

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 CRIMINAL APPLICATION NO. 3390 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Lata Bachhaw,
Age : years, Occu.: Household,
R/o Vithal Mandir Ward,
Kandari Housing Society,
Bhusawal, Jalgaon. **.. RESPONDENTS**

AND

905. CRIMINAL APPLICATION NO. 3397 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra

2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Chhaya Narayan Patil
Age : years, Occ : Household,
R/o Vithal Mandir Ward,
Near K.K. Patil Hospital
Husawal, Dist. Jalgaon.

.. RESPONDENTS

AND

906. CRIMINAL APPLICATION NO. 3398 OF 2018

Abhay Narayan Rajee,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon

..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. A.A.Shitre,
Age : 54 years, Occu.: Nil,
R/o.: Dhanshri, Prabhat Colony,
Bhusawal,
District Jalgaon

.. RESPONDENTS

AND**907. CRIMINAL APPLICATION NO. 3399 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Sanjay Shard Kulkarni
Age : 49 years, Occu.: Retired,
R/o.: P.No.17, Mahesh Nagar,
Bhusawal **.. RESPONDENTS**

AND**908. CRIMINAL APPLICATION NO. 3413 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Prakash Mahajani,
Age : Major, Occu.: Service,
R/o.: near Main Market,
Bhusawal, Raghukul Colony,
Bhusawal, Jalgaon .. RESPONDENTS

AND

909. CRIMINAL APPLICATION NO. 3416 OF 2018

Abhay Narayan Rajee,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Ramesh Ballal,
Age : Major, Occu.: Nil,
R/o.: Ambedkar Chok, Bhusawal,
Rameshwar Nagar, Near Biyani School,
Bhusawal, Jalgaon .. RESPONDENTS

AND

910. CRIMINAL APPLICATION NO. 3417 OF 2018

Abhay Narayan Rajee,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Mahendra Patil,
Age : years, Occu.: Household,
R/o.: Laxami Nager,
Near Sindhi Colony, Yashodhan Park,
Bhusawal, Jalgaon .. **RESPONDENTS**

AND

911. CRIMINAL APPLICATION NO. 3419 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon .. **APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Shubhda Mahashbade,
Age : Major, Occu.: Household,
R/o.: Vithal Mandir Ward,
Rameshwar Nagar, Near Biyani School,
Bhusawal, Jalgaon .. **RESPONDENTS**

AND**912. CRIMINAL APPLICATION NO. 3420 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Rajendra Teli,
Age : years, Occu.: Nil,
R/o.: Teli Gali, Archana Colony,
Khalwadi, Bhusawal,
Jalgaon **.. RESPONDENTS**

AND**913. CRIMINAL APPLICATION NO. 3422 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Pratibha Narayan Patil,
Age : years, Occu.: Household,
R/o.: Vithal Mandir Ward,
Near K.K. Hospital,
Bhusawal, Jalgaon .. RESPONDENTS

AND

914. CRIMINAL APPLICATION NO. 3423 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Ramesh Pendharkar,
Age : years, Occu.: Service,
R/o.: Hudco Jalgaon, Road,
Kanhaiyalal Plot, Bhusawal,
Jalgaon .. RESPONDENTS

AND

915. CRIMINAL APPLICATION NO. 3425 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Dalpat Bachhav,
Age : Major, Occu.: Household,
R/o.: Vithal Mandir Ward,
Kandari Housing Society,
Bhusawal, Jalgaon .. **RESPONDENTS**

AND

916. CRIMINAL APPLICATION NO. 3428 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..**APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Ramesh Godbole,
Age :40 years, Occu.: Service,
R/o.: Ashatbhuja Tempal,
Near Bhavsar Mangalkaryalay,
Jamner Road, Bhusawal,
District Jalgaon .. **RESPONDENTS**

AND**917. CRIMINAL APPLICATION NO. 3431 OF 2018**

Abhay Narayan Rajе,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Kamalakant Shashtri,
Age : years, Occu.: Household,
R/o.: Vithal Mandir Ward, Yaval Road,
Dr. Shasri Hospital, Bhusawal,
Jalgaon **.. RESPONDENTS**

