

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.786 of 2019

Arising Out of PS. Case No.-4263 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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1. M/S Keshav Madhav Agro Enterprises Pvt. Ltd. having its registered office at Fatehpur House, Sadikpur Yogi, Mansingh Path, Chitragupta Nagar, Kankarbagh, P.S- Patrakarnagar, Patna-800020 through its Managing Director, Sri Kaulesh Kumar, S/O Late Ishwari Singh, R/O H-11, Fathepur House, Man Singh Path, Chitragupta Nagar, Kankarbagh, P.S- Patrakarnagar, Patna-800020
 2. Sri Kaulesh Kumar, son of Late Ishwari Singh R/O H-11, FatehpurHouse, Man Singh Path, Chitragupta Nagar, Kankarbagh, P.S.-Patrikarnagar, Patna-800020

... .. Petitioners

Versus

1. The State of Bihar, through Principal Secretary Home Department, Govt. of Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna
3. The State of West Bengal through Principal Secretary, Home Department, Government of West Bengal, Nabanna, HRBC Building, 325 Sarat Chatterjee Road, Mandirtala, Shibpur, Howrah, West Bengal.
4. The Commissioner of Police Kolkata, Kolkata Police Head Quarters-18, Lal Bazar Street, P.S.-Hare Street, Kolkata, West Bengal
5. Officer Incharge, Girish Park Police Station, 138, Ramdulal Sarkar Street, P.S-Girish Park, Kolkata, West Bengal
6. M/s R.K. Enterprise 282 Ravindra Sarni, 4th Floor, Room No. 405, Ganesh Chamber, P.S-Girish Park, Kolkata, West Bengal.
7. Ram Kishun Agarwal son of Ram Pratap Agrwa, proprietor M/s



R.K. Enterprise, 282 Ravindra Sarni, 4th Floor, Room No. 405,
Ganesh Chamber, P.S-Girish Park, Kolkata, West Bengal

... .. Respondents

Appearance :

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

For the Respondent/s : Mr. Nasrul Huda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 06-05-2019

The defect, as pointed out by the registry, is ignored.

2. Heard learned counsel for the petitioner.

3. By way of the present application preferred under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a direction to the opposite party nos. 1 to 4 to execute a non-bailable warrant of arrest issued against opposite party no. 6 by the learned Chief Judicial Magistrate, Patna.

4. Learned counsel for the petitioner submitted that the petitioner has filed a complaint case in the Court of Chief Judicial Magistrate, Patna vide Complaint Case No. 4263(C) of 2015 in which cognizance has been taken for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act. After summoning, the respondent no. 6 filed an application under Section 205 of the Code of Criminal Procedure (for short 'Cr.P.C.'), which was



dismissed vide order dated 22.08.2016. Thereafter, a bailable warrant of arrest was issued against him on 01.09.2016. Since he failed to appear after issuance of a bailable warrant of arrest, a non- bailable warrant of arrest was issued against him on 08.06.2017 through the office of the Police Commissioner, Kolkatta. However, till date respondent no. 6 has neither appeared before the Court of Chief Judicial Magistrate nor the police have produced him before the court.

5. Learned counsel for the State has vehemently opposed the prayer made by the petitioner. He contended that under the Cr.P.C. ample powers have been given to the Chief Judicial Magistrate to ensure that the judicial orders passed by him is duly complied. He pleaded that the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked for the purpose of execution of an order passed by a Court of Magistrate.

6. Having heard learned counsel for the parties and perused the materials available on record, I find substance in the submission of the learned counsel for the State. The statutory provisions under the Cr.P.C. confer wide jurisdiction to the Court of Magistrate to ensure the compliance of the orders passed by it. In that view of the matter, I am not inclined to entertain this



application in the extraordinary jurisdiction under Article 226 of the Constitution of India.

7. Accordingly, the application is dismissed. However, the petitioner would be at liberty to pursue his remedy before the court concerned.

(Ashwani Kumar Singh, J)

Md. S/R.Ranjan

AFR/NAFR	NAFR
CAV DATE	N/A
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