D/L16
09.10.2026
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WPA No.2707 of 2026

Sampa Sarkar
Versus
The State of West Bengal & Ors.

Mr. Divyo Mukherjee
Mr. Rosan Singh.
...for the petitioner.

Mrs. Sudipa Banerjee
Mr. Koushik Roy.
...for the State.

1. The petitioner is aggrieved by the fact that a distress warrant issued against the husband/opposite party in Miscellaneous Execution Case No.101 of 2023 by the Court of learned Judicial Magistrate, 5th Court, Serampore, Hooghly has remained unexecuted for a considerable period of time.
2. Learned advocate for the petitioner has referred to the initial order passed under Section 125 of Cr.P.C. whereby the court had directed the husband/respondent no.6 to pay maintenance to the petitioner/wife and his daughter.
3. Upon failure of the husband/opposite party no.6 to make payment in terms of the order passed by the learned Magistrate under Section 125 Cr.P.C., the

aforesaid execution proceeding was filed. It appears that a distress warrant has been issued against the husband/respondent no.6 which has remained unexecuted for the last three years.

4. The State was directed to file a report in the matter. Ms. Banerjee, learned advocate files a report. Let the same be kept with the record.

5. Ms. Banerjee, learned advocate appearing for the State has submitted a report dated 09.10.2026 from the Inspector-in-Charge, Uttarpara Police Station wherefrom it appears that Uttarpara Police Station had conducted several raids on 29th December, 2025, 17th March, 2026, 26th March, 2026, 7th April, 2026 and 21st April, 2026 at several locations to apprehend the husband/private respondent no.6. However, the husband/private respondent no.6 could not be apprehended.

6. The report further submits that the police authorities are making all possible endeavour to execute the warrant of arrest against the warrantee.

7. Learned advocate for the petitioner submits that the petitioner is presently working at Bangalore and if a fresh warrant of arrest is issued against the present address of the husband/private respondent no.6, the same would be executed.

8. In such view of the matter, this Court disposes of the present writ petition by granting liberty to the petitioner to place the report dated 09.10.2026 filed by the State before this Court today, before the executing court. The petitioner shall also furnish fresh particulars regarding the present whereabouts of the husband/respondent no.6. Upon such fresh particulars being furnished, the executing court shall issue a fresh warrant of arrest upon the absconding respondent no.6.
9. With the above observations, WPA 2707 of 2026 is disposed of without any order as to costs.
10. Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Anuj Singh, J.)