



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 789 OF 2025

Ravikant S/o. Sevakdas Kamble

Vs.

The State of Maharashtra, through Special Executive Magistrate, Zone-4, Nagpur City & Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for the Petitioner.
Mr. K.R. Lule, APP for the Respondents/State.

CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.
DATE : 6th NOVEMBER, 2025.

Heard.

2. The challenge is to the notice dated 10th September 2025, issued by respondent No.1 – Special Executive Magistrate, Zone-4, Nagpur City, under Section 129 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, “BNSS”) [Section 110 of the Code of Criminal Procedure, 1973]. The said notice pertains to furnishing security for good behaviour.

3. We have gone through Section 129 of the BNSS to find that such security for good behaviour is obtained from habitual offenders. In the present case, respondent No.1 has referred to four offences, which read as under:

Sr. No.	Police Station	Crime No. & Section
01	Beltarodi	NC No.669/2025, Sections 352 & 351(2) of IPC.
02	Hudkeshwar	Crime No.130/2022, Sections 437 & 439 of IPC.

03	Pratapnagar	Crime No.07/2007, Sections 419, 420, 465, 468, 471 & 34 of IPC.
04	Gadchiroli	Crime No.60/2024, Sections 389, 384, 120(B) of IPC.

4. The argument is that, out of these four offences, the petitioner is not an accused in the second offence. He has been acquitted in the third offence. So far as the first offence is concerned, it arises out of a dispute between the petitioner and his wife. As regards the fourth offence, the allegation is that the petitioner and four others were allegedly involved in honey-trapping the informant. The counsel for the petitioner argued, and rightly so, that neither the first nor the fourth offence will make the petitioner a habitual offender.

5. The learned APP submits that the issuance of the notice is justified under Sections 129(e) and 129(g) of the BNSS.

6. We have gone through these provisions. Clause (e) of Section 129 refers to a person who habitually commits, or attempts to commit, an offence involving a breach of the public peace. If we consider the allegations against the petitioner in the first and fourth case, the first refers to a dispute between husband and wife, and the fourth refers to an incident of extortion. There is no element of a breach of public peace. In fact, it is not even the case of the prosecution that the offences were committed at a place or in a manner that resulted into breach of peace. That being so, the notice under the said clause will be not justified.

7. So far as Clause (g) of Section 129 is concerned, it refers to a person who is so desperate and dangerous that his presence in the community will be hazardous if security for good behaviour is not obtained.

8. Here also, the offences mentioned above would not make the petitioner a desperate and dangerous person to the community at large. That being so, the notice issued under Section 129 of the BNSS would not stand scrutiny of law.

9. Accordingly, the petition is allowed. The notice dated 10th September, 2025, issued by respondent No.1 – Special Executive Magistrate, Zone-4, Nagpur City, is quashed and set aside.

10. The petition is disposed of in above terms.

(RAJ. D. WAKODE, J.)

(ANIL L. PANSARE, J.)

Vijaykumar