

Court No. - 91

Case :- APPLICATION U/S 482 No. - 39363 of 2023

Applicant :- Vijendra Pratap Singh And Another

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

Counsel for Applicant :- Vijaya Shankar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. By means of instant application under Section 482 Cr.P.C, the applicants seeks to quash charge sheet dated 18.02.2021 as well as order taking cognizance dated 18.09.2021 and also quash entire proceeding of Criminal Case No. 1619 of 2021 (State Versus Vijendra Pratap Singh) arising out of Case Crime No 58 of 2021 under Section 420, 467, 468, 471, 506 I.P.C., Police Station Subhash Nagar, District Bareilly, pending in the court of Additional Chief Judicial Magistrate-II, Bareilly and further prayer to pass fresh order in the aforesaid case has been made.

3. It is submitted by the learned counsel for the applicants that the order dated 18.09.2021 by virtue of which, the applicants have been summoned for the offence under Sections 420, 467, 468, 471, 506 I.P.C. 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 18.09.2021 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 18.09.2021 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 18.09.2021 is here by set aside.

8. Accordingly, the instant application stands disposed off

Order Date :- 30.11.2023

T.S.