



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 22 OF 2026

1. Hire Mahadev Parab

Son of Mahadev Parab, age 73 years,
Resident of House No. 17, Khalcha Wada,
Virnoda, Pernem, Goa, married, Indian National.

2. Pravin Hire Parab

Son of Hire Mahadev Parab,
age 37 years, Resident of House No. 17,
Khalcha Wada, Virnoda, Pernem, Goa,
married, Indian National

3. Babaji Hire Parab,

Son of Hire Mahadev Parab,
age 43 years, Resident of House No. 17,
Khalcha Wada, Virnoda, Pernem, Goa,
married, Indian National.

4. Mrs. Sugandhi Hire Parab,

Wife of Hire Mahadev Parab,
age 63 years, Resident of House No. 17,
Khalcha Wada, Virnoda, Pernem, Goa,
married, Indian National

... PETITIONERS

Versus

1. Officer Incharge,
Pernem Police Station,
Pernem Goa.

2. The State,

Through the Public Prosecutor

3. Ranganath Parab

Son of Kale Parab, resident of
Khalcha wada, Vimoda,
Pernem Goa.

... RESPONDENTS

Mr. Shane Gomes Pereira, Advocate for Petitioners.

Mr. Pravin Faldessai, Assistant Public Prosecutor for Respondent
No. 1 and 2.

CORAM:- AMIT S. JAMSANDEKAR,J.
DATED :- 09th April, 2026.

JUDGEMENT

1. Rule. Rule is made returnable forthwith and heard finally by consent of the learned counsel for the parties. Mr. Pravin Faldessai, Assistant Public Prosecutor, waives service on behalf of Respondent Nos. 1 and 2.

2. Petitioner submitted that the Respondent No. 3 is duly served, however, Respondent No. 3 is not present.

3. By the present petition, the Petitioner has challenged the notice issued by the Deputy Collector and SDO/SDM, Pernem Sub- Division, Pernem Goa.

4. The notice was issued to the Petitioner under Section 107 of

the Code of Criminal Procedure on the basis of a report of Pernem Police Station stating that there is a likelihood of breach of peace in the locality.

5. The notice issued by the learned Magistrate to the Petitioner is not in conformity with the provisions of the Criminal Procedure Code. In the present case, the said notice does not fulfil the conditions of Section 112 of the Cr.P.C. Additionally, the said notice does not record the substance of the information allegedly received by the Magistrate. I have already taken a view in Criminal Writ Petition No. 50 of 2026, that there ought to be strict compliance of the provisions of the Cr.P.C.

6. The relevant portion of the judgement in the case of ***Shri Chandan Patekar Vs. State of Goa and 2 ors. (Criminal Writ Petition No. 50 of 2026)***, reads as follows:-

20. The requirement of passing an order as contemplated under Section 126, read with Section 130 of the BNSS, is not a mere formality. The reason being, the show cause notice under section 126 is solely based on the substance of the information received by the Learned Magistrate.

*Therefore, the order of the Learned Magistrate is the basis of the proceedings. This is clear from the provisions of Section 131 of the BNSS. Section 131 requires that if the person in respect of whom **such an order is made** is present in Court, then **the order shall be read over** to him, or, if he so desires, **the substance thereof shall be explained to him.***

22. *It is a settled principle of law that if the statute requires certain things to be done in a particular manner, then those things must be done in that manner and in no other manner. Further, each word contained in a statute will have to be given a meaning. Therefore, the Executive Magistrate, while exercising his powers under Sections 126, 127, 128 and 129 of the BNSS, ought to follow the process contemplated by these sections and Section 130 of the BNSS. The Executive Magistrate cannot adopt a procedure that is not recognised by the BNSS. The Executive Magistrate deals with the personal liberty of a citizen when the proceedings are initiated under Chapter IX of the BNSS, and therefore, there ought to be strict compliance with the statutory provisions.*

23. *For the aforesaid reasons, as and when the*

jurisdiction is exercised by the Learned Magistrate under Sections 126, 127, 128 and 129 of the BNSS, the Learned Magistrate shall strictly comply with the requirements of Sections 126, 127, 128, 129 and 130. The Learned Magistrate ought to pass an order in writing under Section 130 of the BNSS setting forth the substance of the information received. The notices issued under Section 126 cannot be construed as orders passed under Section 130 of the BNSS.

7. In view thereof, **the petition is allowed** in terms of prayer clause (b).
8. The rule is made absolute in above terms.

AMIT S. JAMSANDEKAR, J.