

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.860 OF 2025

**SATISH
RAMCHANDRA
SANGAR**

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SATISH RAMCHANDRA
SANGAR

Date: 2025.08.14
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Gaurav Satyaprakash Singh

Age : 33 Years, Occupation : Service,

Currently Residing at : Flat No.22,

E – Wing, 4th Floor, Vrindavan, Mukund

Staff CHS Ltd., LBS Road, Ghatkopar (W),

Mumbai.

...Applicant

Versus

1. **The State of Maharashtra**

2. **Special Executive Magistrate (Zone-7)**

...Respondents

Mr.Rohit Yadav:-	Advocate for Applicant.
Ms.Gauri S. Rao:-	APP for Respondent No.1 -State.
Mr.Suresh Patil – PSI:-	Ghatkopar Police Station.

CORAM : S. M. MODAK, J.

DATE : 11th AUGUST 2025

P. C. :-

1. Heard learned Advocate for the Applicant against whom the prohibitory action under the provisions of Section 129 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) is initiated and also the learned APP.

2. There is show cause notice dated 24th July 2025 issued by the

learned Special Executive Magistrate cum Deputy Commissioner of Police, Zone-7. The contention is raised that except one NC, the show cause notice does not refer to any other cognizable or non-cognizable offence. I am entertaining the Application only for this reason.

3. Learned APP read over the provisions of Section 129 of BNSS and she supported the order by reading clauses (e) and (g) of the said Section. She has placed on record copy of the report given by Senior Police Inspector – Ghatkopar Police Station addressed to the learned Special Executive Magistrate dated 22nd July 2025. **There are several NCs ranging from 2009 to 2020.** It is taken on record and marked Annexure-X. Its copy is given to other side. According to learned Advocate for the Applicant, all these NCs are very old and action cannot be initiated under Section 129 of the BNSS.

4. It is true, the learned Special Executive Magistrate is supposed to arrive at subjective satisfaction that action under Section 129 of BNSS is justified. When the show cause notice is perused, he has referred to only NC of 2025. The satisfaction arrived at cannot be justified in the eyes of law. **That show cause notice needs to be set aside.** The matter is remanded back to the learned Special Executive Magistrate. Hence the following order:-

ORDER

- (i) **The Application is partly allowed.**
 - (ii) The show cause notice dated 24th July 2025 issued by the Special Executive Magistrate cum Deputy Commissioner of Police, Zone-7 is set aside.
 - (iii) The Ghatkopar Police Station is at liberty to pursue the matter with the Special Executive Magistrate cum Deputy Commissioner of Police, Zone-7.
 - (iv) If pursued, the learned Special Executive Magistrate cum Deputy Commissioner of Police, Zone-7 to satisfy himself that the action under Section 129 of BNSS is justified and while doing that exercise, he may take a note of the fact of NC referred in the report dated 22nd July 2025 are old NCs.
5. With these observations, **the Application stands disposed of.**

[S. M. MODAK, J.]