

Allahabad High Court

Daljeet Singh vs State Of U.P. And Another on 17 June, 2022

Bench: Samit Gopal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 42

Case :- APPLICATION U/S 482 No. - 15090 of 2022

Applicant :- Daljeet Singh

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

Counsel for Applicant :- Pradeep Kumar Pal, Adya Prasad Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

Heard Sri Pradeep Kumar Pal, learned counsel for the applicant and Sri Sanjay Kumar Singh, learned counsel for the State and perused the material on record.

Learned A.G.A. states that the matter can be heard and decided finally at this stage.

This Court, thus proceeds to hear and decide the matter finally at this stage.

This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to quash the charge-sheet dated 25.11.2020 submitted by the Police in Crime Case No. 711 of 2020 under Section 354(Kha), 323, 504, 506, 427, 452 I.P.C., P.S. Govind Nagar, District - Kanpur Nagar, order dated 18.01.2021 passed by Special Chief Judicial Magistrate, Kanpur Nagar taking cognizance and issuing process against the applicant as well as quash the entire proceeding in Criminal Case No. 1621 of 2021 Crime Case No. 711 of 2020 under Section 354(Kha), 323, 504, 506, 427, 452 I.P.C., P.S. Govind Nagar, District - Kanpur Nagar, pending in the court of Special Chief Judicial Magistrate, Kanpur Nagar.

Learned counsel for the applicants has drawn the attention of the Court to the summoning order, the copy of which is annexed as Annexure-7 to the affidavit. It is argued that the same is on a printed

proforma without application of mind. From perusal of the order dated 18.1.2021, it is apparent that the same is on a printed proforma in which the Section, Police Station, Case No., name of the accused is kept blank and has been filled 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 court below and the order taking cognizance and summoning the accused is thus bad in the eyes of law.

Learned counsel for the State though opposed the prayer for quashing and stay but could not dispute the fact that the order taking cognizance and summoning the accused dated 18.1.2021 is on a printed proforma with blank spaces of the relevant things which have been filled in ink.

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.

In the case of Amit Jani vs. State of U.P. and others: (2020) 5 ADJ 1, 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"

Looking to the facts and circumstances of the case and without going into the merits of the case as of now, the order dated 18.1.2021 is hereby, set aside.

The application is allowed to this extent.

The matter is remanded back to the court below to pass fresh order in accordance with law.

Order Date :- 17.6.2022 nd (Samit Gopal, J.)