

11.08.2023

Item No.19
Ct.No.34
dc.

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

C.R.R. 2890 of 2023

In the matter of : **Uttam Ghosh** ... Petitioner.

Mr. Apalak Basu,
Mr. Nazir Ahmed,
Ms. Sanghamitra Mridha ... For the Petitioner.

The subject-matter of the present revisional application relates to the order dated 01.02.2023 passed by learned District Consumer Disputes Redressal Commission at Baruipur, South 24-Parganas in connection with Execution Case No. EA/40/2014 arising out of Complaint Case No. CC/26/2013 under the Consumer Protection Act wherein the said Tribunal/forum was pleased to issue warrant of arrest.

I have perused the order and I find that the learned Forum issued warrant of arrest for execution and fix execution return on 09.03.2023. A coordinate Bench of this Hon'ble Court in CRR 2955 of 2022 was pleased to observe 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.”

In view of the directions of the Hon'ble Justice Bibek Chaudhuri passed in CRR 2955 of 2022, I direct the learned District Consumer Disputes Redressal Commission, Baruipur to adhere to the guidelines laid down therein. Accordingly, the warrant of arrest so issued on 01.02.2023 is set aside.

If the petitioner has been taken into custody pursuant to the execution of the warrant of arrest dated 01.02.2023, he may be released immediately by the learned District Consumer Disputes Redressal Commission, Baruipur and the directions passed by a coordinate Bench of this Hon'ble Court in CRR 2955 of 2022 be followed strictly for the purposes of execution.

With the aforesaid observations, the revisional application being CRR 2890 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.)