

Misc Exe-06/2018

Order no.24

dtd.23.09.2022

Today is fixed for Execution return of Warrant of Arrest.
Ld. Adv. for the Petitioner is present.

No Execution return is received.

It appears that the Warrant of Arrest was issued vide **order no.22 dated 01.06.2022** and sent to the **I.C, Purbasthali P.S** for execution vide **Process no. 775 dtd. 06.06.2022**.

This is a case for realisation of an amount of **Rs. 3,14,800/-** from the O/P namely **Harinarayan Barik**. Due to his non appearance and non-payment Warrant of Arrest was issued on the previous date but the concerned P.S. did not comply the order of the Court and even did not care for intimate this Court either the cause of non-execution or praying for time for delay in execution of the warrant.

The position of Law regarding execution of warrants is clear that in no case, the Police should retain a process without service or execution beyond the date fixed without informing the Court of the reason of the non-service or the non-execution of the process concerned.

Accordingly, the **I.C, Purbasthali P.S** is directed to **explain** as to what prevented him from executing the W/A or intimating this Court regarding the reasons of non-execution in time.

Sec. 125 Cr. P.C. has been enacted to achieve a social object and the object is to prevent vagrancy and destitution and to provide speedy remedy to deserted or Divorced wife, minor children and inform parents in terms of food, clothing and shelter and minimum needs of one's life but due to the negligent and callous indolence on the part of the police officers the basic purpose of the is being frustrated which cannot be tolerated.

Let a copy of this order be sent to the **Purbasthali P.S.** for information and compliance.

Let a copy of this order be also sent to the **SDPO Kalna** with a direction to ensure that the warrants sent for execution to the concerned P.S. is executed properly within the time frame fixed by the Court so that the purpose behind the enactment of the provision is not being frustrated.

Fix **20.12.2022** for ER of W/A positively. I/d necessary order.

Dictated and corrected by

SD/Jamshed Shaikh

Judicial Magistrate

2nd Court, Kalna

SD/Jamshed Shaikh

Judicial Magistrate,

2nd Court, Kalna

(JO Code WB 01389)

