

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

16.06.2026
Court No.5
Item No.31
Aloke

CRR 197 of 2026

**Subir Das
Vs.
The State of West Bengal**

Mr. Arnab Saha
... for the petitioner

Mr. Avrojoyti Das, Id. APP
Ms. Madhushree Dutta
... for the State

1. The present revisional application has been preferred against the undated impugned Notice in NGR Case No. 927 of 2026 issued by the learned Special Executive Magistrate at Siliguri Police Commissionerate Court under Section 107 of the Code of Criminal Procedure, 1973 (corresponding to Section 126 of BNSS), in connection with Bhaktinagar P.S. GDE No. 1696 of 2026 served upon the petitioner on 03.06.2026, whereby the petitioner has been asked to show cause before the learned Special Executive Magistrate at Siliguri Police Commissioneate Court, on 04.06.2026 to answer the purported charge.
2. It is submitted by the learned counsel for the petitioner in presence of the learned counsel for the State, that the summons has been issued without complying with the provisions of Section 111 of the Cr.P.C. (corresponding to Section 130 of BNSS, 2023).

3. Section 111 of the Cr.P.C. (corresponding to Section 130 BNSS) is as follows:-

“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, character and class of sureties(if any) required.”

4. As such, it appears that the issuance of undated summons in a proceeding under Section 107 of the Cr.P.C. (Section 126 of BNSS) has been issued clearly without complying with the provision under Section 111 of the Cr.P.C. (Section 130 of BNSS) and as such the said order being not in accordance with law is liable to be set aside.
5. The undated Notice issued by the learned Special Executive Magistrate at Siliguri Police Commissionerate Court in Process No. 1289 of Bhaktinagar P.S. GDE No. 1696 of 2026 under Section 107 of the Cr.P.C. (corresponding to Section 126 of BNSS), is set aside being not in accordance with law.
6. The learned Special Executive Magistrate at Siliguri Police Commissionerate Court may proceed and dispose of the said proceeding strictly in accordance with law as laid down in the Code of Criminal Procedure, 1973 (corresponding to BNSS, 2023).
7. The revision stands disposed of.

8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all request formalities.

(Shampa Dutt (Paul), J.)