

*Esha*

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 50 OF 2026

SHRI. CHANDAN PATEKAR, Son of Dharma Patekar, aged about 40 years, married, Indian National, residing at H. No. 370, Oxelbag, Pernem, Goa.

... PETITIONER

~ VERSUS ~

1. **STATE OF GOA**, Through Public Prosecutor, High Court of Bombay at Goa, Porvorim, Goa.
2. **DEPUTY COLLECTOR & SDM**, Pernem Taluka, North Goa.
3. **THE POLICE INSPECTOR**, Pernem Police Station, Pernem-Goa.

... RESPONDENTS

APPEARANCES:

for the Petitioner

Mr. Athnain Naik

for the Respondents

Mr. Pravin Faldessai, APP

WITH CRIMINAL WRIT PETITION NO. 51 OF 2026

1. **MR. ABRAHAM CARDOZ**, Son of Alex Cardoz, 60 years of age, Indian National, Businessman, and his wife,
2. **MRS. PRISCILLA CARDOZ**, daughter of Xavier Barboza, 53 years of age, Indian National,

... PETITIONERS

Homemaker,
Both residents of Flat No. AT-2, Matrix Residency
Coop. Hsg. Society, Aquem Baixo, Navelim, South Goa,
Goa 403 707.

~ VERSUS ~

1. **STATE OF GOA**, Through the Public
Prosecutor, High Court of Bombay at
Goa, Porvorim, Goa.

2. **THE POLICE INSPECTOR**,
Calangute Police Station, Calangute, Goa.

3. **DEPUTY COLLECTOR & SDM**,
Mapusa Sub Division, Mapusa, Bardez -
Goa.

4. **MR. GERALD PEREIRA**, Major of
age, Indian National, Resident of Vistar
Residency, G2, Ground Floor, Block 2,
Behind Rosary Church, Caranzalem-Goa.

... RESPONDENTS

APPEARANCES:

for the Petitioners

Mr. Savio Misquita

for Respondents 1, 2 & 3

Mr. S.G. Bhobe, PP

**WITH
CRIMINAL WRIT PETITION NO. 52 OF 2026**

1. **MRS. SURAKSHA PATEKAR**, wife of
Chandan Patekar, aged 37 years, married,
residing at H. No. 370, Oxelbag, Pernem, Goa.

2. **SHRI. CHANDAN PATEKAR**, Son of
Dharma Patekar, aged about 40 years, married,

... PETITIONERS

Indian National, residing at H. No. 370, Oxelbag,
Pernem, Goa.

~ VERSUS ~

1. **STATE OF GOA**, Through the Public
Prosecutor, High Court of Bombay at
Goa, Porvorim, Goa.
2. **DEPUTY COLLECTOR & SDM**,
Pernem Taluka, North Goa.
3. **THE POLICE INSPECTOR**, Pernem
Police Station, Pernem-Goa.

... RESPONDENTS

APPEARANCES:

for the Petitioners

Mr. Athnain Naik

for the Respondents

Mr. S.G. Bhobe, PP

**WITH
CRIMINAL WRIT PETITION NO. 53 OF 2026**

1. **MR. MELWYN FERNANDES**, Son of late
Shri. Manuel Francis Fernandes, Aged about 49
years, Married, In business, Indian National and
R/o H. No.317-B, Goncoi, Aldona, Bardez-Goa.
2. **MRS. ZELIA MANISHA RODRIGUES E
FERNANDES**, Wife of Mr. Melwyn
Fernandes, Aged about 44 years, Married, Indian
National and R/o H. No.317-B, Goncoi,
Aldona, Bardez-Goa.

... PETITIONERS

~ VERSUS ~

1. **STATE OF GOA**, Through Public Prosecutor, Porvorim, Bardez, Goa.
2. **THE POLICE INSPECTOR**, Mapusa Police Station, Mapusa, Bardez-Goa.
3. **THE DEPUTY COLLECTOR AND SDM**, MAPUSA SUB DIVISION, Mapusa, Taluka of Bardez-Goa.
4. **MR. SABINO RODRIGUES**, Major in age and R/at Flat No.UG-4, Columba Residency, Grande Coimavaddo Aldona, Bardez-Goa.

