

09.08.2023
Serial no. 20
[G.S.D]

CRR 629 of 2023

With
CRAN 1 of 2023

In the matter of : Sk. Mokbul Hossain

... .. Petitioner

Mr. Ashok Kumar Chowdhury
Ms. O. Chowdhury

... For the Petitioner

Mr. Prasun Kumar Datta
Mr. Santanu Deb Roy
Md. Kutubuddin

... For the State

The petitioner challenges the Order No. 51 dated 25.7.2022, wherein warrant of arrest was issued by the Learned District Consumer Disputes Redressal Commission in an execution application, being no. EA-97 of 2018.

A Co-ordinate Bench of this Hon'ble Court, in CRR 2955 of 2022, has already set out the mode and manner to be followed by the Learned Consumer Forum while dealing with the Execution Case.

The relevant part of the said order passed in 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 judgment 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 what has been stated above, this Court finds that the order dated 5th August, 2022 is palpably illegal."

In view of the order passed by the Hon'ble Co-ordinate Bench, the Learned District Consumer Disputes Redressal Commission is directed to adhere to the said order.

A fresh order be issued by the said concerned forum and, warrant of arrest be kept in abeyance till further orders are passed by the said Consumer Forum in accordance with the order/guideline laid down in CRR 2955 of 2022.

With the above observations, CRR 629 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)