

27.03.2023
Court No.13
Item No.25
AP

WPA 1561 of 2023

**Alisha Begum
Vs.
The State of West Bengal and Ors.**

Mr. Chittapriya Ghosh
Ms. Priyanka Saha

... For the Petitioner.

Ms. Raja Saha
Mr. Prantik Ghorai

... For the State.

Mr. Malay Bhattacharyya
Mr. Anurag Dixit
Mr. Sudipta Sengupta

... For the Private Respondent No.7.

The petitioner is aggrieved that the private respondent/husband, is avoiding orders under section 125 of the CrPC. Warrants of arrest have been issued by the learned Judicial Magistrate at Bankura in four different cases and have been sent for execution by the Officer-in-Charge, Bankura Women Police Station to the Office of the Commissioner of Police, Lucknow, Uttar Pradesh, through the S.P, Bankura.

The private respondent/husband is represented. Counsel for private respondent submits that the warrants of arrest issued by a Court in Bankura is required to be executed through the Magistrate at Lucknow. He also submits that his client has not received notice of the proceedings under section 125 of the CrPC.

This Court is of the view that the procedure of law cannot override the substantive need of the petitioner for

maintenance. The private respondent/husband has not a single farthing towards maintenance till date.

In these circumstances, this Court directs the office of the respondent No.6/Senior Superintendent of Police, Lucknow, Uttar Pradesh, to forthwith execute the warrants in question morefully set out hereinbelow as expeditiously as possible and produce the private respondent/husband before the Court below through the Bankura Women's Police:

<i>Sl No</i>	<i>Case Reference</i>	<i>Issuing Court</i>	<i>Date of Issued</i>	<i>Executing officer</i>	<i>Process sending W/A for</i>	<i>Status of W/A</i>
1	...	...	...	...	...	...
2	Misc Ex-40/16 u/s 125(3) Cr.P.C.	Ld. J.M. 3 rd Court Bankura	29.10.2021	Police Commissioner, Bankura (U.P.)	Ld. Court sent the W/A to SP Bankura for sending to C.P. Lucknow (U.P.) which was received by the office of S.P. Bankura and sent vide his office Memo No- 4971 dated 03.11.2021 to Commissioner of Police, Lucknow by post with a postage stamp of five rupees.	Pending
3	Misc Ex-19/16 u/s 125(3) Cr.P.C.	Ld. J.M. 3 rd Court Bankura	29.10.2021	Police Commissioner, Bankura (U.P.)	Ld. Court sent the W/A to SP Bankura for sending to C.P. Lucknow (U.P.) which was received by the office of S.P. Bankura and sent vide his office Memo No - 4972 dated- 03.11.2021 to Commissioner of Police, Lucknow by post with a postage stamp of five rupees.	Pending

					<i>Lucknow by post with a postage stamp of five rupees.</i>	
4	<i>Misc Ex-40/16 u/s 125(3) Cr.P.C.</i>	<i>Ld. J.M. 3rd Court Bankura</i>	<i>31.01.2022</i>	<i>Senior Superintendent of Police (U.P.)</i>	<i>Ld. Court sent the W/A to SP Bankura for sending to S.S.P. Lakhnow (U.P.) which was received by the office of S.P. Bankura and sent vide his office Memo No – 543 dated – 08.02.2022 to Senior Superintendent of Police (U.P.) by post with a postage stamp of five rupees.</i>	<i>Pen ding</i>
5	<i>Misc Ex-19/16 u/s 125(3) Cr.P.C.</i>	<i>Ld. J.M. 3rd Court Bankura</i>	<i>31.01.2022</i>	<i>Senior Superintendent of Police (U.P.)</i>	<i>Ld. Court sent the W/A to SP Bankura for sending to S.S.P. Lakhnow (U.P.) which was received by the office of S.P. Bankura and sent vide his office Memo No – 544 dated – 08.02.2022 to Senior Superintendent of Police (U.P.) by post with a postage stamp of five rupees.</i>	<i>Pen ding</i>

Let a copy of this order be communicated to the respondent No.6/Senior Superintendent of Police, Lucknow, Uttar Pradesh immediately.

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

There shall be no order as to costs.

Report in the form of instructions dated 26th March, 2023 filed by the Officer-in-Charge, Bankura Women Police Station is taken on record.

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

(Rajasekhar Mantha, J.)