

38 13.05.2024
NB Ct. 14

WPA 27343 of 2023

Sitara Khatun (Bibi)
Vs.
The State of West Bengal & Ors.

Ms. Jharna Biswas,
Mr. Biswajit Das.
...for the petitioner.

Mr. Ashim Kr. Ganguly,
Ms. Jyotsna Roy Mukherjee.
...for the State.

Ms. Sanehayita De.
..for the respondent no.4.

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

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the wife of the respondent no.4. The private respondent was not maintaining his wife and minor child. On the prayer of the petitioner, an order was passed under the provisions of Protection of Women from Domestic Violence Act awarding maintenance in favour of the mother and the child. But, the private respondent did not pay and thereafter, absconded. Warrants of arrests have been issued, but were not executed by the police.

Learned counsel appearing on behalf of the private respondent submits that his client/respondent no.4 did not contact her or give her further instructions.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Once earlier, pursuant to a warrant of arrest issued by the Court under the provisions of Protection of Women from Domestic Violence Act, the private respondent was arrested. But, then he was granted bail. Thereafter, he absconded. Despite raids, he could not be apprehended.

It appears that a warrant of arrest in connection with an execution case for a proceeding under the Protection of Women from Domestic Violence Act is pending against the private respondent.

Accordingly to the local police, in spite of raids, the private respondent could not be apprehended.

Let the warrant of arrest be executed through the Officer-in-Charge of Missing Persons Squad of the Kolkata Police. Let the same be done as expeditiously as possible.

With these observations, the writ petition is disposed of.

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)