

In the Court of Judicial Magistrate (2nd Court)  
Diamond Harbour, South 24 Parganas  
Present: **S r i U T T A M D A S, W B J S ( W B 0 1 2 1 9 )**

CASE NO- GR 994/1994

Diamond Harbour PS case No 233/1994

Order Dated:- 09/10/2023

Today the date is fixed for order.

Ld. APP is present.

Record reveals that on last date SI Rupam Bhattacharjee has returned the writ of WA being P No 3050-3053 of 2023 along with a letter under the subject of "Question of Jurisdiction" stating that the residence of the accused does not fall under the Jurisdiction of Ramnagar PS. The letter is duly forwarded by the IC of the PS.

Record reveals that when the case was initiated, the residence of the accused was under the jurisdiction of Diamond Harbour PS and WA has been issued on same address.

As per report of P.S, the accused persons have been residing under the jurisdiction of Ramnagar P.S. If that be so, then it was not desirable to return the writ of WA questioning the jurisdiction of the Court. Nowhere in Code of Criminal Procedure has empowered the Police to return the Writ of warrant of arrest in this manner. The IC of the PS has blindly forwarded the letter without applying his mind.

Moreover, in view of provision U/S 72 of Cr.P.C the Court is empowered to direct any police officer to execute a warrant and such person shall be bound to execute the same. Section 77 of Cr.P.C stated that a warrant of arrest may be executed at any place of India. Accordingly, this Court is confused as to why the IC returned the W/A. This act on the part of IC attracts penal provision of Police Act.

Accordingly, The IC is directed to deal this type of situation in future with care to save judicial hours and to expedite the delivery of justice.

BC -II to comply.

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Let a copy of order sheet along with writ of WA as mentioned above, be sent to the IC Diamond Harbour P.S for his guidance and for future reference and to take necessary steps to execute the WA by next date.

To 19/01/2024 for ER of W/A.

Dict. & Corrected

JM 2<sup>nd</sup> Court DDH.

JM 2<sup>nd</sup> Court DDH.