



**IN THE COURT OF THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MYSURU.**

Dated this the 25th day of July 2026

:: PRESENT ::

Sri. Mohan Badagandi

B.Com., LL.B (Spl.),

**II Addl. District & Sessions Judge,
Mysuru.**

CRL.R.P./69/2025

**REVISION
PETITIONERS**

- ::**
1. Mahadeva N.M,
S/o. Marimadu,
Aged about 56 years,
Advocate,
R/at. No.419/3,
Giridarshini Layout,
Alanahalli, Mysuru.
 2. Madegowda,
S/o. Madegowda,
Aged about 56 years,
R/at. Gadijogi Hundi Village,
Bannur Hobli,
T.Narasipura Taluk,
Mysuru District.

(By : Sri. C.N., - Adv.,)

V/s

RESPONDENTS

- ::**
1. The Taluk Executive
Magistrate,
T.Narasipura,
Mysuru District.

2. The Sub-Inspector of Police,
Law and order,
T. Narasipura Police Station,
Mysuru District.

Both are R/by Public
Prosecutor, Mysuru District.

(By : Public Prosecutor)

J U D G M E N T

The Revision Petitioners have filed petition under Section 438 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, being aggrieved by the impugned order passed by Respondent No.1/The Taluk Executive Magistrate in File No.MAG CR3/2025-26 PR No.1/2025 dated 24.04.2025.

2. The brief facts of the case is that Jagadish Dhulashetti PSI of T.Narasipura Police Station submitted report that Sujjalur village is situated about 10 km from T. Narasipura police station, and Lingayatha, Kurubas, Scheduled Castes, Ganiga, Nayakas and other community people live and earn their livelihood by doing agriculture and coolie work.

The Revision Petitioners have been repeatedly causing disturbances in the village of Muttathi regarding the road in Sy.No.2/4, 2/5, 2/7, 2/8 and they are politically, economically and socially powerful. There is chance that they would take law into their own hands, with the help of their supporters and they will form an illegal group with deadly weapons for their own selfish purposes in the future and attack the families and supporters with deadly weapons cause disturbance to the public peace and tranquility in the local area and disturb the law and order. So, he has apprehension that there is chance of breach of public peace and tranquility to the person and property and also nuisance.

3. On the basis of the said report, the T.Narasipura Police Station, registered P.R.No.1/2025 under Section 126 of BNSS. The said police submitted its report with documents in above

said P.R number before the Respondent No.1 authority on 09.04.2025. The Respondent No.1 authority has passed the impugned order by considering the report submitted by T.Narasipura Police Station, passed the impugned order directing the Revision Petitioners to execute bond of Rs.1,00,000/- for a period of one year on 24.04.2025.

4. The Revision Petitioners being aggrieved by the said impugned order of Respondent No.1 has preferred this Revision Petition on the ground that, the Respondent No.1 erred in initiating the proceedings under Section 126 of BNSS against them. He has also erred in directing the Revision Petitioners to appear before him and to give show cause as to why they should not keep peace in the Muttatthi Village surroundings. One Ramakrishna has filed a suit O.S.No.352/2024 for Permanent Injunction against the Petitioners, before the Hon'ble

Add. Civil Judge and J.M.F.C, at T.Narasipura. The Court was passed the order by issuing emergent notice against the Defendants. The said Ramakrishna is colluded with the complainant and gave a false report to the Respondent No.1 with malafide intention to harass the Petitioners. The Petitioners have not committed any offences alleged by the Respondent No.2. The alleged area is agricultural land. The Respondent No.1 has erred in invoking the powers Section 126 of B.N.S.S. insisting the Petitioners to keep peace in the village. Hence, the order is suffering from infirmities and is liable to be set-aside as the same is not sustainable in the eye of law. The Respondent No.1 has failed in not passing the written order as per provision 130 of B.N.S.S. and has passed mechanical order by issuing computerized duplicate copies. The Respondent No.1 erred in invoking and initiating the proceedings under Section 126 of B.N.S.S. by passing a so called preliminary order under Section 130 of BNSS on the

stay incident without any basis. He has not issued the copy of the preliminary order passed by him as per section 130 of B.N.S.S. along with a notice as contemplated under section 132 and 134 of BNSS. He has failed to consider the facts and circumstances of the case and failed to notice that the same does not come under the ambit of Section 126 of BNSS. He has not conducted any enquiry on the report of the Respondent No.2 before issuing the show cause notice to the Revision Petitioners which is against to the principles of natural justice. He basically erred in wholly relying on the report of the police and thereby committed a manifest error. The order of the Respondent No.1 is against to law and principles of natural justice and equity, highly erroneous, illegal and unjustifiable and it is liable to be set-aside. Hence, the Revision Petitioners have prayed to allow the petition.

5. After service of notice, the Respondents authority appeared through the learned P.P. The learned P.P. submitted the TCR and heard the learned counsel for the Revision Petitioners and learned Public Prosecutor.

6. The points that arise for my determination are :

1. Whether the Respondent No.1 authority has followed the statutory procedure under Section 130 of BNSS in passing impugned order in File No.MAG CR3/2025-26 PR No.1/2025 dated 24.04.2025 is liable to be set aside ?
2. Whether the impugned order of Respondents authority is arbitrary, illegal and perverse and calls for interference by this Court ?
3. What order ?

