

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**Cril. Petn. No. 78 of 2025 with
MC(Cril. Petn.) No. 55 of 2025**

Sunny Alias Jaipal Singh Matneja

... *Petitioner*

- *Versus* -

State of Manipur and Anr.

... *Respondents*

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

05.12.2025

[1] This matter is taken up on mentioning due to urgency as supplementary item.

[2] Heard Mr. Boboy Potsangbam, learned counsel for the petitioner and Mr. Y. Ashang, learned PP assisted by Mr. W. Niranjit, learned Dy. GA for the State respondents.

[3] By the present petition, the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) prays for quashing the Cril. (Complaint) Case No. 7 of 2025 pending before the Ld. Chief Judicial Magistrate (CJM), Imphal West. The said case has been filed by the respondent no. 2 alleging offences under Sections 366, 337, 338, 346 & 358 of Bharatiya Nyaya Sanhita, 2023 (BNS) on the ground that the petitioner has committed some offences related to forgery with respect to the logo and other mark of the St. Joseph's Hr. Sec. School for which the respondent no. 2 is the authorized person.

[4] The learned counsel for the petitioner fairly concedes that the petitioner has received a summon from the Court of CJM, Imphal West for pre-cognizance hearing. It is submitted that the allegations made in the complaint

are for forgeries and the petitioner is not selling any merchandise of St. Joseph's Hr. Sec. School and as such the complaint case is filed to harass the petitioner in running of business. The petitioner is a businessman in the school uniforms for a considerable period without any unblemished record.

[5] On the other hand, the learned PP submits that the present petition arises out of the private complaint case filed by the respondent no. 2 against the petitioner herein and State is not a necessary party. However, the learned PP fairly submits that proviso to Section 223 of BNSS has introduced a new safeguard to the person who has been alleged as accused person in the complaint case. The summon issued by the Trial Court is for hearing the accused person before taking cognizance and issuance of such notice is for the benefit of the petitioner herein, who is the accused in the complaint case.

[6] This Court has perused the materials on record. Even though, the summon issued by the Trial Court is not annexed but it is fairly admitted during the course of hearing by the learned counsel for the petitioner that the summon is for pre-cognizance hearing.

[7] This Court agrees with the submissions of the learned PP that the pre-cognizance summon to the accused person under Section 223 of BNSS is a new safeguard introduced in the new criminal law whereby to prevent frivolous complaint case against innocent person. This Court is of the opinion that all these contentions made by the petitioner herein may be raised before the Ld. CJM, Imphal West in pre-cognizance under Section 223 of the BNSS.

[8] It is submitted that the matter is listed before the Trial Court tomorrow i.e. 06.12.2025 and it is clarified that nothing stated herein shall prejudice the proceeding before the Trial Court and the observations made in this order is confined to the scope of Section 223 of BNSS with respect to the proviso where the accused have a right to be heard before taking cognizance.

[9] With these observations, the Cril. Petn. No. 78 of 2025 is disposed of and the MC(Cril. Petn.) No. 55 of 2025 is also disposed of accordingly.

[10] Furnish a copy of this order to the learned counsel appearing for the parties in the course of the day through Whatsapp or email.

JUDGE

Thoiba