

KAKD010014272025



Presented on : 10.11.2025
Registered on : 11.11.2025
Decided on : 10.08-2026
Duration : 9M

**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, KODAGU- MADIKERI.**

Present

Sri. Maruti S. Bagade, B.Com., LL.B.(Spl.)
Principal District and Sessions Judge,
Kodagu-Madikeri.

Dated this the 10th day of August, 2026.

Criminal Revision Petition No.116/2025

Petitioner :

Sri Haneefa K.M.,
S/o Sri M.Mammunhi,
Aged 51 years,
R/o Maduramma Estate,
Sunticoppa, Kushalnagar Taluk,
Kodagu District.

**(Represented by Sri. G. R. Ravishankar,
Advocate.)**

/ Versus /

Respondents:-

- 1) The Sub Inspector of Police,
Bhagamandala Police Station,
Bhagamandala, Kodagu District.
- 2) The Taluka Executive Magistrate,
Madikeri Taluk,
Kodagu District.

**(Represented by learned Public
Prosecutor)**

ORDER

This is the revision petition filed by the petitioner under section 438 of Bharatiya Nagarik Suraksha Sanhita 2023 (section 397 of Cr.P.C.), challenging the order passed by the respondent No.2/Taluka Executive Magistrate, Madikeri Taluk, Kodagu District on 31.10.2025 in the proceeding under section 126 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, against the revision petitioner on his file No.ಎಂ.ಎ.ಜಿ /ನ್ಯಾಯಾಂಗ/87/2025-2026.

2. Brief facts of the case are as under:-

That, on the basis of the report submitted by the Police Sub Inspector of Bhagamandala Police Station in PAR No.16/2025, the learned Taluka Executive Magistrate, Madikeri (hereinafter be called as respondent No.2) has initiated security proceedings under section 126 of BNSS, 2023 against the petitioner and issued summons as provided under section 132 of BNSS 2023, calling upon him to appear before him on 11.11.2025.

The petitioner being aggrieved by the summons issued by the respondent No.2/Taluka Executive Magistrate, has filed this revision petition seeking setting

aside the entire proceedings including summons dated 31.10.2025 on several grounds mentioned in the petition.

3. Notice was served on both the respondents. Respondent Nos.1 and 2 have appeared before the Court through learned Public Prosecutor.

4. The Trial Court records not secured.

5. Heard the arguments of the petitioner counsel and learned Public Prosecutor and perused the provisions of section 126, 130, 132, 135 and 136 of BNSS, 2023 as well as provisions of section 438(2) of BNSS, 2023.

6. The points that would arise for my consideration are;

1. Whether the summons dated 31.10.2025 is an interlocutory order? If so,
2. Whether the revision petition is maintainable?
- 3, What order?

7. My findings on the above points are as under:

Point No.1 : In the Affirmative,

Point No.2 : In the Negative,

Point No.3 : As per final order
for the following;

REASONS

8. **Point Nos.1 and 2**: Both points are taken up for consideration together for avoiding repetition of discussion.

9. The first contention of the petitioner counsel is that, the summons issued on 31.10.2025 is not an interlocutory order, but a final order and therefore the revision is maintainable. The second contention urged by the petitioner counsel is that, since the summons issued by the respondent No.2 is in violation of the provision of section 126 and 130 of BNSS, 2023, it is liable to be set aside.

10. On the other hand, the specific contention of the learned Public Prosecutor is that, the respondent No.2/Taluka Executive Magistrate neither conducted any kind of inquiry as provided under section 135 of BNSS 2023 nor passed any kind of final order, directing the petitioner to execute the security bond for Rs.1,00,000/- with or without surety for keeping peace for a period of one year, as provided under section 136 of BNSS 2023. Learned Public Prosecutor further contended that the summons under challenge came to be issued under section 132 of BNSS, 2023 which is nothing but an

interlocutory order, hence, as provided under section 438(2) of BNSS, 2023, the said revision is not maintainable.

11. I have carefully gone through over all facts and circumstances of the case as well as the provisions of section 126, 130, 132, 135 and 136 of BNSS, 2023. After careful examination of these provisions, I am of the opinion that, in each and every security proceeding, there are two stages and they are; preliminary inquiry stage and main inquiry stage. Section 126 and 130 of BNSS 2023 deals with the procedure regarding the preliminary inquiry. Similarly, section 135 and 136 of BNSS 2023 deals with the procedure regarding main enquiry and final order.

