



2026:AHC:57772

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8857 of 2026

Reyaz Ahmad

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kalamuddin, M.A. Siddiqui
Counsel for Opposite Party(s)	:	G.A., Udit Chandra

Court No. - 81

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. appearing for the State respondent and Sri Nitesh Patel holding brief of Sri Udit Chandra, learned counsel appearing for the respondent no. 3.
2. Present application under Section 582 BNSS has been preferred for quashing the entire criminal proceedings of Case No. 615 of 2025 (CNR No. UPCD010013902025) (State vs. Reyaz Ahmad), arising out of Case Crime No. 848 of 2021, under Section 135 of Electricity Act, P.S. Anti Power Theft, District Chandauli as well as chargesheet no. A380 dated 11.9.2023 and cognizance/summoning order dated 5.6.2025 pending before Additional District and Sessions Judge / F.T.C., Chandauli.
3. While assailing the impugned order, contention of learned counsel for the applicant is that the Magistrate has not applied judicial mind in passing the order as the order has been made on a printed proforma, in which the name of the accused, case crime number and section has been filled up by hand.
4. Relying upon the decision of this Court and Hon'ble Apex Court in **Ankit vs. State of U.P. and another, JIC 2010 (1) 432**, submission of learned counsel for the applicant is that the order impugned being on a printed proforma, is clearly without application of judicial mind and hence, is liable to be quashed on this ground alone.
5. Learned A.G.A. has opposed the prayer but admitted that the order

impugned has been passed on the printed proforma and therefore, keeping in view the decision in the case of **Ankit (supra)**, the Magistrate concerned may be directed to pass a fresh order.

6. I have considered the arguments so advanced by learned counsel for the applicant and learned A.G.A. and also perused the record.

7. The certified copy of the order summoning the accused has been appended as Annexure-4 of the paper book. On perusal of the above order, it is evident that it is a typed proforma where the blanks have been filled by Magistrate in handwriting, which leads to the conclusion that the Magistrate has passed the order in a mechanical manner without application of judicial mind.

8. Despite there being a series of decisions of the Apex Court and this Court disapproving such practice of passing orders on printed proforma by the judicial officers, it is very painful and unfortunate to see that applicant in the present case has been summoned by the Magistrate by an order in which blanks have been filled in on a printed proforma without applying judicial mind. This type of order has already been held unsustainable by this Court in the case of **Ankit (supra)** relying on in a number of decisions of the Apex Court. The relevant portion of the said decision, is extracted below:

"Although as held by this Court in the case of Megh Nath Guptas & Anr V. State of U.P. and Anr, 2008 (62) ACC 826, in which reference has been made to the cases of Deputy Chief Controller Import and Export Vs. Roshan Lal Agarwal, 2003 (4) ACC 686 (SC), UP Pollution Control Board Vs Mohan Meakins, 2000 (2) JIC 159 (SC); AIR 2000 SC 1456 and Kanti Bhadra Vs State of West Bengal, 2000 (1) JIC 751 (SC): 2000 (40) ACC 441 (SC), the Magistrate is not required to pass detailed reasoned order at the time of taking cognizance on the charge sheet, but it does not mean that order of taking cognizance can be passed by filling up the blanks on printed proforma. At the time of passing any judicial order including the order taking cognizance on the charge sheet, the Court is required to apply judicial mind and even the order of taking cognizance cannot be passed in mechanical manner. Therefore, the impugned order is liable to be quashed and the matter has to be sent back to the Court below for passing fresh order on the charge sheet after applying judicial mind."

9. In view of the above, the conduct of the judicial officers concerned in passing orders on printed proforma by filling up the blanks without

application of judicial mind is objectionable and deserves to be deprecated. The summoning of an accused in a criminal case is a serious matter and the order must reflect that Magistrate had applied his mind to the facts as well as law applicable thereto.

10. In view of the above, the present application is allowed. The order impugned dated 5.6.2025 passed by Additional District and Sessions Judge / F.T.C., Chandauli is hereby quashed. The court concerned is directed to pass fresh and a well reasoned order after applying his judicial mind to the facts of the case.

(Vivek Kumar Singh,J.)

March 20, 2026

Lalit Shukla