

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.316 of 2018

Arising Out of PS. Case No.-1312 Year-2007 Thana- MUNGER COMPLAINT CASE
District- Munger

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Abha Rani wife of Sri Uday Kumar Singh, daughter of Sri Ajay Kumar,
Resident of Village- Baha Chowki, P.S.- Dharahara, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department Of Home (police), Bihar, Patna
2. The Director, General of Police, Bihar, Patna.
3. The Superintendent of Police, Munger.
4. The Officer-in-charge of the Kotwali Police Station Munger.
5. Uday Kumar Singh @ Uday Kumar, son of Bishundeo Prasad Singh, resident of Village- Balatara, P.S.- Gogari, District- Khagaria, presently posted Hawaldar in Jharkhand Military Police, Bokaro-4, Post- Sector-12, District- Bokaro- 827012.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj,, G.P.-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 14-05-2019

This application under Article 226 of the Constitution of India has been filed by the petitioner for a direction to the respondent nos. 3 and 4 to ensure appearance of respondent no.5 in Munger Complaint Case No.1312C of 2007 registered inter alia under Sections 498A and 307 of the India Penal Code.

2. Learned counsel for the petitioner submitted that despite non-bailable warrant of arrest issued against respondent no.5 in the aforesaid case, he is not appearing before the court.



3. The court dealing with a complaint case has ample powers to compel appearance of an accused in case of failure to appear on receipt of summons. The extraordinary jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked for the purposes of execution of an order passed by a Court of Magistrate.

4. In view of equally efficacious statutory remedy being available to the petitioner, I am not inclined to entertain this application.

5. The application is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17-05-2019
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