... RESPONDENTS**APPEARANCES:**

for the Petitioners

Mr. Deepak Gaonkar with Mr. Akhil Govenkar

for Respondent 4

*Mr. Rocha Pedro***CRIMINAL WRIT PETITION NO. 54 OF 2026**

1. **MR. LUCIANO DAVID REMEDIOS PINTO**, Son of Aleixo Alen Eufemiano Dos Remedios Pinto, 27 years of age, Indian National, business, R/o H. No. 2/37-A, Naikavaddo, Calangute-Bardez, Goa.
2. **MISS CLEODOLINDA MARIA ANTONIETA DOS REMEDIOS PINTO**, daughter of Aleixo Alen Eufemiano Dos Remedios Pinto, 25 years of age, Indian National, student, R/o H. No. 2/37-A, Naikavaddo, Calangute-Bardez, Goa.

... PETITIONERS**~ VERSUS ~**

1. **STATE OF GOA**, Through the Public Prosecutor, High Court of Bombay at Goa, Porvorim, Goa.
2. **THE POLICE INSPECTOR**, Calangute Police Station, Calangute, Goa.
3. **MR. SIMON D'SOUZA**, C/o New Creation Society, Gaurawado, Calangute, Bardez, Major of age, Indian National, businessman, Resident of H. No.1/235, Holiday Street, Gaurawaddo Calangute, Bardez, Goa.
4. **THE DEPUTY COLLECTOR AND SDM**, Mapusa, Bardez, Goa.

... RESPONDENTS

APPEARANCES:

for the Petitioners

Mr. Nigel da Costa Frias with Mr. Vishal Sawant and Mr. Shane Coutinho

for Respondents 1, 2 & 4

Mr. S.G. Bhobe, PP

for Respondent 3

*Mr. Anthony D'Silva with Ms. Kimberley Gracias***CRIMINAL WRIT PETITION NO. 56 OF 2026**

1. **MRS. GARGI BODKE**, Daughter of Late Vaman Keshav Bodke, 48 years of age, Indian National, Service, R/o Flat No. F2, Laxmi Villa, Tonca, Caranzalem Tiswadi, Goa.
2. **MR. SUHAS BALCHANDRA ASNODKAR**, Son of Balchandra Asnodkar, 64 Years of age, Indian National, Retired Central Government

... PETITIONERS

official, R/o Flat No. F-3 and S3, Laxmi Villa,
Tonca, Caranzalem, Tiswadi.

~ VERSUS ~

1. **STATE OF GOA**, Through the Public
Prosecutor, High Court of Bombay at
Goa, Porvorim, Goa.
2. **THE POLICE INSPECTOR**, Panaji
Police Station, Panaji, Goa.
3. **MRS. MEDHA DILIP PARULEKAR**,
Wife of Dilip Parulekar, Major of age,
Indian National, service, Resident of H.
No.353, Dhanwado, Saligao, Bardez, Goa.
4. **THE DEPUTY COLLECTOR AND
SDM**, Collectorate Building, Panaji,
Tiswadi, Goa.

... RESPONDENTS

APPEARANCES:

for the Petitioners

*Mr. Nigel da Costa Frias with Mr.
Vishal Sawant and Mr. Shane
Coutinho*

for Respondents 1, 2 & 4

Mr. S.G. Bhobe, PP

for Respondent 3

*Mr. Anthony D'Silva with Ms.
Kimberley Gracias*

CORAM : AMIT S. JAMSANDEKAR, J.

RESERVED ON : 13th MARCH 2026

PRONOUNCED ON : 7th APRIL 2026

JUDGMENT:

1. Heard the Learned Counsel appearing for the Petitioners.
2. Rule. The Rule is made returnable forthwith at the request and by consent of the Learned Counsel for the parties. Mr. Bhobe, the Learned Public Prosecutor and Mr. Faldessai, on behalf of the State, waive service.
3. All the above captioned Petitions raise a common issue pertaining to the requirements of exercising powers under Chapter IX of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*the BNSS*) by the Executive Magistrate. In particular, the issues are raised in respect of the powers conferred on the Executive Magistrate under Section 126, read with Section 130 of the BNSS. All the Petitioners have raised a common issue; therefore, the Petitions are heard together.
4. In all the Petitions, the Deputy Collector, SDO and SDM (*the Magistrate*) of the respective jurisdictions have issued show cause notices under Section 126 of the BNSS. In one matter [Criminal Writ Petition No. 56 of 2026], the notice issued by the Learned Magistrate mentions that it is a notice under Section 130 of the BNSS. In effect, the Learned Magistrate has invoked the power under Section 126 of the BNSS and called upon the Petitioners to show cause as to why the Petitioners should not be ordered to execute a bond or bail bond,

as more particularly mentioned in the respective notices sent to the Petitioners.

