

GAHC040000902026



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : Crl.Petn./7/2026

Anurag Kumar Choudhary
Son of Shri Devindra Singh, resident of Sector 14, Ashoka Society, House No.5/14A
Vasundhara, Ghaziabad 201012

VERSUS

Khallung Rijiju
Son of Shri Rinchin Kharu Rijiju, resident of Village Nakhu, Nafra, PO and PS Nafra,
West Kameng District, Arunachal Pradesh. 790001

Advocate for the Petitioner : Kemo Lollen, Arun Yun, Maryum Sora, Geli Taye, D Ado, Ravi Shankar Mishra

Advocate for the Respondent : Rinchin Ledo Thungon, Rei Tadung

-BEFORE-
HON'BLE MR. JUSTICE BUDI HABUNG
ORDER

02.07.2026

Heard Mr. K. Lollen, learned counsel for the petitioner and Mr. R. L. Thungon, learned counsel for the respondent.

2. The present petition under Section 528 of Bharatiya Nagari Suraksha Sanhita, 2023 has been filed assailing the order dated 21.08.2025 passed

by the learned Chief Judicial Magistrate, Bomdila, West Kameng in N.I. Case No. 03/2025, whereby, process/ summons has been issued against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is residing beyond the territorial jurisdiction of the learned Chief Judicial Magistrate, Bomdila. It is contended that before issuance of the process, the learned Trial Court was required to comply with the mandate of Section 225 of BNSS, which provides that where the accused resides at a place beyond the area in which the magistrate exercises jurisdiction, the Magistrate shall postpone the issuance of process against the accused, and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there exists sufficient ground for proceeding. It is submitted that in the instant case, the learned CJM, Bomdila, West Kameng District took cognizance of the complaint and issued the summons against the petitioner without undertaking the enquiry contemplated under Section 225 of the BNSS.

4. Mr. R. L. Thungon, learned counsel for the respondent fairly submits that in the instant case before issuance of summon, the procedure contemplated under Section 225 of the BNSS was not complied with.

5. Having considered the submission advanced by the learned counsel for the parties and upon perusal of the impugned order, this Court finds that the mandatory requirement envisaged under Section 225 of the BNSS has not been complied with prior to issuance of summons against the petitioner. The petitioner is admittedly residing beyond the territorial

jurisdiction of the learned Magistrate. In view of the above, this Court is of the considered opinion that the impugned order cannot be sustained in law.

6. Accordingly, the order dated 21.08.2025 passed by the learned CJM, Bomdila, West Kameng District passed in N.I. Case No.03/2025 issuing process against the petitioner is hereby set aside. The matter is remanded back to the learned Trial Court with a direction to consider the complaint afresh after complying with mandate of the provision under Section 225 of the BNSS and thereafter to proceed with the trial of the case in accordance with law.

6. In terms of the above, this Criminal petition stands allowed and disposed of.

JUDGE