12. The first stage inquiry:- Section 126 and 130 of BNSS 2023 deals with first stage of inquiry. Before proceeding further, I feel it appropriate to bring on record the provisions of section 126(1) of BNSS 2023 which are as under:-

“When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquility or to do any wrongful act that may probably occasion a breach of the peace or disturb the

public tranquility and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to **show cause why he should not be ordered to execute a bond or bail bond for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit**" (Bold is mine)

13. On careful perusal of above said provision it is obvious that, the Executive Magistrate after satisfaction of availability of prima facie materials regarding chances of commission of breach of public peace or tranquility, he can issue show cause notice calling upon the persons mentioned in the police report as to why they should not be ordered to execute the security bond or bail bond for keeping the peace for a period not exceeding one year, with or without surety. The provisions of section 130 of BNSS 2023 speaks about the contents of the show cause notice. The provisions of section 126 and 130 of BNSS 2023 are interlinked with each other. Hence, it is obvious that the preliminary inquiry stage comprises of registering the case under section 126 of BNSS 2023 and issuing show cause notice to the respondents for appearance.

14. The second stage inquiry:- Once the show cause notice came to be issued in compliance of the provisions of section 126 and 130 of BNSS 2023 and served upon the persons mentioned in the PAR report, then such persons are bound to appear before the Executive Magistrate and file objection against the allegations and face the inquiry. This is nothing but main inquiry or trial. Section 135 of BNSS 2023 deals with the procedure, how an inquiry can be conducted to find out the truth in the information submitted by the police. During this inquiry, the persons who are facing the inquiry will get every right to put forth their defence to show that they are not liable to execute any bonds for keeping the peace. Once the inquiry is concluded, then Executive Magistrate is supposed to pass an order as provided under section 136 of BNSS 2023, directing the concerned persons to execute the bonds as per his order or discharge such persons from the allegations under the inquiry without any order for execution of security bonds as provided under section 137 of BNSS 2023. If the Executive Magistrate passes any order directing the concerned persons to execute the security bonds, then aggrieved persons have got right to file an appeal before the Sessions Court under section 414 of BNSS 2023.

15. This being the position of law, on bare perusal of the summons dated: 31.10.2025, it is crystal clear that the respondent No.2/Taluka Executive Magistrate pursuant to the report submitted by the respondent No.1 in his Police Station PAR No.16/2025, has initiated action under section 126 of BNSS 2023 against the present petitioner and issued summons calling upon the petitioner to appear before him on 11.11.2025 and to give the explanation. Therefore, it is obvious that whatever the order passed for issue of show cause notice is nothing but compliance of the procedure contemplated under section 126(1) of BNSS 2023, which is nothing but an interlocutory order.

16. It is needless to mention that it is only after the appearance of the petitioner, pursuant to the show cause notice issued under section 126(1) of BNSS 2023, the respondent No.2/learned Taluka Executive Magistrate has to take up the case for inquiry as provided under section 135 of BNSS 2023 and after conclusion of inquiry, if he passes a final order as provided under section 130 of BNSS 2023, directing the petitioner for execution of bond for particular amount and period, then only it becomes the final order, against which appeal lies as provided under section 414 of BNSS 2023.

17. In my considered opinion, the order for issue of show cause notice is nothing but an interlocutory order. This being so, the question that arises for my consideration is; whether the revision petition is maintainable against the interlocutory order. My answer to this question is, “no”. It is so because, as provided under section 438(2) of BNSS 2023, the power of revision cannot be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding. Having regard to the factual matrix of the case, it is obvious that the show cause notice issued by the learned Taluka Executive Magistrate on 31.10.2025 is nothing but an interlocutory order, and therefore, the present revision petition is not maintainable.

18. That apart, it is also important to look into the duration prescribed by the law within which the respondent No.2/Taluka Executive Magistrate is supposed to conclude the proceedings in question. According to the section 135(6) of BNSS 2023, the Magistrate has to conclude the proceedings within six months from the date fixed in the show cause notice for the appearance of the parties. Here in this case on hand, the respondent No.2 has directed the petitioner to appear before him on

11.11.2025. According to the provisions of section 135(6) of BNSS 2023, the period of six months elapsed on 11.05.2026. The present petition came to be filed on 10.11.2025. It is also pertinent to mention that this Court had not passed any interim stay order against the respondent No.2. Therefore, it was open for the respondent No.2 to continue his proceedings. As on today, more than nine months have been elapsed. It is, therefore, the show cause notice including the security proceedings before the respondent No.2/Magistrate obviously deemed to be terminated due to expiry of six months duration fixed by the law. This being so, it is needless to say that even on this ground also, the revision petition becomes infructuous. In the light of the aforementioned reasons, I have no other go except to answer point No.1 under consideration in the **Affirmative** and point No.2 in the **Negative**.

19. **Point No.3:** In the light of the affirmative finding on point No.1 and negative finding on point No.2, now I proceed to pass the following:

ORDER

The Revision Petition filed by the petitioner under section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023 stands dismissed.

It is further ordered that the proceedings before the respondent No.2 deemed to be terminated as provided under section 135(6) of BNSS 2023.

Send the copy of the order to both respondents.

(Typed to my dictation by Steno Grade-1 directly on the computer, the same is corrected, initialed and then pronounced by me in the open Court, this the **10th day of August, 2026**).

Sd/xxxx
(Maruti S. Bagade)
Principal District & Sessions Judge,
Kodagu-Madikeri.