

**Court No. - 83**

**Case :-** APPLICATION U/S 482 No. - 12201 of 2022

**Applicant :-** Sukhpal Saini

**Opposite Party :-** State Of U.P. And Another

**Counsel for Applicant :-** Ankit Agarwal

**Counsel for Opposite Party :-** G.A., Pandey  
Balkrishna, Sunil Kumar Mishra

**Hon'ble Rajendra Kumar-IV,J.**

Heard learned counsel for the applicant, learned AGA for the State and perused the material available on record.

By means of this application under section 482 of the Code of Criminal Procedure, (in short 'the Cr.P.C.')

order dated 07.08.2020 (annexure no.4) passed by the CJM, Bulandshahr in Criminal Case No. 3511 of 2020 has been sought to be quashed. By the impugned order, cognizance has been taken on the charge sheet in case Case Crime No.1031 of 2019, Police Station Sikandrabad, District Bulandshahr

It is submitted by learned counsel for the applicant that the learned Magistrate did not apply his judicial mind at the time of taking cognizance on the charge-sheet and impugned order of taking cognizance has been passed on printed proforma, which is not permissible in law. For this submission attention of the Court has been drawn to the judgement in ***Ankit vs. State of U.P. and another, 2009 (3) U.P. Crl. Rulings 427.***

Certified copy of the impugned order of taking cognizance is paper No. 44, which shows that the said order has been passed on the printed proforma by filing up the blanks. The blanks on the printed proforma appear to have been filled by court employee and the learned Magistrate thereafter put his initial, which shows non-application of judicial mind in passing the said order. It is very unfortunate that judicial order of taking cognizance has been passed by the learned Magistrate by filling up blanks on printed proforma. This type of order has been held illegal

by this Court in **Ankit case (supra)**. Hence the impugned order is liable to be quashed on this ground alone.

The learned AGA has submitted that in view of the law laid down in **Ankit case (supra)**, after setting aside the impugned order, direction be issued to the Magistrate concerned to pass fresh order on the charge sheet. I find force in this submission.

Recently this Court in **Application U/S 482 Cr.P.C. No. 39805 of 2017, Manoj Tiwari and 2 others versus State of U.P. and another, decided on 11.02.2018**, recorded its anguish, directed the Court taking cognizance to pass fresh speaking and reasoned cognizance order after applying his judicial mind, in a number of cases this Court set aside the cognizance order being cryptic and proforma order or the order without application of mind.

Judicial Officer passing such type of order not only compelled the accused persons to approach before this Court but also send message of his incompetence in the society. Passing cognizance order in such manner erodes the public faith in judicial system. Passing of order in such a manner must be deprecated but daily it is being seen that Officer, despite having notice the order of this Court, is not ready to improve in passing detailed or reasoned cognizance order.

Consequently, the application under section 482 Cr.P. C. is **allowed**.

The order dated 07.08.2020 passed by the CJM, Bulandshahr in Criminal Case No. 3511 of 2020 (Case Crime No.1031 of 2019), Police Station Sikandrabad, District Bulandshahr is quashed.

Learned Magistrate is directed to pass a fresh speaking and reasoned cognizance order within one month after applying its judicial mind.

**Order Date :- 31.5.2022**

I.A.Siddiqui