

Misc execution Case 28 of 2023

CIS No.- 55 of 2023

Order dated 21.12.2024

The petitioner in order to mark his presence before this court has filed hazira. The learned advocate for the petitioner is also present.

As stipulated by the previous order today is fixed for E/R of W.A. No report has been received by this court from the police station concern so as to illumine the fact that the warrant has been executed or not. The learned advocate for the complainant prayed for necessary order so that the warrant is executed without delay.

On introspection of the case record it has transpired that warrant of arrest as regards the accused person was sent from this court and the track report goes to show that it has been duly served to the concerned police station, but till date no report has been submitted by the P.S concern. The O/C Baliapur police station, is required to be appraised of the fact that as per mandate of law it also fall within the domain of his duties to execute the warrants sent by the court and thereby assist the process of trial. Moreover as per the provision of Rule 65 of the Cr.R.O. it is the duty of the O/C concern to furnish a report if he cannot execute the warrant before the date fixed.

Till date this court has not received any communication from the authority concerned. I have toiled hard but have failed to find any rational explanation as to what might have hindered the authority concern from executing the warrant of arrest. This lackadaisical approach to a warrant of this court has actively contributed to the delay of further proceeding of this case and has denied the complainant from getting her legitimate claim. If this basilica is faced with this feigned ignorance on the part of the authority concern in that event the pitiable situation of the litigant public is quite obvious. Considering the factual facet I am left with no option but to raise questions about the gumption of the authority concern, and I have no quandary in harbouring to the conclusion that this kind of laggardness on the part of the O/C Baliapur must not be patronized. It is not irrational to expect at least a report from the concern P.S on the execution of warrant. It is quite unfortunate that this court has to engage itself in reminding the police officer concern about his duties and that he should have sent a report even if he is not able to execute the warrant.

Hence O.C. Baliapur, Dhanbad is directed to do the needful so that warrant issued by this court is executed and any laggardness in this regard will be dealt with heavy hands and necessary action will be taken.

Superintendent of Police, Dhanbad is requested to look into the matter and make gusto efforts to ensure that his subordinates become more respectful and zealous in executing the orders of this institution of delivering justice.

Let a copy of this order be sent to Superintendent of Police, Dhanbad and O/C Baliapur police station, for his information and taking necessary action and submit report before the date fixed.

Fix 31.01.2025 for E/R of W.A.

Sd/-
Bashar Nawaz JM1,
Raghunathpur