

Court No. - 91

Case :- APPLICATION U/S 482 No. - 35961 of 2023

Applicant :- Rajendra Dubey @ Rajendra Kumar Dubey

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Chandra Kant Tripathi, Surya Kant Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

1. Heard learned counsel for the applicant and learned AGA for the State.

2. The present application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the charge sheet dated 11.07.2022 and cognizance order dated 24.09.2022 as well as the entire proceeding of Case No. 10954 of 2022, arising out of Case Crime No.245 of 2022, under Sections 406, 504, 506 IPC, P.S. Kotwali Padrauna, District Kushi Nagar.

3. Learned counsel for the applicant submits that the applicant has no concern with the aforesaid offence. It is further submitted that the order dated 24.09.2022 by virtue of which, the applicant has been summoned for the aforesaid offences is cryptic one and non speaking order.

4. On the other hand, learned AGA for the State had opposed the prayer but could not dispute the aforesaid facts.

5. From the perusal of the order as well as record, it is apparent that the order dated 24.09.2022 is cryptic one. No narration of fact has been given in the order nor there is satisfaction recorded by the court concerned as to what is the material warranting the

summoning the accused on the basis of prima facie case is made out against the applicant.

6. Keeping in view the entire facts and circumstances of the case and the manner in which proceeding carried out by the trial court, it is apparent that the order dated 24.09.2022 is cryptic one and is passed without application of mind and against the principles of law, which is not sustainable in the eye of law and the order is set aside with the direction to the court concerned to decide the matter afresh.

7. In view of the such facts, the order dated 24.09.2022 is here by set aside.

8. Accordingly, the instant application stands **disposed off**.

Order Date :- 27.10.2023

Sanjeet