Court No. - 91

Case :- APPLICATION U/S 482 No. - 38277 of 2023

Applicant :- Ajay Kumar Sahani
Opposite Party :- State Of U.P. And Another
Counsel for Applicant :- Vishesh 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 18.12.2017 and summoning order dated 23.11.2020 as well as the entire proceeding of Case No.14841 of 2020, arising out of Case Crime No.490 of 2017, under Sections 323, 504, 506, 354 IPC, Police Station Chiluataal, District Gorakhpur.

3. Learned counsel for the applicants has drawn the attention of the Court to the cognizance/ summoning order, the copy of which is annexed at page no.59 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 23.11.2020, 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 23.11.2020 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:-

> *"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."***

7. Looking to the facts and circumstances of the case and without going into the merits of the case as of now, the order dated 23.11.2020 is hereby set-aside.

8. The present application u/s 482 Cr.P.C. is **allowed** to this extent.

9. 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 :- 27.10.2023
Sanjeet

Digitally signed by :-
SANJEET KUMAR YADAV
High Court of Judicature at Allahabad