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

POINT NO.1	:	In the Affirmative ,
POINT NO.2	:	In the Affirmative ,
POINT NO.3	:	As per final order, for the following ;

:: REASONS ::

8. **POINT NOS.1 AND 2:-** Since both the points are interlinked, they are taken up together for the sake of convenience and to avoid repetition of discussion of the contents of facts.

9. The records would go to show that on 09.04.2025 the Jagadish Dhulashetti PSI of T.Narasipura Police Station, received the credible information that Revision petitioners were causing disturbance to the public peace and tranquility in the local area. So, the said P.S.I has apprehension that there is chance of breach of public peace and tranquility to the person and property and also nuisance. Hence, he submitted the report.

10. On observing the impugned order passed by the Respondent No.1/authority, it is clear that, the Respondent No.1/authority has passed the impugned order on 24.04.2025 without issuing the Show Cause Notice to the Revision Petitioners based

on the report of Jurisdictional Police, FIR and complaint.

11. The Respondent No.1-authority noway appears that, he has followed the statutory procedures provided under Section 130 of BNSS (111 of Cr.P.C.) for initiating the proceedings under Section 126 of BNSS (107 of Cr.P.C.) against the Revision Petitioners.

12. Further, the Respondent No.1-authority instead of issuing Show Cause Notice to the Revision Petitioners that why he should not be directed him to execute bond for certain period, with certain sum of money in connection with particular allegation effects the public peace and to keep the good behaviour during the period of one year.

13. Further, the Respondent No.1-authority has not recorded any particular kind of satisfaction to pass an impugned order against the Revision

Petitioners. Further, the impugned order nowhere supports and satisfy the ingredients/ initiation of proceedings under the provisions of Section 130 of BNSS (111 of Cr.P.C.).

14. The impugned order of Respondent No.1-authority is not in accordance with guidelines issued by the ***Hon'ble High Court of Karnataka in ILR 2015 KAR 300 in the case of Rustom Kerawala Vs. State of Karnataka***, wherein the Hon'ble High Court of Karnataka held on

“a) -107 of Code of Criminal Procedure clearly indicates that, the Taluka Executive Magistrate while passing an order after issuing information must satisfy himself that any person is likely to commit breach of peace or disturb the public tranquility and to do any wrongful act that may probably occasion of breach peace or disturb the public tranquility and is one of the opinion that, there is sufficient grounds for proceedings, then only he may pass an order U/Sec.111 of Code of Criminal Procedure.

b) While passing an order U/Sec.111 of Code of Criminal Procedure, Taluka Executive Magistrate shall specifically set forth the substance of information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties require to be furnished by the petitioner....."

15. The above observation of the Hon'ble High Court of Karnataka clearly reveals that, the Taluka Executive Magistrate, T.Narasipura Taluk must initiate the proceedings under Section 111 of Code of Criminal Procedure (Now 130 of BNSS) only after receiving the information, must satisfy himself that any person is likely to commit breach of peace or disturb the public tranquility and to do any wrongful act that may probably occasion of breach peace or disturb the public tranquility and is one of the opinion that, there is sufficient grounds for proceedings. Further that, while passing an order under Section 111 of Code of Criminal Procedure

(Now 130 of BNSS), the Taluka Executive Magistrate shall specifically set forth the information received, the amount of bond to be executed, the terms for which it is to be in force and the number, character and class of sureties require to be furnished by the Petitioners.

16. The copy of the impugned produced by the Revision Petitioners and objections of the learned Public Prosecutor would go to show that, the Respondent No.1-authority has issued final order on 24.04.2025 without show cause notice seeking to execute bond of Rs.1,00,000/- for a period of one year.

17. In the instant case, the contents of impugned order and records produced by the Respondent No.1-authority make it clear that the Respondent No.1-authority has not followed any statutory requirements under Section 130 of BNSS (111 of Cr.P.C.), hence the impugned order of

Respondent No.1-authority is not sustainable and power exercised by the Respondent No.1-authority under Section 130 of BNSS is arbitrary, perverse and illegal. Hence, the same calls for interference by this Court and accordingly, I answer the **Point Nos.1 and 2 in the Affirmative.**

18. **POINT NO.3:-** In view of my finding on Points No.1 and 2 and for the reasons discussed above, I proceed to pass the following;

ORDER

The Revision Petition filed by Revision Petitioners under Section 438 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is hereby allowed.

The order of the Respondent No.1/ Taluk Executive Magistrate, T.Narasipura, in File MAG CR3/2025-26 PR No.1/2025 dated 24.04.2025 is hereby set aside.

Bonds got executed if any from the Revision Petitioners stands cancelled.

Send back the records of Respondent No.1/Taluk Executive Magistrate, T.Narasipura, with true copy of this order.

[Directly, dictated to the Stenographer Gr-III on computer, corrected, and signed by me and then pronounced in the Open Court, on this the **25th day of July 2026**]

(Mohan Badagandi)

II Addl. District & Sessions Judge,
Mysuru.

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