

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.201 of 2014

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Dhananjai Tiwari son of Hare Krishna Tiwari, resident of village-Shikarpur, Police Station- Guthani, District -Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Patna, Bihar.
3. The Inspector General of Police, Patna.
4. Deputy Inspector General of Police, Saran Range.
5. Superintendent f Police, Siwan.
6. Officer Incharge Guthani Police Station, District- Siwan.
7. Umesh Singh, Officer Incharge Town Police Station, Muzaffarpur.
8. Sunil son of not known, Constable Guthani Police Station, District-Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishore Mishra, Advocate

For the Respondent/s : Mr. Nutan Sahay, A.C. to G.A.-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 10-03-2015 Heard learned counsel for the petitioner and learned counsel for the state.

The petitioner is complainant of Complaint Case No.2266 of 2005. In the aforesaid case, after taking cognizance, the learned Magistrate has summoned respondent nos.7 and 8 to face trial. The grievance of the petitioner is that despite lapse of sufficient time, the respondent nos.7 and 8 have not appeared before the court.

In this application filed under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction upon the

official respondents to produce respondent nos.7 and 8 before the Magistrate concerned in compliance with the order passed by the Magistrate in the complaint case in question.

I have heard the parties and perused the record. In my considered opinion, the application is thoroughly misconceived. This court cannot be denigrated as an executing court of the Magistrate. The Code of Criminal Procedure gives ample power to the Magistrate to secure attendance of an accused. The extraordinary writ jurisdiction of this Court cannot be allowed to be misused for the purpose of execution of the order of the Magistrate.

Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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