

GAHC040002402026



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

Case No. : Crl.Petn./34/2026

Raja Jini
Son of Late P K Kunjapla, serving as (ALO), Department of General Administration,
Civil Secretariat, Itanagar.

VERSUS

The State of AP and 2 Ors
represented through the PP of AP

2:The Superintendent of Police
Age: 0
Occupation :
Itanagar
Papum Pare District
Arunachal Pradesh.

3:The Officer in Charge
Age: 0
Occupation :
Itanagar Police Station
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : Idak Bam, Mipe Ete

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 19.02.2026

Heard Mr. I. Bam, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State respondent.

2. This petition under Section 528 of the BNSS, 2023, has been filed challenging the impugned notice dated 18.02.2026, issued by the respondent No. 3 under Section 35(3) of the BNSS, requiring the petitioner to appear before the respondent No. 3 on 19.02.2026 at 11:00 AM.

3. In the said notice, it is stated that during the investigation of FIR ITA/PS/CASE/GDE No. 18/2026 dated 11.02.2026 registered at Police Station, Itanagar, it was revealed that there are reasonable grounds to question the petitioner to ascertain the facts and circumstances from him, in relation to the investigation of the said case.

4. The learned counsel for the petitioner submits that the impugned notice under Section 35(3) of the BNSS was sent electronically by a Whatsapp message, which, according to the learned counsel for the petitioner, is contrary to the established law in terms of the judgment of the Hon'ble Supreme Court in the case of ***Satender Kumar Antil vs. Central Bureau of Investigation*** reported ***in 2025 SSC Online 1578***.

5. The learned counsel for the petitioner further submits that the impugned

notice does not disclose in which case the petitioner is sought to be summoned as the investigation of FIR ITA/PS/CASE/GDE No. 18/2026 dated 11.02.2026 registered at Police Station, Itanagar, does not disclose commission of any offence.

6. Mr. T. Ete, learned Additional Public Prosecutor, fairly submits that in view of the judgment of the Hon'ble Supreme Court in the case of *Satender Kumar Antil (Supra)*, notices through Whatsapp or other modes of electronic communication cannot be considered or recognised as an alternative or substitute to the mode of service recognised and prescribed under the CrPC, 1973/BNSS, 2023.

7. Call for the status report of GDE No. 18/2026 dated 11.02.2026

8. Issue notice to the respondents, returnable within 2(two) weeks.

9. Since Mr. T. Ete, learned Additional Public Prosecutor, has entered appearance and accepted notice on behalf of State respondent, no formal notice is required to be issued to the said respondent.

10. In the meantime, pursuant to the impugned electronic notice under Section 35(3) of the BNSS dated 18.02.2026 issued by respondent No. 3 in connection with FIR ITA/PS/CASE/GDE No. 18/2026, no coercive steps shall be taken against the petitioner until next date of listing

11. However, the petitioner shall cooperate with the investigation and shall appear before the investigating officer upon receipt of a notice duly issued and served strictly in accordance with law.

12. Further, it is made clear that this order shall not preclude the respondent-police from registering an FIR, if so warranted in law, and proceeding in

accordance with due process.

13. List the matter after 2(two) weeks.

JUDGE

Comparing Assistant