



2026:AHC:92309

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8514 of 2024

Raja @ Mohd Alam And Another

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Sarvesh Kumar Dubey
Counsel for Respondent(s) : G.A.

Court No. - 51

HON'BLE MADAN PAL SINGH, J.

1. Heard Mr. Sarvesh Kumar Dubey, learned counsel for the appellants, and learned A.G.A. appearing for the State respondent. Despite the fact that notice has been served upon opposite party no.2 personally as per the office report dated 28th September, 2024, no one appears for opposite party no.2 even in the revised reading of the list.

2. By means of the present criminal appeal under Section 14A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellants are challenging the charge-sheet dated 22nd May, 2022, cognizance/summoning order dated 23rd November, 2022 as well as entire proceedings of Session Case No. 963 of 2022 (State Vs. Raja & Others), under Sections 323, 504, 506 I.P.C. and Section 3 (1) (da) of S.C./S.T. Act arising out of Case Crime No. 108 of 2022, pending in the Court of Special Judge (S.C./S.T. Act), Kannauj.

3. While assailing the impugned order, the contention of the learned counsel for the appellant is that the learned Special Judge has not applied judicial mind while passing the order, as the same has been made on a printed proforma in which the name of the accused, case crime number and sections have been filled in by hand.

4. Relying upon the decision of this Court and the Hon'ble Apex Court in **Ankit vs. State of U.P. and another**, reported in JIC 2010 (1) 432, it is submitted that the impugned order, being on a printed proforma, is clearly without application of judicial mind and is liable to be quashed on this ground alone.

5. Learned A.G.A. has opposed the prayer but has admitted that the impugned order has been passed on a printed proforma. Therefore, in view of the decision in **Ankit (supra)**, it is submitted that the Special Judge concerned may be directed to pass a fresh order.

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

7. The certified copy of the summoning order has been appended with the paper book. On perusal of the same, it is evident that it is a typed proforma in which the blanks have been filled in by the Special Judge in handwriting, leading to the conclusion that the order has been passed in a mechanical manner without application of judicial mind.

8. In the case of **Ankit (supra)**, the co-ordinate Bench of this Court has not only castigated and deprecated the practice of passing proforma orders in a fill-in-the-blanks manner but also directed the Registrar General of this Court to issue a circular letter. The relevant paragraphs are reiterated hereinbelow:

"10.The manner in which the impugned order has been prepared shows that the learned magistrate did not at all apply his judicial mind at the time of passing this order and after the blanks were filled up by some employee of the court, he has put his initial on the seal of the court. This method of passing judicial order is wholly illegal. If for the sake of argument it is assumed that the blanks on the printed proforma were filled up in the handwriting of the learned magistrate, even then the impugned order would be illegal and invalid, because an order of taking cognizance or any other judicial order cannot be passed by filling up blanks on a printed proforma. Although, as held by this Court in the case of Megh Nath Gupta & another vs. State of U.P. and another 2008 (62) ACC 826, in which reference has been made to the cases of Deputy Chief Controller Import and Export vs. Roshan Lal Agrawal 2003 (46) ACC 686 (SC), U.P. Pollution Control Board vs. Mohan Meakins AIR 2000 SC 1456 and Kanti Bhadra vs. State of West Bengal 2000 (40) ACC 441 (SC), the magistrate is not required to pass a detailed reasoned order at the time of taking cognizance on the charge-sheet, but it does not mean that such an order can be passed by filling up blanks on a printed proforma. At the time of passing any judicial order, including an order taking cognizance on the charge-sheet, the court is required to apply its judicial mind and even such an order cannot be passed in a 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 a fresh order on the charge-sheet after applying judicial mind.

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If approved by the Hon'ble Administrative Committee, let a circular letter be issued by the Registrar General directing all the judicial officers in Uttar Pradesh that printed proforma should not be used in passing judicial orders.

The Registrar General is directed to send a copy of this order to Sri Talevar Singh, the then Judicial Magistrate, Saharanpur, through the District Judge concerned for his future guidance."

9. **Circular Letter No. 28/Admin. 'G-II' dated 04.12.2021 (Allahabad)** in reference to "Printed Proforma" and Circular No. 8159/Admin. G-II dated 07.07.2025 in reference to "pre-printed rubber stamps" or "pre-typed proformas" have also been issued by the High Court in this regard.

10. Despite a series of decisions of the Apex Court and this Court disapproving such practice of passing orders on printed proforma, it is painful and unfortunate to note that the appellant in the present case has been summoned by such an order, wherein blanks have been filled in without applying judicial mind. Such an order has already been held unsustainable by this Court in the case of **Ankit (supra)**, relying on several decisions of the Apex Court.

11. In view of the above, the conduct of the judicial officers concerned in passing orders on printed proforma by filling up 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 the Special Judge has applied his mind to the facts as well as the law applicable thereto.

12. Accordingly, the present appeal is allowed. The impugned cognizance/summoning order dated 23rd November, 2022 passed by the Special Judge, SC/ST Act, Kannauj, is hereby quashed. The court concerned is directed to pass a fresh, well-reasoned order after applying judicial mind to the facts of the case.

April 24, 2026
Sushil/-

(Madan Pal Singh,J.)