AND**918. CRIMINAL APPLICATION NO. 3436 OF 2018**

Abhay Narayan Rajе,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Pratibha Narayan Patil,
Age :42 years, Occu.: Household,
R/o.: Vithal Mandir Ward,
Near L.K.Patil Hospital,
Bhusawal, Jalgaon .. RESPONDENTS

AND

920. CRIMINAL APPLICATION NO. 3391 OF 2018

Abhay Narayan Rajе,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Shakuntala Purohit,
Age : Major, Occu.: Household,
R/o.: Ballaleshwar Colony,
Sahakarnagar, Bhusawal,
District Jalgaon .. RESPONDENTS

AND

921. CRIMINAL APPLICATION NO. 3392 OF 2018

Abhay Narayan Rajе,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Arun Bakrle,
Age :Major, Occu.: Service,
R/o.: Saraf Bazar, A factory, 191/B,
Varangaon, Bhusawal,
Jalgaon .. RESPONDENTS

AND

922. CRIMINAL APPLICATION NO. 3393 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Shirish Joshi,
Age : Major, Occu.: Service,
R/o.: Tapi Nagar, Municipal Park,
Near Ganesh Temple, Bhusawal,
District Jalgaon .. RESPONDENTS

AND**923. CRIMINAL APPLICATION NO. 3394 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Sudhakar Nivrutti Patil,
Age : Major, Occu.: Service,
R/o.: Vithal Mandir Ward,
Near Technical School,
Bhusawal,
District Jalgaon **.. RESPONDENTS**

AND**924. CRIMINAL APPLICATION NO. 3395 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra

2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Vasudeo Zope,
Age : 44 years, Occu.: Nil,
R/o.: Vithal Mandir Ward,
Gandhi Chowk, Varangaon,
Bhusawal,
District Jalgaon

.. RESPONDENTS

AND

925. CRIMINAL APPLICATION NO. 3396 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon

..APPLICANT

VERSUS

1. The State of Maharashtra

2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Ravindra Vaidya,
Age :40 years, Occu.: Service,
R/o.: Anand Nagar,
Q.No.2, 2552-D, 17/6,
Dipnagar, Bhusawal,
Jalgaon

.. RESPONDENTS

AND**926. CRIMINAL APPLICATION NO. 3411 OF 2018**

Abhay Narayan Rajе,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Nimbaji Badguzar,
Age :56 years, Occu.: Nil.
R/o.:Sawarkar Road, Kurhe Panache,
Bhusawal, District Jalgaon **.. RESPONDENTS**

AND**927. CRIMINAL APPLICATION NO. 3412 OF 2018**

Abhay Narayan Rajе,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Vijaya Kulkarni,
Age :46 years, Occu.: Household,
R/o.: Rameshwar Nagar,
Near Biyani School, Bhusawal,
Jalgaon .. RESPONDENTS

AND

928. CRIMINAL APPLICATION NO. 3414 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Sitaram Choudhary,
Age :Major, Occu.: Nil,
R/o.: Vithal Mandir Ward,
Vikas Colony, Near Premier Hotel,
Bhusawal, Jalgaon .. RESPONDENTS

AND

929. CRIMINAL APPLICATION NO. 3415 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Shashikala Sarode,
Age :Major, Occu.: Household,
R/o.: Anand Nagar,
Near Hanuman Tempal
Digambar Nagar,
Swami Samarth Colony,Bhusawal,
Jalgaon .. **RESPONDENTS**

AND**930. CRIMINAL APPLICATION NO. 3418 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..**APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Gopal Sadhanshive,
Age : 47 years, Occu.: Retired,
R/o.: Vithal Mandir Ward,
Modern Road, Near Hotel Babla,
Bhusawal, District Jalgaon .. **RESPONDENTS**

AND**931. CRIMINAL APPLICATION NO. 3421 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Asha Joshi,
Age : Major, Occu.: Household,
R/o.: Vithal Mandir Ward,
Shankar Nagar, Prathamesh Apartment,
Bhusawal, Jalgaon **.. RESPONDENTS**

AND**932. CRIMINAL APPLICATION NO. 3424 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra

2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Indubai Chavan,
Age : 54 years, Occu.: Household,
R/o.: Vithal Mandir Ward,
A factory, 22/171, Subhash Nagar,
Bhusawal, District Jalgaon .. **RESPONDENTS**

AND

933. CRIMINAL APPLICATION NO. 3426 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon .. **APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Amit Pentharkar,
Age :46 years, Occu.: Household,
R/o.: Vithal Mandir Ward,
Kanhaiyalal Plot, Bhusawal,
Jalgaon .. **RESPONDENTS**

AND**934. CRIMINAL APPLICATION NO. 3427 OF 2018**

Abhay Narayan Rajе,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Chayya Narayan Patil,
Age :59 years, Occu.: Household,
R/o.: Vithal Mandir Ward,
Near Dr.K.K. Hospital, Bhusawal,
Jalgaon **.. RESPONDENTS**

AND**935. CRIMINAL APPLICATION NO. 3429 OF 2018**

Abhay Narayan Rajе,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Ashok Narayan Wani,
Age :57 years, Occu.: Nil.,
R/o.: Vithal Mandir Ward,
Shanti Nagar, Bhusawal,
Jalgaon .. RESPONDENTS

AND

936. CRIMINAL APPLICATION NO. 3430 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Kishor Bangale,
Age : years, Occu.: Nil,
R/o.: Vithal Mandir Ward,
Hanuman Nagar, Bhusawal,
Jalgaon .. RESPONDENTS

AND

937. CRIMINAL APPLICATION NO. 3432 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Narayan Bapat,
Age : years, Occu.: Household,
R/o.: Vithal Mandir Ward,
Sahyadri Apartment, Bhusawal,
Jalgaon .. RES

.. RESPONDENTS

938. CRIMINAL APPLICATION NO. 3433 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon .

..APPLICANT

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Pratibha Ramesh Zope,
Age : 45 years, Occu.: Household,
R/o.: H.No.457, New Park Sawarkar Road,
Municipal Park, Sardar Road,
Bhusawal, Jalgaon .. **RESPONDENT**

.. RESPONDENTS

AND**939. CRIMINAL APPLICATION NO. 3434 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Kamlakar Ambekar,
Age : 58 years, Occu.: Nil,
R/o.: Behind Tempal, Zamner Road,
Methaji Mala, Bhusawal,
Jalgaon **.. RESPONDENTS**

AND**940. CRIMINAL APPLICATION NO. 3435 OF 2018**

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon **..APPLICANT**

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon

3. Mohini Bhokarikar,
Age : 44 years, Occu.: Household,
R/o.: Vithal Mandir Ward,
Sahakar Nagar, Bhusawal,
Jalgaon .. RESPONDENTS

AND

941. CRIMINAL APPLICATION NO. 3437 OF 2018

Abhay Narayan Raje,
Age : 57 years, Occu.: Service,
R/o : Kala Hanuman Co-op Society,
Bhusawal, Tq. Bhusawal,
District Jalgaon ..APPLICANT

VERSUS

1. The State of Maharashtra
2. Registrar,
District Consumer Dispute
Redressal Forum,
Jalgaon
3. Ramesh Zope,
Age : 46 years, Occu.: Nil,
R/o.: Tapi Nagar, Near School,
Municipal Park, Sardar Road,
Bhusawal, Jalgaon .. RESPONDENTS

Mr.Girish Nagori and Ms.M.B. Vaishnav, advocates
for the applicants in all the criminal
applications.

Mr. S.W.Mundhe, Mr.K.D.Mundhe, Mr. A.P. Basarkar,
APPs for respondent/State

CORAM : V.L. ACHLIYA, J.

DATE : 09.07.2019

JUDGMENT :

. Rule. Rule made returnable forthwith.
With the consent of Advocate representing
applicants and APP heard finally.

2. All these applications are heard
together and decided by the common order as the
challenge raised in the applications is
identical.

3. Heard learned counsel for the applicant
and learned APP for the respondent nos.1 and 2.
the respondent – complainant though served
absent.