5. The Petitioners are seeking the relief to quash and set aside the notices issued by the Learned Magistrate and, consequently, set aside the proceedings initiated by the Learned Magistrate under Section 126 of the BNSS. The main ground in all the above Petitions is that the Learned Magistrate has not passed an order under Section 130 of the BNSS and therefore, the Learned Magistrate does not have jurisdiction under Section 126 of the BNSS to proceed with the proceedings.
6. It is further submitted on behalf of the Petitioners that if the Learned Magistrate failed to record the opinion that there is sufficient ground to initiate proceedings under Section 126 of the BNSS, then it is mandatory that the Learned Magistrate ought to pass an order in writing, in which the Magistrate ought to set forth the substance of the information received. The opinion of the Learned Magistrate has to be recorded in the order to be passed under section 130 of the BNSS. It is submitted that the proceedings under Section 126 of the BNSS cannot be initiated by issuing mechanical orders by merely stating that the Learned Magistrate is satisfied about the sufficient ground. The requirement of the section is that the sufficiency of the ground ought to be reflected in the order, which order ought to be passed by the Learned Magistrate under Section 130 of the BNSS.

7. All the Learned Counsel appearing for the Petitioners relied upon the following judgments passed by this Court:-

- (i) ***Jitendra R. Deshprabhu & Others Vs. Executive Magistrate & Another***, (1992) 1 Bom CR 233;
- (ii) ***Rajesh s/o Suryabhan Nayak Vs. State of Maharashtra & Others***, (2006) 5 Mah LJ 243 and
- (iii) ***Tukaram Bharat Parab & Others Vs. State & Others***, Criminal Writ Petition No. 4 of 2021 dated 15.02.2021.

8. By relying upon the above judgments, the Learned Counsel appearing for all the Petitioners submitted that the issue raised in the present Petitions is covered by these judgments and therefore, the Petitioners are entitled to get the relief in the present Petitions.

9. I have considered these judgments.

10. In the case of ***Jitendra R. Deshprabhu*** (supra) it is held as follows:-

“3. The impugned Order under section 111 Criminal Procedure Code dated 1st August, 1990 and the proceedings taken thereunder are challenged that the same are without jurisdiction firstly that under no circumstances the petitioners can be required to execute bonds pending the inquiry in Case No. JM/MAG/39/90 as an interim measure to maintain peace inasmuch as the petitioners are yet to appear before the Executive

*Magistrate and at any rate, the proceedings have not commenced before the Executive Magistrate and therefore, there is no question of the Executive Magistrate requiring the petitioners to enter into any bond by way of any interim measure. The order and the proceedings are equally challenged on the other jurisdictional grounds that at any rate the information received by the Executive Magistrate from any quarter cannot lead him to the opinion that the petitioners are likely to commit a breach of peace or disturb the public tranquility or do any wrongful act that may occasion breach of peace; that at any rate, **the Magistrate did not record his opinion that the information received by him is likely to lead to breach of peace or even for that matter, commission of unlawful offences are likely to cause, breach of peace and public tranquility** and it has been equally attacked on the ground that the allegations found against the first petitioner cannot be held to be likely to disturb public tranquility and in the same breath it has been pointed out that reference to three cases which are under trial are again qua specific individuals that by no stretch of imagination there could be any allegation that they are likely to lead to breach of peace or public tranquility. These being the challenges, Mr. S.K. Kakodkar learned Counsel appearing for the petitioners read before me the Order dated 1st August, 1990, to point out and urge as to how this order made under section 111 Criminal Procedure Code cannot be sustained on the grounds made by him. He has relied upon a number of **authorities to show as to how these proceedings under Chapter VIII of the Criminal Procedure Code are viewed and further to ascertain what is the scheme of the provisions starting from section 107 onwards as to how the Executive Magistrates are to exercise their jurisdiction and further to show that such jurisdiction is imitated to several predicates***

mentioned in the sections themselves, one of which being the requirement of giving the substance of the information received.

