

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.594 of 2021

Arising Out of PS. Case No.-26 Year-2018 Thana- SAHPUR District- Patna

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AJAB LAL S/O Lalji Prasad Yadav Resident of Village - Makhdumpur, P.S. Danapur, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE HOME SECRETARY HOME DEPARTMENT GOVERNMENT OF BIHAR, PATNA Sardar Patel Bhawan Bailey Road, Patna.
2. The Director General of Police (D.G.P. office), Government of Bihar, Sardar Patel Bhawan Bailey Road, Patna.
3. The Senior Superintendent of Police, Patna. Bihar
4. The Deputy Superintendent of Police Danapur at Patna Bihar
5. The Deputy Superintendent of Police, Phulwarisharif at Patna. Bihar
6. The officer -In- Charge of Shahpur Police Station, District - Patna. Bihar
7. The officer-in-Charge of Phulwarisharif Police Station, District - Patna. Bihar
8. Sanjeev Kumar S/o Tapeswar Thakur Resident of Village - Bhagwanpur, P.S. Naubatpur, District - Patna, at present Mohalla Narayan Nagar Balmichak, P.O. Anisabad, P.S. - Phulwarisharif, District - Patna.
9. Shiloo Kumari W/O Sanjeev Kumar Resident of Village - Narayan Nagar Balmichak, P.O. Anisabad, P.S. Phulwarisharif, District - Patna, at present Working at Girls High School Meghoal, P.s. Khodanandpur, District - Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate.
For the Respondent/s : Mr. Nasrul Huda Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 14-09-2023 Heard learned counsel for the parties concerned.

2. Petitioner has filed the present writ application invoking an extra ordinary jurisdiction for execution of NBW issued by the learned Magistrate vide order dated 6.2.2020.

3. The attending facts of the case is that the petitioner



had entered into an agreement for sale with the accused persons for purchase of a piece of land and in the process had paid a sum of Rs.23,00,000/- in favour of the accused persons. A Complaint Case bearing 1171(c) of 2017 was filed by the petitioner against the accused persons which was converted into an FIR under Section 156 (3) Cr. P.C. The investigation in the case was completed and during the course of investigation, learned counsel submits that the accused persons were given advantage of Section 41 (A) of the Cr. P.C. Upon completion of the investigation, charge sheet has been submitted in which cognizance has been taken and now non bailable warrant of arrest (NBW) has been issued.

4. Learned counsel for the State submits that the Police has submitted charge sheet upon which cognizance has been taken and the case is pending before the learned Magistrate for appearance of the accused persons. The writ jurisdiction is an extra ordinary jurisdiction which is meant for an extra remedy for a person. Issuance of warrant after cognizance under the Cr. P.C. is the process for ensuring attendance of the accused persons during course of the trial. There are other process for ensuring appearance by issuing process under Section 82 and 83 Cr. P.C.



5. In view of the statutory provision already available for ensuring appearance of the accused persons, this Court refuses to exercise its extra-ordinary writ jurisdiction for execution of NWB issued by the learned Magistrate.

6. The application stands dismissed.

(Anil Kumar Sinha, J)

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