

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1479 of 2019

Arising Out of PS. Case No.-5423 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Md. Nasrul Hoda, Son of Md. Nurul Hoda, Resident of Mohalla - Syedana,
P.S. - Phulwarisharif, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Senior Superintendent of Police, Laheriasarai, Darbhanga.
3. The Superintendent of Police, Laheriasarai, Darbhanga.
4. The Senior Superintendent of Police, Patna.
5. The Officer-in-charge, Police Station Kamtaul, District - Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Syed Masleh Uddin Ashraf, Advocate
For the Respondents-State: Mr. M. Nasrul Huda Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 08-11-2019

The petitioner is the complainant in Complaint
Case No.5423 of 2017 in which cognizance has been taken for
the offence punishable under Section 138 of the Negotiable
Instruments Act, 1861.

2. In the said case, vide order dated 19.01.2019,
the learned Additional Chief Judicial Magistrate-XVII, Patna
issued non-bailable warrant of arrest against sole accused Anwar
Zafar Ashrafi. The said warrant of arrest has not yet been
executed.

3. The prayer of the petitioner in the present writ
petition filed under Articles 226 and 227 of the Constitution of



India is to direct the respondents specially the respondents no. 2 to 4 to execute the non-bailable warrant of arrest issued by the learned Additional Chief Judicial Magistrate-XVII, Patna on 19.01.2019.

4. In the opinion of this Court, the application is misconceived. The court of Magistrate has got ample jurisdiction to get its order executed. The extraordinary writ jurisdiction of the Court can not be invoked for the purpose of execution of an order passed by a subordinate court.

5. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.11.2019
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