

Court No. 34

11.12.2023

(AD 6)

(S. Banerjee)

CRR 2761 of 2023

In re: Jarina Khatoon Bibi @ Jarina Mondal

... petitioner

Ms. Minoti Gomes
Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha

... for the petitioner

Mr. Arijit Ganguly
Mr. Koushik Kundu

... for the State

Pursuant to the earlier order so passed, the opposite party was traced out and produced before the court. A report has been submitted that the learned Magistrate on that date gave a direction to deposit a sum of Rs. 29,000/- and also further directed the opposite party to appear on 01.12.2023. As the opposite party defaulted to pay the said sum on a prefixed date, warrant of arrest has been issued against the person. In view of the compliance made by the Officer-in-Charge of Missing Persons Squad, CID, Bhawani Bhaban, further services of the CID in this case is dispensed with.

Learned Judicial Magistrate is directed to take a report from the Officer-in-Charge of Joynagar Police Station. The Officer-in-Charge of Joynagar Police Station will report regarding the whereabouts of the opposite party every 15 days before the learned Magistrate till the opposite party is further traced. Since the purpose of the

case is arising out of an execution case in the maintenance proceeding, learned Magistrate should have been more cautious while allowing the opposite party to be relieved after paying only a paltry sum of money without recovering the whole amount. Let the execution proceeding continue before the learned Judicial Magistrate, 1st Court, Diamond Harbour, 24 Parganas (South). No leniency be shown to the Officer-in-Charge, Joynagar Police Station who earlier did not exhaust his remedies while tracing out the present opposite party.

Learned Magistrate is further directed to be more stricter for recovery of the execution sum which is due.

With the aforesaid observations, CRR 2761 of 2023 is disposed of. Pending application, if any, is also disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)