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ITEM NO.1

COURT NO.1

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).5019/2011

(From the judgement and order dated 15/04/2010 in CRLA No.392/2007
of The HIGH COURT OF PATNA)

UNION OF INDIA

Petitioner(s)

VERSUS

MD.KALIM @ MOHD.KALIM ANSARI

Respondent(s)

(With office report)

Date: 27/11/2012 This Petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. P.P. Malhotra, ASG
Mr. Gaurav Sharma, Adv.
Mr. Manish Pushkarna, Adv.
Mr. B. Krishna Prasad, AOR

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

A simple matter relating to execution of non-bailable warrants has been handled in such a fashion, that we have no other alternative but to take serious notice of the nonchalant manner in which the orders of this Court and the non-bailable warrants issued, have been treated by the State administration.

When this matter was taken up on 5th November, 2012, we had set out the facts relating to the issuance of non-bailable warrants on 3rd September, 2012, and their non execution. Fresh orders were, therefore, issued regarding issuance of non-bailable warrants, which were made returnable today. This was on 5th November, 2012, and the Superintendent of Police, East Champaran, Motihari, Bihar, was directed to ensure that the warrants were duly executed and that the respondent was produced before this Court at 10.30 p.m. today.

When the matter was taken up in the morning today, what we had on record was a letter from the Registrar General of the Patna High Court, indicating that the orders, along with the non-bailable warrants issued against the respondent, were sent to the learned Additional District and Sessions Judge, Fast Track Court No.5, East Champaran, Motihari, Bihar, for execution of the same through the Superintendent of Police, Motihari. However, the report does not contain anything further as to what steps were, thereafter, taken to see that the order passed by this Court on 5th November, 2012, was duly executed. A letter from the Additional District and Sessions Judge, dated 8th November, 2012, addressed to the Registry of this Court, has been annexed to the communication from the Registrar

General of the Patna High Court, indicating that fresh warrant of arrest was being issued to the Superintendent of Police, East Champaran, and also Siwan separately, with a direction to issue warrant of arrest, so that the execution report could be sent to this Court before 27th November, 2012.

Except for the said communication, there is nothing further to indicate as to what other steps were taken by the officers concerned to ensure that the warrant was executed. The Registry of the High Court also appears to have treated the matter very casually, despite the fact that this is the second time that the non-bailable warrant had been issued by this Court. This kind of casual approach on behalf of the High Court was not expected and is not appreciated.

There was no response from the State authorities, when the matter was taken up in the morning, but during the lunch recess, a fax copy of a letter addressed to the Registrar of this Court by the Superintendent of Police, East Champaran, Motihari, dated 26th November, 2012, has been brought to our notice, wherein it has been indicated that the warrants had been sent to the Station House Officer of Police Station Goriyakothi (Siwan), and that since the respondent was absconding, the warrant was being returned for further action.

The attitude of the State administration is something which calls for an appropriate inquiry. It is both surprising and alarming that the orders of the Supreme Court have been treated in such a cavalier fashion by the State administration.

Accordingly, we have no other option, but to place this matter for further orders on 3rd December, 2012, at 10.30 a.m., when the Chief Secretary of the State of Bihar, as also the Director General of Police, are directed to be personally present, to give an explanation as to why the orders of this Court have been dealt with in such a casual manner.

|(Chetan Kumar)
|Court Master

| |(Juginder Kaur)
| |Assistant Registrar

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