

District : Paschim Medinipur

IN THE COURT OF ADDITIONAL SESSIONS JUDGE

Fast Track 2nd Court, Paschim Medinipur

**Present : Smt. Jhilom Gupta,
Additional Sessions Judge,
Fast Track 2nd Court,
Paschim Medinipur.**

Criminal Revision No. 298/ 2026

(Reg No. 298/2026)

(CNR WBWM01-003635-2026)

Joydeb Dinda and another.....Petitioners

Versus

State of West Bengal.....Opposite party

Date of delivery of Judgment :- 18th day of July, 2026.

J U D G M E N T

This criminal revision has been brought by the revisionists / petitioners, on ground that in NGR Case No. 397/2026 corresponding to NCR Case No. 293/2026 u/s 126 BNSS. Ld. Executive Magistrate, Sadar, Midnapore, by his order dated 22.03.2026 has been pleased to serve a show cause notice, asking the petitioner of the instant case to appear before him on 10.04.2026 and to submit a show cause as to why he would not be directed to execute a bond of Rs. 1,000/- with one registered surety of like amount for maintaining peace for the period of one year.

Being aggrieved by the said notice, the petitioners have filed this criminal revision on ground that the impugned order passed by the Ld. Executive Magistrate, Sadar, Midnapore, did not reflect the definite tangible facts, which are mandatory as per Section 130 of Bhartiya Nagarik Suraksha Sanhita and also on the ground that the above mentioned notice issued against the petitioner of the instant case does not contain the complete substances of acquisition made against them.

Under the circumstances, it is prayed by the petitioner that the instant revisional application be allowed setting aside the impugned order passed by Ld. Magistrate for ends of justice.

D/C by me.

(Contd...)

In order to reach at a decision in respect of the instant revisional application it is to be seen whether order dated 22.03.2026 passed by Ld. Executive Magistrate, Sadar, Midnapore is legal and valid or the said order has been passed violating the provision u/s 130 of Bhartiya Nagarik Surakshya Sanhita.

Perused the record.

Considered.

Perused order sheet dt. 22.03.2026 passed by the Ld. Executive Magistrate, Sadar, Midnapore.

S. 126 of Bhartiya Nagarik Surakshya Sanhita contains the provision for security for keeping peace in some particular cases. The section runs as follows-

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

(2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.”

S. 130 of Bhartiya Nagarik Surakshya Sanhita tells us about the order to be made by the Ld. Executive Magistrate in case he receives information of proceeding under the above mentioned section. S. 130 of Bhartiya Nagarik Surakshya Sanhita states that -

“When a Magistrate acting under section 126, section 127, section 128 or section 217, deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force and the number of sureties, after considering the sufficiency and fitness of sureties.”

Thus , in order to invoke proceeding U/S 126 Bhartiya Nagarik Surakshya Sanhita ,

D/C by me.

(Contd...)

the Ld. Executive Magistrate has to be satisfied that there is sufficient ground for proceeding against the opposite party requiring him to furnishing bond as provided in the Sanhita.

It has been mentioned in order dt. 22.03.2026 passed by the Ld. Executive Magistrate, Sadar, Midnapore that he is satisfied that there are sufficient grounds for proceeding U/S 126 of Bhartiya Nagarik Surakshya Sanhita but he has not recorded his satisfaction clearly. He only has referred in his order and that the opposite party therein abused filthy languages over the issue of land dispute.

As per S. 130 Bhartiya Nagarik Surakshya Sanhita before ensuring furnishing bond from a wrongdoer the Ld. Magistrate is required to make him aware of the reasons for which bond has been asked for **setting forth the substance of the information received**. But, if order dated 22.03.2026 is minutely looked into, the substance of accusation cannot be found in the order, even the notice served to the petitioner does not contain the said substance of accusation. The "substance of accusation" refers to a clear and concise explanation of the specific offense with which an individual is charged in a legal proceeding. It is a crucial step in ensuring the accused understands the allegations against him and can adequately prepare a defense. The notice u/s 126 BNSS should not be vague and general, but must be clear and definite, directly affecting the persons concerned and disclosing tangible facts and details. It must contain some specific conduct showing that the person is likely to commit a breach of peace. Description of the desperate and dangerous acts on the part of the O.Ps has not been mentioned in the above mentioned impugned order passed by the Ld. Executive Magistrate, Midnapore dt. 22.03.2026. At the time of recording satisfaction to proceed u/s 126 BNSS, the Ld. Magistrate has not stated why with regard to the incident that took place on 22.03.2026 as reflected in the prosecution report referred in the impugned order, on 22.03.2026 he had to interfere and asked the petitioner / O.P therein to show cause for furnishing bond as stated at the very outset.

Thus the impugned order dt. 22.03.2026 passed by Ld. Executive Magistrate, Sadar, Midnapore is vague and general and as it does not disclose any tangible facts and details directly affecting the informant concerned hence the said order is liable to be set aside. Hence, it is,

ORDERED

that the order dt. 22.03.2026 passed by the Ld. Executive Magistrate, Sadar, Midnapore, in connection with NGR Case No. 397/2026 and NCR Case No. 293/2026 is hereby set aside. The criminal revision accordingly stands disposed of.

Let a copy of this order be sent to the Ld. Executive Magistrate, Sadar, Midnapore.

D/C by me.

(Smt. Jhilom Gupta)
Addl. Sess. Judge,
F.T.C. 2nd, Paschim Medinipur.

D/C by me.

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D/C by me.

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D/C by me.

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