

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
1st COURT, PASCHIM MEDINIPUR .**

Present :— **Sri Pushpal Satpathi,
Addl. Sessions Judge, 1st Court,
Paschim Medinipur (J.O Code. WB 01301).**

***Criminal Revision No. 281/2026
CNR No. WBWM010034282026***

Under Section:- 438/440 of the B.N.S.S.

**(Arising out of impugned order dated 02-04-2026 in NCR Case No. 204/2026
& NGR Case No.977(E)Kgp/2026 passed by the Ld. Executive Magistrate,
Kharagpur, Paschim Medinipur.)**

1. Soumen Kumar Santra

..... Petitioner/revisionist

-Vs-

The State of West BengalOpposite Party

Judgment delivered on :- 9th day of July, 2026.

J U D G M E N T

The instant revisional application has been preferred by the petitioner/revisionist being aggrieved by and dissatisfied with the impugned order dated 02-04-2026 passed by the Learned Executive Magistrate, *Kharagpur, Paschim Medinipur* in N.G.R. Case No.977(E)Kgp/2026 arising out of N.C.R. Case No. 204/2026 under section 126 of the B.N.S.S.

On receipt of a police report, the Learned Executive Magistrate, *Kharagpur, Paschim Medinipur*, by virtue of the impugned order dated 02-04-2026, was pleased to draw up a proceeding under section of the 126 B.N.S.S against the present petitioners and directed them to show cause as to why they should not be ordered to execute a bond of Rs.1,000/- each with one registered surety or one local surety of like amount for maintaining peace for the period of one year.

It appears from the police report that on 28-03-2026, one Nitesh Ranjan Santra, son of Late Prahalled Santra, of village—*Rambhadrapur*, P.S.—*Sabang*, District—*Paschim Medinipur*, appeared at *Sabang* Police Station and reported that the O.P. members had threatened him and abused him in filthy language with dire consequences in connection with a land dispute. The said information was recorded vide *Sabang* P.S. G.D.E. No. 1642 dated 28-03-2026. Pursuant to the order of the Officer-in-Charge, *Sabang* Police Station, the Enquiry Officer conducted a local enquiry at village—*Rambhadrapur* under *Sabang* police station in the presence of the

complainant, the O.P. members and local villagers. During the course of enquiry, it was revealed that there existed a dispute between the parties over the aforesaid land issue and that the allegations made by the complainant were found to be true. The Enquiry Officer also learnt from the witnesses that the O.P. members were quarrelsome, dangerous and desperate in nature. The enquiry further disclosed that there existed every likelihood of a serious breach of peace in the locality on account of the dispute between the parties.

The Learned Executive Magistrate on receipt of the police report passed the impugned order dated 02-04-2026.

Being aggrieved by and dissatisfied with the said impugned order, the revisionists / petitioners filed the instant Criminal Motion on the following amongst other grounds:-

- i. For that the order is absolute bad-in-law causing prejudice to the petitioner.
- ii. For that the Learned Magistrate ought to make the order in writing himself setting forth the substance of the information received.
- iii. For that the impugned order passed by the Learned Court below did not reflect the definite tangible facts which is mandatory as per provision of section 130 B.N.S.S.
- iv. For that the impugned order passed by the Learned Magistrate is quite improper and out of jurisdiction.

GROUND FOR CONSIDERATION

I have to consider as to whether the impugned order dated 02-04-2026 passed by the Learned Executive Magistrate, *Kharagpur, Paschim Medinipur* in the aforesaid case under section 126 of the B.N.S.S suffers from any illegality, impropriety or jurisdictional error.

DECISION WITH REASONS

I have carefully gone through the impugned order, the materials-on-record vis-a-vis the submissions canvassed.

Heard the Learned Counsel for the petitioners as well as the Learned Public Prosecutor-in-charge for the State.

Section 130 of the B.N.S.S. speaks that when a Magistrate acting under sections 126, section 127, section 128 or section 129, 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 bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required. The Hon'ble *Karnataka* High Court in the case of *M Krishnamurthy Vs Sub-Divisional Magistrate-cum-Revenue 2018 Cr LJ 1188 (Mad.)* has held that the superior Court should loathe to interfere when a show-cause notice is issued u/s 107

r/w 111 of the Cr.P.C (corresponding to section 126 B.N.S.S r/w 130 of the B.N.S.S). An order under section 111 read with section 107 of the Cr.P.C is only an interlocutory order, because it does not determine the rights of the parties at that juncture. It only calls upon the party to show cause against proposed action. It is not a final order, it is merely a preliminary stage in the proceedings. Therefore the order is not revisable under section 397 Cr.P.C (corresponding to 438 of the B.N.S.S) in view of the bar under section 397(2) (corresponding to 438 (2) of the B.N.S.S) vide Full Bench decision in *re. Muthuswami Chettiar AIR 1940 Mad 23*, the Hon'ble Apex Court in *Madhu Limaye v. Sub-Divisional Magistrate, Monghyr, reported in (1970) 3 SCC 746 / AIR 1971 SC 2486 as well as* the Hon'ble Apex Court in *Madhu Limaye v. State of Maharashtra reported in (1977) 4 SCC 551*.

In the light of the foregoing discussion, in the present case, a plain reading of the impugned order reveals that the Learned Magisterial Court below was reasonably justified in passing the impugned order which does not call for any interference from this Court. The revisional application is devoid of any substance.

Hence, it is,

ORDERED.

That the instant Criminal Revision being No. 281/2026 be and the same is dismissed on contest but without any order, however, as to costs.

Let a copy of the order be sent down to the Court of the Learned Executive Magistrate, *Kharagpur, Paschim Medinipur* for kind information.

Dictated & Corrected by me

Addl. Sessions. Judge,
1st Court, Paschim Medinipur

(Shri Pushpal Satpathi)
Addl. Sessions Judge,
1st Court, Paschim Medinipur