4. Section 107 of the Criminal Procedure Code under the heading “Security For Keeping. The Peace in other Cases”, says that when an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public information or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquility and is of the opinion that there is sufficient ground for proceeding he may ??? hereinafter provided, require such person to show cause why he should not be should ??? to execute a bond with or without sureties, for keeping the peace for such period, no exceeding one year. **From this section it is therefore clear that mere receipt of the information by the Magistrate that any person is likely to commit breach of the peace or disturb public in tranquility or do any wrongful act that may probably occasion breach of peace, is not sufficient, but the Executive-Magistrate must then reach his opinion that there is sufficient ground for his proceeding in the matter.**

5. **A Magistrate is required to make an Order under section 111 when he deems it necessary to require any person to show cause, in the first place in writing, setting forth the substance of the information received,** the amount of the bond to be executed and the term for which it is to be in force. When a person is not present in Court, it is incumbent upon the Magistrate to issue summons requiring that person to appear and when such a person is in custody, a warrant directing the officer in whose custody he is to bring that person before the Court. Section 114 mandates **that**

every summons or warrant issued under section 113 shall be accompanied by a copy of the order made under section 111 and such a summons or warrant as the case may be, served on the person sought to be proceeded against. Coining to section 116 the order made under section 111 is required to be read and explained to the person concerned present in Court or when such person appears or is brought before the Magistrate either in compliance with the summons or the warrant as the case may be, the Magistrate should proceed to inquire into the truth of the information derived by him.

(emphasis supplied)

11. This Court in **Rajesh Suryabhan Nayak** (supra) has held as under:-

“8. The next important aspect, which has come to our knowledge by examining various record and proceedings from the file of the Executive Magistrate is the manner in which orders are passed under section 111 and section 116(3) of the Code. We are shocked and surprised to note that so far as the Executive Magistrate of Kotwali Division is concerned, the learned Special Executive Magistrate has got a printed form incorporating both the orders leaving certain margins so as to fill in the blanks/gaps which only go to indicate that the two orders are passed in a rigid manner without application of mind. We are afraid but have no hesitation to observe that this practice and procedure is probably followed by all the Executive Magistrates, who are Police Officers of the rank of the Assistant Commissioner of Police functioning in their respective Division throughout the city of Nagpur. The

learned Additional Public Prosecutor on seeking instructions has made a statement that this practice would be discontinued forthwith. We may remind the Presiding Officers of the Courts of Executive Magistrates that both the orders i.e. 1) Under section 111 and other under section 116(3) of the Code has to be passed by the learned Magistrate on due application of mind. Insofar as order under section 111 of the Code is concerned, it enjoins upon the Magistrate to make an order in writing, setting forth the substance of information received, the amount of the bond to be executed, term for which it is to be in force, and the number, character and class of sureties (if any required) and the Magistrate can only proceed to pass an order under section 111 of the Code on the basis of substance of the information received by him, which has to be spelt out in the order, which requires that there must be information of a nature which convinces him that there is likelihood of a breach of peace. The person, who gave information might not be in a position to give details, but the source of information might be sufficient to convince the Magistrate that the breach of the peace was likely and if he was convinced, the law required him to take action. Needless to say, the substance of information must be set forth in the

order which depends in each case upon the circumstances of the case. Without an order under section 111 of the Code, the Magistrate has no competence to deal with such person. Insofar the order which is required to be passed under section 116(3) of the Code - The provisions of section 116(3) clearly mention that the order of interim bond should be passed after recording reasons therefor. The Magistrate while acting under sub-section (3) of section 116, Criminal Procedure Code, has to make careful consideration as regards to the separate case of emergency as contemplated under the said section and he must be satisfied that immediate steps are necessary. The fact that the police report indicated that the members of the opposite-party were likely to create breach of the peace is not sufficient to pass an order and it cannot be said that the Magistrate has given a careful consideration to the existence of a case of emergency when he merely relies on a police report without even calling the police officer to the witness box. An order made under sub-section (3) is bad if it is not accompanied by reasons recorded in writing why the Magistrate wants to take the emergency measures.”

