

Baldev Singh VS Bawa Singh and Others

Present: Sh. M.S. Ghuman, Adv., counsel for the complainant.

Complaint under Section 126(2), 115(2), 118(2), 351(2), 351(3), 333, 3(5), of BNS is presented today. It be registered. As per proviso to section 223(1) of BNSS, 2023 no cognizance of an offence shall be taken by the Magistrate without giving accused an opportunity of being heard. The Hon'ble Supreme Court of India in **Jamuna Singh and others Versus Bhadai Shah AIR 1964 SC 1541** held that the moment court record the statement of complainant in a complaint cases, it amounts to taking cognizance. This view is reiterated in **Cref Finance Ltd. Versus Shree Shanthi Homes Pvt. Ltd. & anr. 2005 SCC (Crl.) 1697** and in **State of Karnataka & Anr. Versus Pastor P. Raju (2006) 6 SCC 728**. Therefore, at this stage statement of complainant or his witnesses cannot be recorded. Let pre-cognizance notice, affording opportunity of being heard, to respondent/accused be issued under proviso to section 223(1) of BNSS, 2023 for 19.10.2026 through ordinary process as well as through RC/AD. Dasti notice be given to complainant, if requested. The respondent/accused is at liberty to appear either in person or through counsel.

Date of Order: 24.07.2026

*Salman steno-III**

(Jaspreet Kaur Simak)
Sub Divisional Judicial Magistrate,
Dasuya
UID No . PB00401