4. Mr. Nagori, learned counsel for the
applicant assailed the impugned orders with
contention that the orders passed by the District
Forum are *per se* illegal and without authority

vested with District Forum to pass such orders. It is submitted that no proceedings as contemplated U/Sec. 27 of the Consumer Protection Act has been registered and initiated against the applicant. The order to arrest and detain the applicant in prison has been passed in an execution proceedings. It is further submitted that even if it is accepted that the orders has been passed in a proceeding initiated U/Sec. 27 of the Consumer Protection Act to secure the presence of the applicant for conduct of such proceedings against the applicant, still no order to pay costs should have been passed as the offence U/Sec. 27 of the Consumer Protection Act is bailable. In bailable offence the accused deserves to be released on bail.

5. Learned APP appearing for respondent Nos.1 and 2 supported the orders passed by the District Consumer Forum.

6. Before advertizing to deal with submissions advanced, it is necessary to consider few facts leading to filing of these applications. In view of challenge raised in the applications confines to the imposition of costs of Rs.10,000/- in each of the matter, it is not necessary to discuss the facts in detail. It appears from order passed that in execution proceeding registered under the provisions of Consumer Protection Act, 1986 (hereinafter referred to as "the said Act"), the applicant was arrested and remanded to jail. The applicant was facing more than 80 cases alleging non-compliance of order passed by the District Consumer Forum. On his failure to appear in execution proceeding the District Consumer Forum appears to have issued warrant of arrest. In execution of non-bailable warrant the applicant was arrested and detained in prison. While in jail, the

applications moved by applicant for bail were rejected by the District Consumer Forum. In some of the cases, the applicant moved this Court. In group of such applications decided by this Court vide order dated 15.06.2018 (Corm : Mangesh S. Patil, J), this Court ordered to release the applicant on executing personal bond of Rs.15,000/- and furnishing solvent surety in the like amount with condition to punctually attend the proceedings before the District Consumer Forum, Jalgaon. Subsequent to order dated 15.06.2018 passed by this Court, the impugned orders dated 25.09.2018 were passed by District Consumer Forum. The District Forum pleased to order the release of the applicant in each of the case on furnishing personal bond in the sum of Rs.15,000/- with solvent surety in like amount and imposed condition to attend the proceedings on each and every date, and in the event two consecutive defaults, the bail granted to the

applicant liable to be cancelled. The orders were passed on par with the order dated 15.06.2018 passed by this Court in Criminal Application No.1473/2018 and other group of matters. However, while releasing the applicant on bail, the District Consumer Forum has imposed additional condition to pay the costs of Rs.10,000/- in each of the proceeding. Being aggrieved, the applicant has preferred these applications. The challenge raised in these applications confines to imposition of penalty of Rs.10,000/- in each case.

7. I have carefully considered the submissions advanced in the light of overall facts of the case, the impugned orders passed by the District Consumer Forum and the scheme of the Consumer Protection Act, 1986 providing remedies for enforcement of orders passed by the District Consumer Forum.

8. For the recovery of amount due from any person under the orders passed by District Forum, the State Commissioner or the National Commission, as the case may be, the remedy is provided U/Sec. 25(3) of the Consumer Protection Act. Section 25(3) of said Act reads as under :-

*"25(3) Where any amount is due from any person under an order made by a District Forum, State Commission or the National commission, as the case may be, **the person entitled to the amount may make an application to the District Forum, the State Commission or the National Commission, as the case may be, may issue a certificate for the said amount to the Collector of the district (by whatever name called) and the Collector shall proceed to recover the amount in the same manner as arrears of land revenue."***

9. Thus if we consider the powers of

District Consumer Forum to enforce its orders to recover the amount due and payable to any person, then the District Consumer Forum cannot issue warrant of arrest and order to detain such person in prison in execution proceeding filed for recovery of amount due under orders of Forum. In terms of sub-section (3) of Section 25 of the said Act, at the most the Forum can issue certificate of recovery in favour of such person. The process of recovery pursuant to such certificate to be initiated by the Collector to whom such recovery certificate is issued to recover the amount so specified in certificate by adopting the procedure prescribed for recovery of arrears of land revenue. Under Section 25 of the Consumer Protection Act, it is nowhere provided for arrest and detention of person in prison towards recovery of amount due under orders of Forum.

