

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

09.06.2026
Court No.5
Item No.22
Aloke

CRR 343 of 2024
Sohel Rahman @ Rahaman
Vs.
The State of West Bengal

Mr. Arnab Saha
... for the petitioner

Mr. Avrojoyti Das, Id. APP
Mr. Uday Bhattacharjee
... for the State

1. The present revisional application has been preferred against the impugned Notice dated 27.08.2024 in Process No. 1289 of 2024 dated 27.08.2024 issued by the learned Executive Magistrate at Alipurduar under Section 107 of the Code of Criminal Procedure, 1973 (corresponding to Section 126 of BNSS), in connection with M.R. Case No. 1294 of 2024 served upon the petitioner on 06.09.2024, whereby the petitioner has been asked to show cause before the learned Executive Magistrate at Alipurduar, on 11.09.2024 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 who has produced a copy of the records in the present proceeding before the learned Executive Magistrate that the summons have been issued vide order dated 27.08.2024 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 order dated 27.08.2024 issuing summon in a proceeding under Section 110 of the Cr.P.C. (Section 126) 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 order dated 27.08.2024 passed by the learned Executive Magistrate at Alipurduar in Process No. 1289 of 2024 dated 27.08.2024 in M.R. Case No. 1294 of 2024 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 27.08.2024 are also quashed.
6. The learned Executive Magistrate at Alipurduar 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.)