

Cri.M.A. No.281/2023
Salma -VS- Haider

ORDER BELOW EXH.12
(Passed on 02/09/2025)

This application is filed by applicant for issuance of show cause notice and initiation of proceedings under Section 198, 199 and 257 of BNS Act against the concern police officer of Gramin Police Station, Akola, Naka Road, Washim.

2. Heard Adv. Smt. Belekar for the applicant. Perused the report filed by the concerned police station below Exh.11.

3. This Court as per order below Exh.10 issued the distress warrant for Rs.90,000/- against the non-applicant for the recovery of Rs.90,000/-. The concerned Police Station filed report at Exh.11. It is reported that the concerned Police Personnel visited the house of non-applicant. They did not find the non-applicant in that house but the parents of non-applicant found on the address and they got the information that the non-applicant is out of station since 4 days for his personal word and the parents of the non-applicant further informed the police that they will inform non-applicant about the warrant as soon as he returned to the home and will sent non-applicant to the Kamptee Court on 15.07.2025.

4. As per the direction of this Court, the concerned police officer has to execute the distress warrant issued by this court as per Exh.11. But it seems from the report that they have not executed the same but sent it back to this Court by taking the statements of the

parents of the non-applicant. It is not the duty of Serving Officer while executing the distress warrant to inform the non-applicant about the next date of the matter. But he has to recover the amount or seize some articles found from the house of the non-applicant. But it is not done by the concerned Police Officer. The report is signed by the Police Inspector Police Station Washim City. While signing the report, the Police Inspector also did not take any pain to see what his officers has done. Hence, it is required to issue show cause notice to the Police Inspector Washim City Police Station as well as the serving officer as to why the action should not be taken against them as per Section 199 and 255 of BNS Act. It is further directed to the concerned PI to file his say by remaining present in the Court on next date. Hence, I pass following order.

- ORDER -

Issue show cause notice to the Police Inspector as well as the serving officer of the distress warrant in this case of City Police Station Washim as to why the action should not be taken against them as per Section 199 and 255 of BNS returnable on 01.10.2025.

Kamptee
Date : 02/09/2025.

(Mohan R. Kamat)
Judicial Magistrate, First Class,
Kamptee