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rkd 23.06.2026
Ct.05

W.P.A. 10755 of 2026

Sri Madan Mohan Das

-vs-

The State of West Bengal & Ors.

Mr. Kunal Ganguly

....for the petitioner.

Mr. Suryaneel Das,
Ms. Anita Kundu,
Ms. Sumita Sarkar

....for the State.

1. In connection with a proceeding under Section 138 of Negotiable Instruments Act, 1881 opposite party was not represented before the court below resulting in passing of two orders one dated 12th July, 2019 and another dated 13th June, 2023 by the jurisdictional Magistrate.
2. Vide order dated 12th July, 2019 for ensuring representation on behalf of the opposite party summons was directed to be issued. Subsequently, on 13th June, 2023 warrant of arrest was issued against the opposite party since after serving of summons opposite party was not represented.
3. Today petitioner by filing this writ petition on 6th May, 2026 prays for execution of arrest warrant which was issued pursuant to the order dated 13th June, 2023.

4. For execution of warrant of arrest, petitioner needs to approach the appropriate forum. High Court while exercising the writ jurisdiction is not the appropriate forum to pass order for executing warrant of arrest specially when such warrant of arrest was issued precisely three years before.
5. Hence, this Court is not inclined to interfere with the writ petition and same stands dismissed.
6. However, this order shall not preclude the petitioner to approach the appropriate forum in pursuit of remedy.
7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)