10. Section 27 of the Consumer protection

Act provides for penalties to be imposed where the person against whom the complaint is made fails or omits to comply with the order made by District Forum/State Commission/National Commission. The Section 27 of the Consumer Protection Act reads as under :-

***"27. Penalties-(1)** Where a trader or a person against whom a complaint is made or the complainant fails or omits to comply with any order made by the District Forum, the State Commission or the National Commission, as the case may be, such trader or person or complainant shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than two thousand rupees but which may extend to ten thousand*

rupees, or with both;

(2) Notwithstanding, anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the District Forum or the State Commission or the National Commission, as the case may be, shall have the power of a Judicial Magistrate of the first class for the purpose of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) All offences under this Act may be tried summarily by the District Forum or the State Commission or the National Commission, as the case may be."

11. Thus bare reading of provisions U/Sec. 27 of the Consumer Protection Act reflects that, only after conducting the proceeding U/Sec. 27 of

the Consumer Protection Act, if the District Consumer Forum or the State Commission, as the case may be, reaches to the conclusion that the person has failed or omitted to comply with the order, then depending upon the facts and circumstances of the case, the defence if any taken by such person in such proceeding Forum can impose penalty/punishment as provided U/Sec. 27 (1) of the Consumer Protection Act. By virtue of sub-section (2) of Section 27 of the said Act, the District Consumer Forum, the State Commission or the National Commission as the case may be, conferred with the powers of Judicial Magistrate First Class for conduct of proceeding under sub-section (1) of Section 27 as well as the other offences under the said Act. Sub-section (3) of Section 27 provides for procedure to be followed in conduct of proceeding to punish the person under sub-section (1) of section 27 of the said Act. It provides that the offences to be tried

under the said Act, which includes offence under Section 27(1) of the said Act, the District Consumer Forum or the State Commission or the National Commission as the case may be has to try the offences in a summary manner. In that view, the Commission is expected to follow the procedure prescribed for conduct of trial in a summary manner as provided under the Code of Criminal Procedure.

12. Perusal of orders reflects that impugned orders have been passed in an execution proceedings filed for recovery of amount due against the applicant. In absence of any proceeding registered and initiated U/Sec. 27 of the said Act, the District Consumer Forum should not have passed such orders and imposed the costs of Rs.10,000/- in each proceeding while releasing the applicant on bail. Even if it is presume that such proceedings are U/Sec. 27 of the said Act,

still the District Consumer Forum was not justified in imposing costs of Rs.10,000/- in each of the matter and to pay the same to the complainants.

13. While passing the order to release the applicant on bail, the District Consumer Forum appears to have exceeded its authority and pass order to impose costs of Rs.10,000/- in each of the matters and to pay the same to the complainants. While releasing the person on bail, the Court is expected to confine the scope of order to release the applicant on such terms and conditions, which the Court deem fit and proper in the facts and circumstances of the case to ensure the availability of accused for conduct of trial against him. The imposition of costs and payment to the complainants do not fall within the ambit of exercise of powers to release the person on bail. Even if it is presumed that the

order has been passed in exercise of powers conferred upon the judicial Magistrate as provided under sub-section (2) of Section 27 of the said Act, still the order imposing the costs and payment thereof to the complainants falls beyond the scope of exercise of powers under the said provisions of law. In that view the order of imposition of costs and payment thereof to the complainants is unsustainable in law.

14. In view of the fact that the amount deposited by applicant reported to be paid to respective complainants, it is not desirable to order the refund of amount to these persons. In the facts and circumstances of the case, the amount deposited by the applicant can be treated as a part/full compliance of the order passed by the District Consumer Forum. The amount paid to the complainants be adjusted towards the recovery of amount due and payable in terms of the order

passed by the District Consumer Forum. Accordingly, the applications are allowed in terms of prayer clause "B" in the respective applications. In case the applicant has deposited the amount of costs and the same has been paid to respective complainant then same shall be treated as a part/full payment, as the case may be, in the cases of individual complainant to the extent of amount withdrawn.

15. Rule made absolute in above terms.

[V.L. ACHLIYA]
JUDGE

SGA