



CNR: KAHC010786512025

NC: 2026:KHC:45524
WP No. 36327 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 36327 OF 2025 (GM-POLICE)

BETWEEN:

SRI. SURESH H.G
S/O LATE M. HANUMANTHAPPA
AGED ABOUT 52 YEARS
WORKING AS SUB REGISTRAR
OFFICE OF THE SUB REGISTRAR
HOSKOTE TLAUK
BANGALORE RURAL DISTRICT
BANGALORE-562 114

...PETITIONER

(BY SRI: SATISH K, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HOME
REPRESENTED BY ITS ADDITIONAL
CHIEF SECRETARY, VIDHANA SOUDHA
BANGALORE-560 001
2. THE SUB INSPECTOR OF POLICE
VIJAYAPURA POLICE STATION
VIJAYAPURA CIRCLE
BANGALORE RURAL DISTRICT
BANGALORE 562 135

...RESPONDENTS

(BY SMT: NAVYA SHEKHAR, AGA FOR R1 AND R2)



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THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS FROM THE R2 PERTAINING TO THE IMPUGNED NOTICE DATED 26.11.2025 (ANNX-F) AND QUASH THE IMPUGNED NOTICE DATED 26.11.2025 ISSUED BY THE R2 POLICE AND ALL PROCEEDINGS PURSUANT THERETO (ANNX-F).

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

Petitioner is before this Court impugning the notice dated 26.11.2025 at Annexure-F issued by respondent No.2.

2. The principal grievance of the petitioner is that the police notice dated 26.11.2025 is issued purported to be under Section 94 of BNSS, 2023. The provision of Section 94 of BNSS, 2023 only contemplates issuance of summons to produce the documents and other thing.



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3. The said provision reads as follows:

94. Summons to produce document or other thing:-

(1) *Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer, such Court may issue a summons or such officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.*

(2) *Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.*

(3) *Nothing in this section shall be deemed-*

(a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023 or the Bankers' Books Evidence Act, 1891 (13 of 1891); or



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(b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority."

4. In the present case, the Investigation Officer has issued the impugned notice pointing out certain infirmities in the process of registration of the gift deed executed by Smt Bharati in favour of Sri Shravan Kumar. The petitioner is the Sub-Registrar who has registered the document. Several infirmities have been pointed out in the police notice and the petitioner was called upon by respondent No.2 to appear in-person along with necessary documents and explain as to why he shall not be arrayed as accused in the case.

5. The petitioner is aggrieved by that portion of the notice ,wherein, the petitioner was called upon to explain as to why he should not be arrayed as accused. It is the contention of the petitioner that the impugned notice is beyond the scope of Section 94 of BNSS, 2023.

6. On a plain reading of Section 94 of BNSS, 2023, extracted above, it is seen that respondent No.2 at best, call upon the noticee to produce the documents sought for.



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Sub-section (2) of Section 94 of BNSS, 2023 clarifies that, if the person who has been issued with notice, produces the documents and information called upon by the officer in-charge of the police station, the personal attendance of the said person is not mandatory, unless otherwise require.

7. Learned counsel for the petitioner submits that the petitioner would furnish all the information and clarification sought in the impugned notice to respondent No.2. If for any reason, the personal presence of the petitioner is required for investigation by respondent No.2, as and when called upon would appear before respondent No.2 and make necessary statement and furnish necessary clarifications.

8. If any information or presence of the petitioner is required, respondent No.2 shall ensure following the required procedure to call upon the petitioner for personal appearance for inquiry or investigation. Since the last paragraph of the impugned notice with regard to the petitioner showing cause as to why he should not be arrayed as accused in the proceedings is outside the scope of Section 94 of BNSS, 2023, the same is required to be set at naught.



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9. Accordingly, the following:

ORDER

(i) Writ Petition is ***allowed in part.***

(ii) The impugned notice dated 26.11.2025 at Annexure-F issued by respondent No.2 is quashed, only insofar as the last paragraph of the said notice, viz., calling upon the petitioner to show cause as to why he should not be arrayed as accused in the proceedings is concerned.

(iii) The petitioner is directed to furnish all the documents and information called upon in the impugned notice to respondent No.2 within 15 days from the date of receipt of the certified copy of this order.

(iv) Respondent No.2 is at liberty to call upon the petitioner to appear before him for any clarification or information, in the manner known to law.

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

BGN
List No.: 1 Sl No.: 60