

23.03.2022
Court No.13
Item No.28
AP

WPA 6334 of 2021

Smt. Ranu Das (Sarkar)
Vs.
The State of West Bengal and Ors.

(Through Video Conference)

Mr. Akmam Khan

... For the petitioner.

Mr. N.C. Bihani

Ms. Papiya Banerjee Bihani

... For the State.

The writ petitioner is aggrieved with the long pendency of miscellaneous case No.197 of 2006 renamed as M. Case No.558 of 2015 [Smt. Ranu Das (Sarkar) Vs. Sri Mukunda Mohan Sarkar] now pending before the learned Additional Chief Judicial Magistrate, North 24 Parganas, Barasat under Section 125 of the CrPC.

It appears that by a judgment and order dated 6th October 2018, the learned Magistrate has ordered maintenance in favour of the writ petitioner against the private respondent. The private respondent is stated to have defaulted in the payment of maintenance and the judgement has been put into execution being M. Ex. Case No.299 of 2019. Three several warrants have been issued, directing the respondent No.7/husband to appear before the Chief Judicial Magistrate, but in vain.

Counsel for the State submits that the respondent No.7 had surrendered before the Ld.

Magistrate under M. Ex. Case No.299 of 2019 and was subsequently released on bail. Two other warrants of arrest have been issued against the respondent no.7, but have not been executed by the Nazat Police Station. Since the next date of hearing is on 29th March 2022, the Officer-in-Charge, Nazat Police Station, Basirhat Police District, shall ensure that warrant issued by the learned Chief Judicial Magistrate in connection with M. Ex. No.115 of 2020 is executed and the respondent No.7 is produced before the Chief Judicial Magistrate.

The Ld. Magistrate shall consider the conduct of the respondent No.7 and pass appropriate orders in accordance with law.

The petitioner shall serve notice of this order on the 7th Respondent and the Court below.

The instructions of the Nazat Police Station, Basirhat Police District, dated 22nd March 2022, is taken on record.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)