

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.241 of 2017

Arising Out of PS. Case No.-1465 Year-2013 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Shahnaz Ahmad, wife of Md. Maniruddin Ahmad, Resident of Nisha Building
Hall's Saheb Compound Mohalla-Chand Wara P.S.-Town Muzaffarpur,
District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department .
2. The Inspector General of Police, Tirhut Zone, Muzaffarpur.
3. The Deputy Inspector General of Police, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Officer-Incharge, Town, P.S.- Muzaffarpur.
6. The Officer-Incharge Someshwarapuram, P.S., District- Tumkur (Karantak).
7. Md. Reyaz Ahmad, son of Late Shafi Ahmad.
8. Nazia Fatma, Wife of Saddam Ahmad and Daughter of Md. Reyaz Ahmad.
9. Nazira Bano wife of Md. Reyaz Ahmad.
10. Sakiya Azmi D/o Md. Reyaz Ahmad.
11. Nadim Ahmad, son of Md. Reyazul Ahmad,
All are Resident of 233 Ashirwad B.M. Shree Kantiaha Road Near
Raghvindrani Swami, Temple, Someshwarapuram, P.S. Someshwarapuram,
District- Tumkur (Karnataka).

... .. Respondents

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Appearance :

For the Petitioner : None

For the Respondents-State: Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-07-2019

No one appears for the petitioner. Perused the writ
petition.

2. This application has been filed by the petitioner for
issuance of a direction to the official respondent nos. 1 to 6 to



arrest the respondent nos. 7 to 11, who have been made accused in Complaint Case No.1465 of 2013 pending in the court of Judicial Magistrate-1st Class, Muzaffarpur.

3. It has been contended in the writ petition that the respondent nos. 7 to 11 have been made accused in Complaint Case No.1465 of 2013 in which cognizance has been taken by the learned Judicial Magistrate-1st Class, Muzaffarpur vide order dated 19.02.2015 under Section 323 and 379 of the Indian Penal Code. In the said complaint case, the jurisdictional Magistrate has issued non-bailable warrant of arrest against respondent nos. 7 to 11 vide order dated 28.04.2016, but they have neither appeared before the court in person nor produced by the police. It is further pleaded that the investigating officer is deliberately and willfully flouting the order passed by the learned Judicial Magistrate.

4. This case was filed in the month of February, 2017. Since then, more than 18 months have elapsed. It is not known what is the present status of the case.

5. In any view of the matter, in the opinion of this Court, an application under Article 226 of the Constitution of India cannot be entertained for the purpose of execution of an order issuing warrant of arrest passed by a court of Magistrate. The Code



of Criminal Procedure confers ample jurisdiction to the Judicial Magistrate so that he may ensure compliance of his own order.

6. The application lacks merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2019
Transmission Date	15.07.2019

