

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO.657 OF 2022

Prashant S/o. Jaideo Wasankar,
Aged : 50 Yrs., Occ.: Nil,
R/o. 58, Prasad Nagar, Near
Jaytala, Nagpur

.... **PETITIONER**

// VERSUS //

1. Manohar S/o. Mahadeorao Medhekar,
Aged about 69 Yrs., Occ. Retired,
R/o. 35B, Tapovan Complex,
Somalwada, Nagpur.

2. State of Maharashtra,
Through Superintendent of Jail,
Central Prison, Nagpur

.... **RESPONDENTS**

Shri G. S. Gour, Advocate for the petitioner
Shri S. A. Ashirgade, APP for the State/respondent No.1

CORAM : G. A. SANAP, J.
DATED : 8th FEBRUARY, 2023

ORAL JUDGMENT :

1. Heard.

2. Rule. Rule made returnable forthwith. Heard finally with the consent of learned Advocates for the parties.

3. In this writ petition, challenge is to the order dated 21.09.2022 passed by the District Consumer Dispute Redressal Commission, Nagpur, whereby the application for bail made by the petitioner was rejected and he was send to jail till the completion of the hearing of the application.

4. Without referring to the facts, this matter can be disposed of, in view of the statement made by the learned Advocate for the petitioner. Learned Advocate for the petitioner pointed out that after filing of this petition, vide order dated 22.09.2022, this Court by interim order released the petitioner on bail. Learned Advocate submits that petitioner will not miss single date in the proceeding before the District Consumer Dispute Redressal Commission, Nagpur (For short 'the Commission') unless and until he is specifically exempted on a particular date by the order of the Commission. Learned Advocate submits that he is making this

statement on the basis of the instructions received from the petitioner. This statement can be accepted, as an undertaking.

5. It is seen on perusal of the order that the petitioner avoided to attend the proceeding & therefore, the proceeding got delayed. In the facts and circumstances, the statement having been accepted as an undertaking, would suffice the purpose of the respondent No.1/applicant in execution proceeding pending before the Commission. It is further seen on perusal of the record that the respondent No.1, who is an applicant before the Commission, has failed to appear before this court, despite service.

6. In the facts and circumstances, the statement is accepted as an undertaking. In my view, the statement having been accepted as an undertaking would serve the purpose. In view of this, the writ petition is allowed.

7. The order dated 21.09.2022 passed by the District Consumer Dispute Redressal Commission, Nagpur is quashed and set aside.

8. The petitioner is directed to attend the proceedings before the District Consumer Dispute Redressal Commission, Nagpur initiated at the behest of the respondent No.1, on every date unless exempted by specific order.

9. Rule is made absolute in the above terms.

(G. A. SANAP, J.)

Namrata