
(2012) 01 AHC CK 0017
In the Allahabad High Court
Case No : Application No. 1672 of 2012

Vishnu Kant Mishra @ Nanha Mishra

APPELLANT

Vs

State Of U.P.

RESPONDENT

Date of Decision : 16-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 110, 111, 482

Citation : (2012) 01 AHC CK 0017

Hon'ble Judges : Bala Krishna Narayana, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon"ble Bala Krishna Narayana, J.—Heard learned counsel for the applicant and learned A. G. A. for the State. The facts of the case in brief are that an order purporting to be passed u/s 111 Cr. P. C. by the Additional City Magistrate-Vth, Kanpur Nagar asking the applicant to show cause why he may not be required to furnish a personal bond of Rs. 20,000/- and two sureties each in the like amount for maintaining peace and good conduct for a period of one year. Pursuant to this order proceedings under Section-110 Cr. P. C. were initiated against the applicant.

2. The applicant has now approached this Court praying that the order passed by the Additional City Magistrate-Vth, Kanpur Nagar be quashed.

3. Learned counsel for the applicant has invited my attention to the order passed by the Magistrate u/s 111 Cr. P. C. It has been submitted by learned counsel for the applicant that the above order is bad in law and as such the Magistrate could not assume jurisdiction to proceed u/s 110 Cr. P. C. He further submitted that the order is on a cyclostyled proforma with certain blanks which have been filled in with pen and ink by someone and simply initiated by the Additional City Magistrate-Vth, Kanpur Nagar.

4. It is further submitted that the Additional City Magistrate-Vth, Kanpur Nagar has no jurisdiction or authority to proceed on the basis of this void notice and he

has placed reliance upon the case of Ranjeet Kumar and others Versus State of U. P. and others reported in 2002 (45) ACC 627.

5. Considering the aforesaid facts and submissions it is evident that notice under challenge on the ground that the notice suffers from illegality, vagueness of the substance of information received as set forth is wholly incomplete vague and ambiguous. Notice is wholly defective and invalid. The Additional City Magistrate-Vth, Kanpur Nagar has no jurisdiction to proceed on the basis of this void notice and proceedings pending against the applicant are a nullity without jurisdiction and as the applicant has challenged the validity of the impugned notice on the ground that it does not fulfill the requirements of mandatory provisions of Section 111 Cr. P. C. and therefore, the notice in question is null and void and the proceedings before the Additional City Magistrate-Vth, Kanpur Nagar are a nullity. It is well settled that the objective of setting forth in the order, the substance of information received by the Additional City Magistrate-Vth, Kanpur Nagar is to inform the person asked to show cause what allegations he has to answer. If the substance of the information set forth in the notice is vague and ambiguous, the very object of Section 110 Cr. P. C. is defeated. For the aforesaid reasons, the impugned order dated 6.1.2012 passed by the Additional City Magistrate-Vth, Kanpur Nagar is liable to be quashed. The present application u/s 482 Cr.P.C. is allowed. The impugned order dated 6.1.2012 passed by the Additional City Magistrate-Vth, Kanpur Nagar is hereby quashed.