

GAHC010193792024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5289/2024

AKHTARA BEGUM
W/O- MD. MAHMAD ALI, D/O- ABDUL KADIR, VILLAGE- DAKHIN LASKAR
PATHAR, P.O.- LASKAR PATHAR, P.S. LANKA, DISTRICT- HOJAI, ASSAM,
PIN- 782446

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY HOME
DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI- 781007

3:THE SUPERINTENDANT OF POLICE
HOJAI DISTRICT AT SANKARDEV NAGAR
P.O. SANKARDEV NAGAR
PIN- 782442

4:THE OFFICER IN CHARGE
LUMDING POLICE STATION
LUMDING
P.O. LUMDING
PIN- 782447

5:SRI SAURABH GUPTA
THE SUPERINTENDENT OF POLICE
HOJAI DISTRICT AT SANKARDEV NAGAR
P.O. SANKARDEV NAGAR
P.S. HOJAI

ASSAM
PIN- 782442

6:SRI SASHADHAR BARUA
OFFICER-IN-CHARGE
LUMDING P.S.
DISTRICT- LUMDING
ASSAM
PIN- 78244

Advocate for the Petitioner : MR. S CHAUHAN, M. BORUAH,MR. P MAZUMDER,MR N
ALAM,R DEB

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

28.10.2024

Heard Mr. S. Chauhan, learned counsel for the petitioner. Mr. K. Gogoi, learned counsel appears for the respondent Nos.1-4.

2. The petitioner's case is that the petitioner had filed MR Case No.396/2018 under Section 125 Cr.P.C in the Court of the Judicial Magistrate First Class, Hojai. The same was disposed of by final order dated 26.09.2019, by which the respondent husband was directed to pay a monthly maintenance of Rs.3,000/- to the petitioner wife and Rs.1,500/- to meet the expenses of the minor child. As the respondent husband was not complying with the order, the petitioner filed Execution Petition for complying with the final order dated 26.09.2019 passed in MR Case No.396/2018.

3. The petitioner's grievance is that despite the Court of the Judicial Magistrate First Class, Hojai having issued approximately 15 Non-Bailable

Warrant of Arrest against the respondent husband Md. Mahmad Ali, S/o Lt. Abdul Jabbar, resident of No.2 Khiring Khiring, P.S. Lumding, Hojai, the police has not arrested the respondent husband till date.

4. Mr. K. Gogoi, learned counsel for the respondent Nos.1-4 has submitted a letter dated 25.10.2024 issued by the Superintendent of Police, Hojai, Assam, which is to the effect that house searches had been conducted on several occasions on the basis of the non-bailable warrant of arrest issued on 04.12.2022., 06.12.2022, 09.12.2022 and 04.08.2024. On all occasions, the petitioner's husband was not found. However, the warrant was finally executed on 24.10.2024. The petitioner's husband was arrested and was produced before the Court of learned JMFC vide Lumding P.S. GDE No.34 dated 24.10.2024.

5. In view of the fact that the present writ petition is only with regard to non execution of the non-bailable warrant of arrest, this Court finds that the present writ petition had become infructuous, keeping in view the fact that the said NBWA has been executed.

6. The writ petition is accordingly closed.

7. The letter dated 25.10.2024 issued by the Superintendent of Police, Hojai is made a part of the record and marked as Annexure-X.

JUDGE

Comparing Assistant