(emphasis supplied)

12. This Court has made the following observations in paragraph 18 in the case of **Tukaram Bharat Parab** (supra):-

“18. Thus, in my considered opinion, the learned Magistrate has not recorded his satisfaction that the information brought to his notice is likely to cause the breach of peace or public tranquility. The order under Section 111 of Cr.P.C. requires any person to show cause, which should be in writing “setting forth the substance of the information received”. This part is missing in the order passed by the Magistrate under Section 111 of Cr.P.C. Though, it would be well within his competence in a given case, to take into account the police report for what it is worth in forming its own conclusion on the material legally available to him. But this exercise must indisputably be seen to be done and the order of the Magistrate must clearly reflect application of the Magistrate's own judicial mind to the facts and circumstances properly placed before him. The learned Magistrate failed to apply his mind and also failed to mention in the order substance on which he is relying. The learned Magistrate also failed to follow proper procedure and on the day he received reply, closed the proceedings without conducting any enquiry into the truth and passed the order. Moreover, the condition imposed of reporting P.I. for further six months is also not the part of the show cause notice. Show cause notice must be as per form prescribed in Schedule II of Cr.P.C. The Magistrate cannot deviate from the provisions of Cr.P.C. specifically Section

107 and 111 of Cr.P.C. If in the opinion of the Magistrate, any person is likely to commit a breach of peace or disturb the public tranquility and there is sufficient ground to proceed, he should require such person to show cause why he should not be ordered to execute the bond. While doing so, he has to proceed in the manner provided in the Cr.P.C. and not otherwise. There is a scheme which is in preventive nature. Thus, the order under Section 111 of Cr.P.C. should necessarily be in writing setting forth the substance of the information received, details of amount of the bond to be executed and number, character and class of sureties. Section 116 of Cr.P.C. mandates that when an order under Section 111 of Cr.P.C. is passed, the Magistrate shall proceed to inquire into the truth of the information, upon which action has been taken and to take such further evidence while conducting enquiry, which shall be made as if it is a summons case. The learned Magistrate failed to follow the mandates of these provisions and the learned Additional Sessions Judge also did not properly appreciated the facts and passed an erroneous order.”

(emphasis supplied)

13. Therefore, I agree that the issue raised in the present Petitions is covered in the above-referred judgments of this Court. However, the Petitioners submitted that in view of the mechanical orders passed by

the Learned Magistrate, which are resulting in serious prejudice to the Petitioners and affecting the liberty of the Petitioners, this Court ought to pass some guidelines, which can be sent to the Learned Magistrates, who are empowered to exercise jurisdiction under Chapter IX of the BNSS.

14. Mr. Bhobe, the Learned Public Prosecutor, fairly submitted that the issue raised by the Petitioners is covered by the above referred judgments, however, he submitted that sometimes the circumstances require immediate action and therefore, the orders are passed stating that the Learned Magistrate is satisfied, though the detailed reasoning reflecting the opinion expressed on the information received by the Learned Magistrate may not be there in detail in the notice issued under Section 126 of the BNSS. He submitted that the notices annexed by the Petitioners, which are issued under Section 126, ought to be construed as orders passed under Section 130 of the BNSS.

15. I have heard the Learned Counsel appearing for the Petitioners as well as Mr. Bhobe, the Learned Public Prosecutor, at length. I have also considered the above-referred judgments on the issue raised. The issue has been covered since 1992, when the judgment was passed by His Lordship Mr. Justice Kamat, in the case of ***Jitendra R. Deshprabhu*** (supra). Thereafter, this issue has been considered by the Division Bench of this Court in ***Rajesh Nayak*** (supra) and again, in ***Tukaram Parab*** (supra). In fact, the Division Bench in the case of ***Rajesh Nayak*** (supra), in paragraph 8 quoted above, has considered

the practice of issuing cyclostyled orders by the Executive Magistrate in a particular area, and, after considering that practice, issued directions to the Authority to comply with the provisions of law.

16. In the present six cases, the notices issued under Section 126, which Mr. Bhobe wants me to consider as orders passed under Section 130, are practically cyclostyled orders. Only the name, number or signature of the Learned Magistrate has changed, and the contents are almost identical. These orders cannot be considered as an order passed under Section 130 of the BNSS. Each order to be passed by the Learned Magistrate will vary because of the different facts and circumstances of each case. Particularly, it will vary in view of the information which the Learned Magistrate receives in respect of a person who is likely to commit a breach of peace or disturb the public tranquility or to do any wrongful act that may probably occasion a breach of peace or disturb the public tranquility.

