

12.03.2021
Sl. No. 20
Court No.30
s.biswas

CRR 754 of 2021

Smt. Mitra Pramanik (Maity)
Vs.
The State of West Bengal & Anr.

Mr. Anirban Mitra
Mr. Amit Halder
Ms. Saberi Saha

... .. for the petitioner

Considering the prayer made by the petitioner in the instant application, this Court is of the view that this criminal revision can be disposed of even without serving notice to the opposite party as the opposite party will not be prejudiced by the order that is proposed to be passed by this Court.

The petitioner has prayed for expeditious disposal of MEX Case No.470 of 2019 pending before the learned Judicial Magistrate, 4th Court at Alipore, South 24 Parganas.

It is found from the record that vide order date 30th October, 2019 distress warrant was issued against the opposite party fixing 16th December, 2019 for execution report. Police submitted non-execution report of distress warrant on 14th December, 2020 and the learned Magistrate issued warrant of arrest against the opposite party. The date was fixed on 21st January, 2021 for execution report, Sub-Inspector of police attached to the Pragati Maidan Police Station prayed for extension of time. The learned Magistrate extended time for execution of warrant of arrest fixing 17th March, 2021 for execution report.

It is submitted by the learned advocate for the petitioner that interim order of monetary relief was passed on 18th April, 2019 for about 2 years. The opposite party is evading process of the Court and the petitioner has not received a farthing towards monetary relief till date.

In view of such circumstances, the instant revision is disposed of directing the learned Magistrate, 4th Court at Alipore, being the executing court to take adequate step to ensure that the warrant of arrest issued against the opposite party be executed by the police authority.

If he fails that the warrant of arrest cannot be executed by the concerned police station, he is at liberty to send the warrant of arrest against the opposite party to the Superintendent of Police, South 24 Parganas directing him to execute the same by a superior officer of the force as per his choice.

It is made clear that the learned Magistrate must ensure that the warrant of arrest against the opposite party shall be executed within the month of April, 2021. The learned Magistrate is at liberty to refer the order passed by this Court while directing the superior officers of the force to execute warrant of arrest against the opposite party.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Bibek Chaudhuri, J.)