

::Order Below Ex. 01::

The matter is presently pending upon the stage of execution of warrant (either Bailable / Non Bailable) issued by this Court upon the accused of the matter. Considering the record of the matter it appears that the matter is pending upon the same stage since a considerable period of time. This has resulted in a prolonged halt, which consequently results in -

- Delay in disposal of the matter,
- Repeated listing of matter upon same stage,
- Wastage of efforts of Court and Ministerial Staff,
- Unnecessary wastage of time,
- Wastage of Stationery (Though the process is issued by electronic means but this Court is consciously aware that hard output is taken at the end point of execution of process).
- Unnecessary expenditure adding to the cost of government revenue.

Hon'ble Apex Court in the case of ***Sanjabij Tari Versus Kishore S.Borcar - 2025 (0) AIJEL-SC 75934***, emphasized on curtailing all the factors that, are delaying in disposal of the matter. Delay in execution of process is also considered as one of the prominent reasons for delay in disposal of matter. Since, the warrants are required to be executed by the local police station, the responsibility is required to be fixed of the police officer of the concerned police station.

Executing the process issued by the Court, happens to be lawful duty of every police officer in the Country and thereby such duty assumes the state of direction of law. Non-execution of process issued by the Court or making delay in execution of process, certainly injures the financial rights of the complainant side. Thus, such violation to obey such direction of law can be classified as a punishable offence ***U/Sec. 198 of Bharatiya Nyaya Sanhita, 2023 (BNS)***. Such recalcitrant public officers are required to be kept under check. Thus, for the purpose of ensuring timely execution of process upon the accused and in order to avoid such dereliction of duty by officer of concerned police station, this Court is inclined to pass below said final order.

::Order::

The office of this Court is hereby directed to prepare the warrant (of such nature as per proceedings) of the accused at least by next working day.

Soon, the warrant becomes ready, the complainant of the matter is hereby directed to obtain the copy of warrant from this Court, immediately atleast by next date from this Court.

The complainant is further directed to transmit the copy of this Court alongwith warrant issued by this Court, upon the officer incharge of concerned police station, so that, the directions issued by this Court are brought at the notice of concerned police officer.

The officer in charge of concerned police station shall be personally responsible for timely execution of warrant issued by this Court upon the accused concerned.

In the event if the officer incharge of concerned police station, neglects / unwilling to execute the warrant issued by this Court upon the accused until the next adjournment date stated within the warrant, the complainant may file a complaint before the Hon'ble Court of such jurisdictional Magistrate alleging the commission of ***U/Sec. 198*** of ***BNS, 2023***, by the officer incharge of such concerned police station, to which the warrant is transmitted for execution.

Since, the dereliction of duty is causing injury to the financial rights of the complainant, the complainant of the matter is hereby authorised for filing of such complaint.

Dt. - Nov 12, 2025

Place - Ahmedabad City.

(N. A. Kulkarni)
42nd ACJM, Ahmedabad City.