

July 4, 2023
AD -22
Ct. 34
SG

CRR 4672 of 2022

Ramesh Chandra Hota
-versus-
The State of West Bengal and another

Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Ms. Debjani Sahu
Mr. Debraj Sahu
... for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
... for the State

Mr. Mukherjee, learned advocate appearing for the petitioner. None appears on behalf of the private opposite party.

In view of the judgment of the Coordinate Bench passed in CRR 2955 of 2022, it is observed that the tribunal or the commission is empowered only to issue warrant for detention of the judgment-debtor in civil prison in accordance with the provisions under the Civil Procedure Code, it cannot issue the warrant of arrest against the judgment-debtor following the part 'B' of Chapter VI of the Code of Criminal Procedure.

After such observations the Hon'ble Court was pleased to hold that the issuance of warrant of arrest was illegal and proceeded to set aside/quash the said order of issuance of warrant of arrest.

Having regard to the judgment passed by the Coordinate Bench, I am of the view that the warrant of

arrest issued on 02.09.2022 by the Consumer Disputes Redressal Commission, Kolkata, Unit-II in Execution Application No.20 of 2021 arising out of Complaint Case No.263 of 2020 should be set aside.

With the aforesaid observations, CRR 4672 of 2022 is disposed of.

The tribunal/forum is directed to abide by the directions passed in CRR 2955 of 2022.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)