

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.646 of 2019

Arising Out of COMPLAINT CASE No.-3847 Year-2017 District- Patna

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OM PRAKSH aged about 47 years, Gender Male, Son of Late Bajrang Prasad Singh, Resident of Village- Bir Singhpur, P.O. Birsinghpur, P.S. Kalyanpur, District Samastipur, presently residing in the house of Sri Mangal Prasad Sharma, Mohalla Kautilya Nagar (Back of Tara Tower) P.O.- Shastrinagar, P.S.- Shastrinagar, District and Town Patna- 800023.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Sec. Dept. of Home Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Samastipur.
4. The Officer-in-Charge, Kalyanpur Police Station, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Satish Kumar, Advocate
For the Respondent/s : Mr.Partha Sarthy, GA-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 15-04-2019

Defect pointed out by the registry is ignored.

2. Heard learned counsel for the petitioner.

3. In the instant writ petition, a prayer has been made by the petitioner for directing the respondents specially respondent nos. 3 and 4 to ensure arrest of the accused, namely,



Pravan Kumar and produce him in the court below in connection with Complaint Case No. 3847(C) of 2017 pending in the court of the learned Judicial Magistrate-1st class, Patna.

4. Learned counsel for the petitioner has submitted that a non-bailable warrant of arrest has been issued by the learned Judicial Magistrate vide order dated 02.11.2018 against the accused Pravan Kumar, but the order of warrant of arrest has not been executed by the concerned authority and the trial of the case is being hampered.

5. Having heard learned counsel for the petitioner and perused the record, I find that the application filed under Articles 226 and 227 of the Constitution of India is thoroughly misconceived. The case is pending before the court of Magistrate. For non-compliance of any order passed by him, the extraordinary jurisdiction of this Court under Article 226 or the supervisory jurisdiction under Article 227 cannot be invoked. This Court cannot act as an executing court for compliance of the order passed by a court of Magistrate. The Code of Criminal Procedure vests ample power upon the court of Magistrate to get its order executed. For that no writ of mandamus is required.

6. Accordingly, the writ petition, being devoid



of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.04.2019
Transmission Date	18.04.2019

