

Misc Exe-88 of 2023

Order no.18

dtd.24.03.2025

Today is fixed for Execution of D/W.

Ld. Adv. for the Petitioner is present.

No Execution return is received.

It appears that the distress warrant was issued vide **order no. 08 dated 12.01.2024** and sent to the **I.C, Kotowali PS** for execution vide **Process no. 416 dtd. 20.01.2024**.

This is a case for realisation of an amount of **Rs. 1,84,000/-** from the O/P namely **Subhashish Biswas**. Due to his non appearance and non-payment distress warrant 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 distress warrant 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, Kotowali PS** is directed to **explain** as to what prevented him from executing the **distress warrant** 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 **Kotowali PS** for information and compliance.

Let a copy of this order be also sent to the **SP, Nadia** with a request to give necessary direction to the concerned P.S. to ensure that the **distress warrant** sent for execution 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 **30.04.2025** for ER of D/W positively. I/d necessary order.

Dictated and corrected by

Jamshed Shaikh
Judicial Magistrate
2nd Court, Kalna

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Judicial Magistrate,
2nd Court, Kalna
(JO Code WB 01389)