

M.R. Ex No. 48/2021 (Reg no. 24 of 21)

Order no. 31 dated 10.02.24

Today is fixed for ER of DW.

Petitioner filed hazira.

No DW is received today.

On perusal of record I find that DW was issued upon the OP namely Saifuddin Ahamed of village Balarampur under PS Chanchol in the year 2022. Since then repeated reminders were issued to the concerned PS for execution of distress warrant against the OP but till date the concerned PS neither executed the distress warrant nor the PS was bothered to intimate this Court about the reasons for non-execution of DW. On 14.04.2023 an order was passed by this Court directing the IC Chanchol PS to execute the distress warrant against the OP in default IC was directed to appear personally before the Court. The Court was also pleased to order that non-compliance of the order will be brought into the notice of proper authority.

The order was dully communicated to the concerned PS but in spite of that the concern PS is so reluctant to execute distress warrant against the OP. This is a case for execution of maintenance order passed u/s 125 CrPC. Non-compliance of the order of the Court is violating the statutory right of the aggrieved petitioner.

Under such circumstances IC Chanchol PS is directed to execute DW against the OP namely Saifuddin Ahamed positively on the next date otherwise necessary action shall be taken against the IC.

Let a copy of this order along with the copy of the order dated 14.06.23 be sent to IC Chanchol PS for necessary action and compliance.

To 11.03.25 for ER of DW in default personal appearance of IC Chanchol PS failing which necessary action shall be taken.

Dict & Corr by

ACJM
Gangarampur at Buniadpur
Dakshin Dinajpur
JO Code WB01164