

18.06.2026  
Ct. No. 237  
Sl. No.55  
skg

**CRR - 278 of 2026**

**Rajesh Poddar**  
**Vs.**  
**The State of West Bengal & Anr.**

Mr. Apalak Basu,  
Ms. Sangamitra Banik,  
Ms. Saolini Bose,

.....for the petitioner

Mr. Kaushik Chatterjee,  
Mr. Tirthankar Dey,

...for the O.P. no.2

The petitioner has challenged a proceeding initiated under Section 126 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

It appears that, upon receipt of a police report, the learned Special Executive Magistrate, South East Division, Kolkata, passed an order under Section 130 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Thereafter, summons was issued to the petitioner under Section 133 of the said Sanhita.

The learned Advocate appearing for the petitioner challenges the proceeding on the ground that the summons issued by the learned Magistrate was not accompanied either by a copy of the police report or by the order passed under Section 130 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Placing reliance upon the decisions reported at **1989 SCC OnLine Cal 263 (*Moni Sikari v. State*)**, **CRR 1451 of 2022 (*Rina Biswas v. State of West Bengal*)** and **CRR 5041 of 2024 (*Nandita Nag v. State*)**, learned counsel submits that, in the absence of knowledge of the substance of the information received by the learned Magistrate, the petitioner is unable to effectively participate in the enquiry contemplated under Section 135 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Mr. Kaushik Chatterjee, learned Advocate appearing for opposite party no. 2, on the other hand, has drawn the attention of this Court to the police report annexed to the present application. It is contended that the petitioner must have received a copy of the police report along with the summons issued by the learned Magistrate.

The learned Advocate appearing for the petitioner, however, disputes the aforesaid contention and submits that the police report was subsequently obtained by the petitioner from the Court of the learned Executive Magistrate.

In order to appreciate the controversy involved in the present case, it is necessary for this Court to examine the relevant provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023. Sections 126, 130 and 133 of the said Sanhita are reproduced below:

**“126. Security for keeping peace in other cases.** (1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond or bail bond for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

(2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.

.....

**130. Order to be made.** When a Magistrate acting under section 126, section 127, section 128 or section 129, deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force and the number of sureties, after considering the sufficiency and fitness of sureties.

.....

**133. Copy of order to accompany summons or warrant.** Every summons or warrant issued under section 132 shall be accompanied by a copy of the order made under section 130, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.”

No doubt, there is substance in the contention that every summons issued under Section 132 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ought to be accompanied by a copy of the order passed under Section 130 of the said Sanhita.

In the present case, the order dated December 18, 2005 passed by the learned Magistrate under Section 130 is reproduced below:

*“Record put up to-day. Received one Police report u/s 126 B.N.S.S. filed by SI- Aloke Kumar Mahanta of Rabindra Sarobar PS. against the OP/OPs namely, Rajesh Poddar, S/o Ratan Lal Poddar, of, Southern Court, 3rd floor, 110, Meghnad Saha Sarani, Kol-29, PS- Rabindra Sarobar perused the same and considered.*

*I am satisfied that there is sufficient ground for proceeding against the OP/OPs who is/are likely to commit breach of peace or disturb public tranquility and hence I hereby draw up a proceeding against the OP/OPs u/s 126 B.N.S.S.*

*OP/OPs is/are directed to appear before this Court on 05.01.2026 and to show cause as to why he/she/they should not be ordered to execute the bond of Rs. 1000/- (Rupees one thousand only) with registered surety/sureties of like amount for keeping peace for a period of one year.*

*Issue Notice with copy of Police Report to OP/OPs.*

*To ..... for S/R, appearance & Show Cause.”*

(underline is mine)

The relevant part of the summons issued by the learned Magistrate which is quoted below:

*“Take Notice and you are hereby directed to appear before the Special Executive Magistrate, South East Division, Kolkata, 134/1, Meghnad Saha Sarani, Kolkata-29 inside Rabindra Sarobar PS on above-mentioned case and to show cause as to why you should not be ordered to execute a Bond of Rs. 1000/- with the registered surety of like amount for keeping peace for a period of 05/01/2016 at 14:00 hrs. in connection with the one year.*

*Given under my hand and seal of this Court. 18<sup>th</sup> day of December, 2025.”*

Whether the summons was, in fact, accompanied by the police report is a disputed question before this Court. The fact that cannot be disputed, however, is that the petitioner is presently in possession of the police report. The summons also specifies the amount of the bond to be furnished and the period for which the petitioner is required to maintain peace.

In my view, the petitioner is presently in possession of all the relevant information and documents necessary to effectively participate in the enquiry contemplated under Section 135 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Under the statutory scheme, no further material is required to be supplied to the petitioner. This Court has no quarrel with the propositions of law laid down in the decisions relied upon by the learned Advocate appearing for the petitioner. However, having regard to the facts and circumstances of the present case, as recorded hereinabove, I am of the view that the said decisions are distinguishable and do not govern the present controversy.

Accordingly, this revisional application is disposed of without any interference with the proceeding pending before the learned Special Executive Magistrate, South East Division, Kolkata Police.

Needless to observe, this Court has not entered into the merits of the allegations involved in the proceeding. The learned Magistrate shall proceed with the matter and bring

it to its logical conclusion in accordance with law, without being influenced by any observation made in this order.

Accordingly, **CRR 278 of 2026** stands disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Kausik Chanda, J.)**