused is thus bad in the eyes of law.

4. Learned counsel for the State though opposed the prayer for quashing but could not dispute the fact that the order taking cognizance and summoning the accused dated 21.10.2020, is on a printed proforma with blank spaces of the relevant things which

have been filled in ink.

5. Time and again, it has been held that orders of printed proforma cannot be passed and the said system of passing such orders have been deprecated.

6. In the case of ***Amit Jani vs. State of U.P. and others: (2020) 5 ADJ 1***, a Division Bench of this Court has held as follows:-

7. "The passing of orders in printed proforma/cyclostyled formats have been deprecated by various High Courts including this court as they do not reflect application of mind. Reference is made to the following judgments:-

1. 2000 ILR (Kar) 4773, Vijaya Bank Vs. State.

2. 2010(9) ADJ 594, Abdul Rasheed Vs. State of U.P. & another.

3. 2009 (67) ACC 532, Ankit Vs. State of U.P. & another.

4. 2010 (3) ADJ 622, Saurabh Dewana Vs. State of U.P."

8. Looking to the facts and circumstances of the case and without going into the merits of the case as of now, the order dated 21.10.2020 is hereby set-aside.

9. The present application is **allowed** to this extent.

10. The matter is remanded back to the trial court concerned to pass fresh order in accordance with law within a period of three weeks from the date of production of a certified copy of this order.

Order Date :- 17.10.2023
Shiv

Digitally signed by :-
SHIV KUMAR SHARMA
High Court of Judicature at Allahabad