

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

16.06.2026
Court No.5
Item No.29
Aloke

CRR 195 of 2026

Ajoy Roy
Vs.
State of West Bengal

Mr. Arnab Saha
... For the Petitioner

Mr. Avrojoyti Das, Id. APP
Ms. Madhushri Dutta
... For the State

1. Affidavit-of-service filed be kept with the record.
2. The present revisional application has been preferred against the impugned Notice dated 09.03.2026 in NPR No. 222 of 2026 dated 05.03.2026 issued by the learned Executive Magistrate at Dinhata under Section 110 of the Code of Criminal Procedure, 1973 (corresponding to Section 129 of BNSS), in connection with NGR Case No. 216 of 2026 served upon the petitioner on 13.03.2026, whereby the petitioner has been asked to show cause before the learned Executive Magistrate at Dinhata, on 16.03.2026 to answer the purported charge.

3. 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 vide order dated 09.03.2026 without complying with the provisions of Section 111 of the Cr.P.C. (corresponding to Section 130 of BNSS, 2023).
4. 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.”

5. As such, it appears that the order dated 09.03.2026 issuing summon in a proceeding under Section 110 of the Cr.P.C. (Section 129 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.
6. The order dated 09.03.2026 passed by the learned Executive Magistrate at Dinhata in NPR No. 222 of 2026 dated 05.03.2026 in NGR Case No. 216 of 2026 under Section 110 of the Cr.P.C.

(corresponding to Section 129 of BNSS), is set aside being not in accordance with law and the impugned summons issued on the basis of the said order dated 09.03.2026 are also quashed.

7. The learned Executive Magistrate at Dinhata 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).
8. The revision stands disposed of.
9. 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.)