

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

62. CRIMINAL WRIT PETITION NO. 1728 OF 2019

Chandrakant S/o Hari Badhe,
age 73 years occupation Pensioner
R/o Badhewada, Varangaon
Taluka Bhusawal Dist. Jalgaon

...Petitioner

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of Co-operation, Mantralaya, Mumbai
2. The Liquidator
Sahakar Mitra Chandrakant Hari Badhe sir
Urban Co-operative Credit Society Ltd.,
Varangaon Tal. Bhusawal Dist. Jalgaon
3. Tukaram Yadav Patil (Died)
Through legal heir Shrimati Shashikala Tukaram Patil,
age 63 years occup. Housewife
R/o Gat No. 86, Plot No. 24, Block No. 11,
Shriramnagar, Jalgaon Tal. & Dist. Jalgaon

...Respondents

WITH

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2. The Liquidator
Sahakar Mitra Chandrakant Hari Badhe sir
Urban Co-operative Credit Society Ltd.,
Varangaon Tal. Bhusawal Dist. Jalgaon
3. Totaram Maroti Dhande
age 56 years occupation service
4. Saw. Yogita W/o Totaram Dhande,
age 56 years occupation housewife
5. Ku. Priti D/o Totaram Dhande,
age 25 years occup. Nil
6. Yuvaraj S/o Totaram Dhande,
age 20 years occup. Nil

Nos. 3 to 6 R/o Plot No. 72, old Bhagwan Nagar,
Jalgaon Tal. & Dist. Jalgaon.

...Respondents

*Mr. M.M. Nerlikar, Addl. Public Prosecutor for Respt. No. 1 in
Cri. W.P. No. 1728/2019*

*Mr. A.S. Shinde, Addl. Public Prosecutor for Respt. No.1 in
Cri.W.P. No. 1729/2019*

CORAM : T.V. NALAWADE &

M.G. SEWLIKAR, JJ.

DATE : 24th February, 2021

ORDER:

1. Nobody is present for the petitioners. On the last date
i.e on 02/02/23021 also nobody was present for the petitioners.

This Court had passed order of following nature on 02/02/2021:

*" Nobody is present for the petitioner. The
matter involves challenge to the order made by*

Consumer Forum. Under the Consumer Protection Act separate scheme a mechanism is created. There is appellate forum when Consumer Forum passes some order. The order of Consumer Forum cannot be challenged in the High Court. Hon'ble Apex Court has also expressed displeasure when Hon'ble Apex Court found that High Courts were entertaining the matters which are filed against the orders made by the Consumer Forum. In view of these circumstances, the learned counsel for the petitioner needs to satisfy this Court as to how this Court can entertain the proceeding. If the matter is not prosecuted on 24/02/2021, it will be dismissed for non prosecution and for aforesaid reason. "

2. In the present matter, reliefs of following nature are claimed on Criminal Side.

" A. By appropriate writ, order or direction in the like nature of writ, direct the Respondent No.2 i.e. liquidator of the Credit Society, to take note of claim allowed by the District Consumer Forum and to effect payment to respective consumers.

B. Under the inherent power, the mechanically recording of statement u/s. 313 of Cr.P.C. dt. 25/07/2019 in EA No. 191/2011 by Consumer Forum Jalgaon, may please be quashed and set aside.

C. Pending hearing and final disposal of this writ petition, the proceeding of Execution Application No. 191/2011 filed and pending before Consumer Forum Jalgaon may please kindly be stayed. "

3. Reliefs of aforesaid nature cannot be granted on Criminal Side. So, both the matters stand dismissed.

(M.G. SEWLIKAR)
JUDGE

(T.V. NALAWADE)
JUDGE

Madkar