

16.10.2023
sayandeep
Sl. No. 598
Ct. No. 14

WPA 16575 of 2023

Sudipa Saha
-versus-
The State of West Bengal & Ors.

Mr. Abhijit Sarkar
..... for the petitioner

Mr. Ansar Mondal
Mr. M.D. Idrish
Mr. Sujit Chatterjee
.....for the State

Mr. Subrata Bhattacharya
Mr. Atanu Basu
Mr. I. Dutta
.....for the respondent No. 4

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

Learned counsel appearing on behalf of the
petitioner submits as follows. The petitioner is the wife
of the private respondent. The private respondent
inflicted torture upon the petitioner and did not even
maintain her. This prompted the petitioner to file
different proceedings including an application for
maintenance under Section 125 of the Cr.P.C. An order
was passed in her favour. Distress warrant was issued,
failing which a warrant of arrest was issued against the
petitioner. But, days have gone passed. The State has
not been able to execute the warrant of arrest.

Learned counsel appearing on behalf of the State
submits that the concerned police officer has prayed

for issuance of another warrant of arrest as the copy of the warrant of arrest issued earlier was not made available to him.

Learned counsel appearing for the private respondent submits as follows. The allegations made in the writ petition are denied. A criminal revisional application has been filed in respect of the order granting maintenance allowance. In fact one day when the private respondent went to visit the petitioner at her place some obnoxious chemical was thrown at him. A case was registered and the petitioner had to be in custody for about 40 days.

It does not appear that the order granting maintenance allowance or for that matter the order passed in the execution case has been stayed by any Court.

It is also quite surprising that although private respondent could be represented by a learned advocate in this matter, the police could not, till now, trace out the petitioner for executing the warrant of arrest.

In the event there is some irregularity in transmission of the warrant of arrest to the police officer to execute, let the same be corrected, whether by issuance of a fresh warrant of arrest or otherwise.

Let the respondent police authorities act expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)