

Court No. - 91

Case :- APPLICATION U/S 482 No. - 39623 of 2023

Applicant :- Vipul Jain And Another

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

Counsel for Applicant :- Ranjeet Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicants 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 cognizance order dated 25.02.2022 as well as the entire proceeding of Case No.8877 of 2022, under Sections 92 of Factories Act, P.S. Bithore, District Kanpur Nagar.
3. Learned counsel for the applicant submits that the applicants has nothing to do with manufacturing of the medicines. It is further submitted that the order dated 25.02.2022 by virtue of which, the applicants have been summoned for the offence under Sections 92 of Factories Act 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 25.02.2022 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 applicants.

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 25.02.2022 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 25.02.2022 is here by set aside.

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

Order Date :- 16.11.2023

Sanjeet