

16-06-2021

ct no. 13

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**WPA 6977 of 2020
With
CAN 1 of 2020
(Through Video Conference)**

Subir Kumar Ghosh

-Versus-

The State of West Bengal & Ors.

**Mr. Jayanta Samanta,
Mrs. Karunamoyee Samanta
....for the petitioner**

**Mr. Sabir Ahmed,
Mr. S. Bapuli
...for the State**

The writ petition has been filed seeking execution of warrant of arrest in respect of Complaint Cases No. AC-2330/2012 and AC-2348/2012 which culminated into ACGR No. 9963/2012. The writ petition was originally entertained and affidavits have been called.

Counsel for the State submitted that during the pendency of the writ petition, most of the warrants have been executed. Counsel for the petitioner denies the same.

This Court has noted the rival contentions of the parties and is of the view that the enforcement of orders of the criminal Courts, cannot be done under Article 226 of the Constitution of India. While there might have

been certain delay in the actions on the part of the executing authorities, the Criminal Procedure Code is comprehensive enough to address all issues as to how the warrants issued by the Court of the learned Additional Chief Judicial Magistrate, or other Courts are to be executed. There are measures in the nature of proclamation and attachment for the purpose.

Mr. Ahmed, counsel for the State submits that the persons against whom the warrants have been issued, have surrendered before the Court and have obtained bail.

This Court therefore does not see any reason to entertain the writ application.

Hence, the instant writ petition is dismissed.

It is made clear that the Court of the learned Additional Chief Judicial Magistrate, Alipore shall take expeditious steps to execute the warrants already issued in respect of those who have not surrendered.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)