

04.07.2023
Item No.25
Ct.No.34
dc.

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

C.R.R. 742 of 2023
with
CRAN 1 of 2023

In the matter of : **Samasth Infotainment Pvt. Ltd. & Ors.**
... Petitioners.

Mr. Rajdeep Majumder,
Mr. Pritam Roy,
Mr. Abhijit Singh ... For the Petitioners.

Mr. Arijit Ganguly,
Mr. Koushik Kundu ... For the State.

Mr. Bibek Chatterjee,
Ms. Paramita Sahu,
Ms. Mahasweta Mukherjee,
Ms. Susmita Saha ... For the private Opposite Parties.

The present revisional application was preferred challenging the order dated 03.02.2023 passed by learned District Consumer Disputes Redressal Commission at Baruipur, South 24-Parganas in connection with Execution Case No. EA/15/2022 arising out of Complaint Case No. CC/45/2021 under the Consumer Protection Act wherein the said Tribunal/forum was pleased to issue warrant of arrest.

Mr. Majumder, learned advocate appearing for the petitioners and Mr. Chatterjee, learned advocate appearing for the private opposite parties submit that in the meantime an appeal has been preferred and there is a direction by the appellate forum of the said Tribunal staying the operation of the order.

However, having regard to the fact that if the warrant of arrest is not recalled till date or the execution proceeding has not been given effect to, I direct the learned District Consumer Disputes Redressal Commission at Baruipur to

abide by the observation made by a co-ordinate Bench of this Hon'ble Court in CRR 2955 of 2022 which is 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 what has been stated above, this Court finds that the order dated 5th August, 2022 is palpably illegal.”

It is further reiterated that if any warrant by default is pending, the same would be deemed to be quashed. Further warrant in future if it is required to be issued, would follow the direction of Hon'ble Justice Bibek Chaudhuri passed in CRR 2955 of 2022.

With the aforesaid observations, the revisional application being CRR 742 of 2023 is disposed of.

Pending connected application 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.)