

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34891 of 2013

Arising out of Complaint Case No.222(C-2) Year- 2013 District- PATNA

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1. Nokia Siemens Network India Pvt. Ltd., 7th Floor, Building 9, Tower A, DLF Cyber City, Phase III, Gurgaon.
 2. Arvind Kumar, son of Sri Vijay Kumar Gupta, r/o 7th Floor, Building 9, Tower A, DLF Cyber City, Phase III, Gurgaon

.... Petitioner/s

Versus

1. The State of Bihar
2. Labour Enforcement Officer (C), Patna-II, Maurya Lok Complex, 2nd Floor, "A" Block, Room No.-6 & 16, Patna.
3. The Union of India through Labour Enforcement Officer(C), Patna-II, Maurya Lok Complex, 2nd Floor, "A" Block, Room No. 6 & 16, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Adv.
For the Union of India : Smt. Kanak Verma, CGC
For the State : Mr. Pancha Nand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 12-08-2016

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Union of India.

2. By way of the present application preferred under Section 482 of the Code of Criminal Procedure, the petitioners have challenged the order dated 4.6.2013 passed by the learned Chief Judicial Magistrate, Patna, in Complaint Case 222(C-2) of 2013, whereby after taking cognizance of the offences under Sections 23 and 24 of the Contract Labour (Regulation and Abolition) Act, 1970, the petitioners have been summoned to face Trial.

3. It has been contended by the learned counsel for the

petitioners that the impugned order relating to summoning of the petitioners and taking of cognizance has been passed by the Chief Judicial Magistrate, Patna, without application of judicial mind by filling-up the blanks in the pre-prepared printed format.

4. On the other hand, learned counsel for the Union of India has contended that though, the impugned order has been passed on pre-prepared printed format by filling blanks, there are sufficient materials against the petitioners for summoning them under Sections 23 and 24 of the Contract Labour (Regulation and Abolition) Act, 1970. She has contended that an order passed on a pre-prepared printed format cannot be said to have been passed mechanically without judicial application of mind. She has submitted that at this stage an elaborate order is not necessary.

5. Learned counsel for the State has adopted the arguments advanced by the learned counsel for the Union of India.

6. I have heard learned counsels for the parties and perused the impugned order dated 4th June, 2013. I find force in the submission of the learned counsel for the petitioners. He has rightly submitted that the order impugned has been passed without application of mind in a mechanical manner, as the Chief Judicial Magistrate has simply filled-up the blanks on the pre-prepared printed formant. In my opinion, such an order is not permissible in law.

7. It is true that an elaborate order is not required to

be passed to take cognizance of the offence and issue of summons, the order must at least reflect that there has been application of mind. The manner in which the order has been passed, is shocking. The practice of filling-up of blanks in a pre-prepared printed format for passing judicial orders is highly objectionable. I must record that the Judicial Officers must refrain themselves from signing orders on pre-prepared printed formant without considering materials on record.

8. For the reasons aforesaid, the impugned order dated 4.6.2013 passed by the Chief Judicial Magistrate, Patna, in Complaint Case 222(C-2) of 2013, is set aside.

9. The matter is remanded to the Chief Judicial Magistrate, Patna, for passing order afresh after perusing the allegations made in the Complaint. Such an order must be passed within a month from the date of receipt/production of a copy of this order.

10. With the aforesaid observation and direction, the application is allowed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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