

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.232 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- BUXAR

Uday Radha Krishna, Son of Late Radha Krishna Gupta, Resident of Maharaja
Hatta, P.O. - Buxar (Town), District - Buxar

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Home Secretary, Govt. of Bihar, Patna
3. The D.G.P. Govt. of Bihar, Patna
4. The D.I.G. Sahabad Range, Dehree-on-Sone
5. The Police Superintendent, Buxar
6. S.H.O. Buxar (Town), Police Buxar

..... Respondent 1st Set

7. S.I. Arvind Kumar Roy

8. S.I. Ajay Kumar Karn, both posted at Town P.S. Buxar in the year 1998, at
present not known to the petitioner

.... Respondent 2nd Set

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

Mr. Arvind Kumar, Advocate

For the Respondent/s : Mr. Pushkar Narain Shahi, AAG-10

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 22-01-2015

In the present application filed under Articles 226 and 227
of the Constitution of India, the prayer of the petitioner in para 1 is as
under:-

“1. That by this writ petition seeks indulgence from this

Hon'ble Court for the following relief(s):-

- a. For issuance of an appropriate writ or order(s) or direction(s) commanding the respondent 1st set to arrest the respondent 2nd set who are absconding in Complaint Case No. 559(C) of 1998/Tr. No. 1199/11 since 17.03.1999 which is pending in the court of Sri D. Kumar, J.M. 1st Class, Buxar.
- b. Any other relief or reliefs for which petitioner entitle under the law.”

Learned counsel for the petitioner has submitted that the accused persons named in the FIR are evading arrest and, hence, a direction be issued to the respondents to execute the warrant of arrest issued against the accused persons of Complaint Case No. 559(C)/98.

In my view, the application is misconceived. The extraordinary power of a writ Court under Article 226 cannot be used for the purposes of execution of an order passed by the Magistrate.

The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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