

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.65 of 2019

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Sarfaraz Alam @ Md. Sarfaraz Alam S/O- Md. Azad, Resident of Village - Mangalbara, P.S.- Srinagar, District- Madhepura.

... .. Petitioner

Versus

1. The State Of Bihar
2. Vilkhis Khatoon W/O- Md. Sarfaraz Alam,
3. Nargis Khatoon D/O- Vilkhis Khatoon & Md. Sarfaraz Alam, (Minor)
Resident of Village - Mangalbara, P.S. - Srinagar, District- Madhepura.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate

For the State : Mr. Mukeshwar Dayal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-09-2022 After some arguments, Mr. Nafisuzzoha, learned counsel for the petitioner seeks permission to withdraw this application.

Learned counsel for the petitioner, however, has drawn the attention of this Court towards the pitiable condition of the neglected women and children who are not being paid the maintenance allowed to them only in the name of pendency of the revision applications before this Court.

Learned counsel submits that since the revision applications are pending here for more than 5-7 years, in most of the cases the husband is not paying the maintenance after filing the revision applications. One more fact which has been



brought to the notice of this Court is disturbing the judicial conscience of this Court. It is submitted that in the cases where distress warrants have been issued by the learned Principal Judge of the Family Courts for realisation of the maintenance amount, the distress warrants are not being executed by the local police.

Mr. Mukeshwar Dayal, learned APP for the State is present and has submitted to the extent that execution of the distress warrants is definitely the responsibility of the concerned police officers and if it is not being taken care of, this Court may consider issuing appropriate directions.

While allowing learned counsel for the petitioner to withdraw this application, this Court being a Constitutional Court deems it just and proper to pass the following order:

(i) The learned Principal Judge of the Family Court across the State of Bihar shall examine the records in which the distress warrants have been issued but till date, those have not been executed.

(ii) The list of such cases and the date of issuance of distress warrants shall be forwarded to the Senior Superintendent of Police/Superintendent of Police within a period of 30 days from the date of communication of this order.



It will be the responsibility of the Senior Superintendent of Police/Superintendent of Police of the concerned district to ensure that all the distress warrants, unless the execution of the same has been stayed by a competent court of law, be duly executed within 30 days from the date of receipt of information from the court of learned Principal Judge. An execution report shall be submitted to the learned Principal Judge of the respective Family Courts within 15 days from the expiry of the 30 days period as stated above.

If the distress warrant is not executed or an appropriate explanation for the same to the satisfaction of the learned Principal Judge, Family Court is not made available from the office of the Senior Superintendent of Police/Superintendent of Police of the concerned district, the learned Principal Judge shall call upon the officer concerned to file his affidavit showing reasons for non-execution of the distress warrants and submission of a report in receipt thereof within 30 days.

On receipt of the affidavit of the concerned officer, if it is found that the order of the learned Principal Judge has been willfully disobeyed and not complied with, the matter would be referred to this Court for initiation of a proceeding of contempt



against the erring officials.

This application stands disposed of accordingly.

Let this order be communicated to the Director General of Police, Patna for appropriate instruction.

Let a copy of this order be sent to all the learned District Courts across the State of Bihar for circulation and implementation.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