17. Section 126 of the BNSS reads as follows:-

*“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 tranquility or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquility **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.”*

(emphasis supplied)

18. Section 126(1) of the BNSS requires that when an occasion arises as stipulated in the section and if the Magistrate is of the opinion that there is sufficient ground for proceeding, he may proceed in the matter under Section 126 in the manner hereinafter provided. The manner in which the Magistrate is to proceed is provided under Section 130 of the BNSS, which reads as follows:-

*“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.”*

(emphasis supplied)

19. Therefore, when the Magistrate acts under Section 126, 127, 128 or 129 of Chapter IX of the BNSS and he deems it necessary to require any person to show cause under these sections, then he ought to pass an order in writing as stipulated under Section 130 of the BNSS. The

order which is to be passed by the Learned Magistrate as stipulated under Section 130 of the BNSS requires the Magistrate to set forth the substance of the information received and his opinion that there is sufficient ground for proceeding in the matter. The order under Section 130 of BNSS is *sine qua non* for assuming jurisdiction to proceed with the powers conferred under Section 126 of the BNSS.

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**. Therefore, to fulfil the conditions of Section 131, there has to be an order in which the substance of the information ought to be recorded.

21. Further, in a situation where there is a requirement to invoke the provisions of Section 133 of the BNSS, **the order passed under Section 130 ought to accompany the summons or warrant** to be issued under Section 133 of the BNSS. The further proceedings of inquiry as to the truth of information commence when an order passed under Section 130 is read or explained to comply with the

provisions of Sections 131 and 133 of the BNSS. Therefore, the order as contemplated under Section 130 of the BNSS cannot be mechanical.

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.

24. As noted in the preceding paragraphs, the orders challenged in the present Petitions are cyclostyled. First of all, there are notices issued under Section 126 of the BNSS and not orders under Section 130 of the BNSS. Admittedly, there are no separate orders passed by the Learned Magistrates under Section 130 of the BNSS. The Learned Magistrates are treating the notices issued under Section 126 of the BNSS as the orders passed under Section 130 of the BNSS. A pictorial representation of one of such orders is as follows:-

16

PERNEM P. S.
I.W. No.: 6577
Date: 21/11/25

**IN THE COURT OF DEPUTY COLLECTOR AND SUB DIVISIONAL
MAGISTRATE, PERNEM - GOA.**

Case No. MAG/SDM/PER/126/207/2025/3076

STATE
(Rep by Pernem Police Station

..... Complainant

V/s

1. Chandan Patekar
r/o H. No. 370, Oxelbag, Dhargal,
Pernem, Goa.

..... Opponent

Notice Under Section 126 of BNSS

Whereas, the complainant, PI of Pernem Police Station, has informed that the above opponent abused witness in filthy language and also threatened witness over the issue of property matter. Thus there is every likelihood of breach of public peace and tranquility within the jurisdiction of this court.

I am, therefore, satisfied that there are sufficient grounds to initiate proceedings against you under section 126 BNSS.

I, Shivprasad Naik, Deputy Collector & SDM, Pernem - Goa, hereby require you to attend in person in my court on the date of on 01/12/2025 at 02.30 p.m. to show cause as to why you may not be required to execute a personal bond so that you will keep peace for a period of six months.

Given under my hand and the seal of this court on this 19th day of November, 2025.

2-5185/7617

Police Inspector,
Pernem Police Station

To,
All concerned.

Service through the Pernem Police Station and return the duplicate.
P.I. Pernem Police Station with direction to produce the opponent in this court on the above mentioned date and time without fail.

(Shivprasad Naik)
Deputy Collector & SDM,
Pernem - Goa

25. Therefore, I completely agree with the submissions made by the Learned Counsel appearing for the Petitioners. In the present Petitions, the notices issued by the Learned Magistrates are not in conformity with the provisions of Sections 126 read with Section 130 of the BNSS. Therefore, the notices impugned in the Petitions are liable to be quashed and set aside. Consequently, the proceedings initiated pursuant to the notices are also liable to be quashed and set aside.

26. In view thereof, Criminal Writ Petition No. 50 of 2026 in terms of prayer clause (a), Criminal Writ Petition No. 51 of 2026 in terms of prayer clauses (a) and (b), Criminal Writ Petition No. 52 of 2026 in terms of prayer clause (a), Criminal Writ Petition No. 53 of 2026 in terms of prayer clauses (a), (b) and (c), Criminal Writ Petition No. 54 of 2026 in terms of prayer clauses (A) and (B) and Criminal Writ Petition No. 56 of 2026 in terms of prayer clauses (A) and (B), are **allowed and the Rule is made absolute in the respective Writ Petitions in terms thereof.**

27. **Criminal Writ Petition Nos. 50, 51, 52, 53, 54 and 56 of 2026 are disposed of accordingly.**

28. No order as to cost.

29. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.]