

11.07.2023

Item No.42

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 10 of 2023

In the matter of : **Malay Bose**

... Petitioner.

Mr. Arnab Mukherjee

... For the Petitioner.

The petitioner is aggrieved by the warrant of arrest issued in connection with EA/132/2019 passed by the West Bengal State Consumer Disputes Redressal Commission, Kolkata on 15.03.2022.

In view of the judgement delivered by a coordinate Bench of this Hon'ble Court on 12.08.2022 in CRR 2955 of 2022, I am of the opinion that the mode and manner in which the warrant of arrest so issued requires interference. The relevant part of the said order of CRR 2955 of 2022 is set out as follows :

“For the reasons stated above, this Court comes to an irresistible conclusion that in an execution application, the commission cannot issue warrant of arrest for enforcement of its order. The commission has, of course, the authority to issue warrant for detention of the judgement debtor in civil prison in accordance with the provision under the Code of Civil Procedure. It cannot issue warrant of arrest against the judgement debtor following the part ‘B’ of Chapter VI of the Code of Criminal Procedure.”

In view of the observations made by the coordinate Bench, the warrant of arrest so issued is hereby quashed. The learned Tribunal/Forum would adhere to the observations and the guidelines laid down by the Hon'ble High Court in CRR 2955 of 2022.

With the aforesaid observations, the revisional application being CRR 10 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)