



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

...

CRIMINAL WRIT PETITION NO. 705/2023

Amol Fulchand Ramteke

.. Petitioner

versus

The Members Th: president,

Addl. District Consumer and others

.. Respondents

.....
Mr.A.J. Mirza, Advocate for the petitioner

Ms.Mayuri Deshmukh,APP for Respondents 1 and 2

Mr. Manish Khaparde, Adv.for Res. No.3
.....

CORAM: ANIL L. PANSARE, J.

DATED : 10th October, 2023.

PC:

Heard.

2. Contention is that the impugned order dated 12th September 2023 has been passed by the Addl. District Consumer Dispute Redressal Commission, Nagpur, by majority, rejecting the application filed by the petitioner seeking cancellation of non-bailable warrant. It appears that the learned President of the Commission has allowed the application; however the members of the Commission later on, have recalled the order passed by the President and disposed it of, with a direction to list the matter in the open court before the Full Bench, in terms of Section 36 (1) and 39(4) of the Consumer Protection Act, 2019 for the purpose of hearing both the applications.

3. Thus, it appears that though in the first part of the final order the majority view of the Commission indicates that both the applications have been disposed of, but in the later part of the order, the applications have been directed to be listed in the open court on 25th

September, 2023.

4. If that be so, the petitioner ought to have appeared before the Commission as directed. The inference of the petitioner that both the applications have been decided is erroneous.

5. The petitioner shall appear before the Commission on 26.10.2023 and his application seeking cancellation of non-bailable warrant and releasing him on bail shall be listed and considered by the Commission in the open Court. The Writ Petition is disposed of in above terms.

6. At this stage, the learned counsel for the petitioner makes request to grant interim protection. The record indicates that vide order dated 25.09.2023 the execution of non-bailable warrant issued against the petitioner was stayed till the next date, for the reasons stated in the order. On 3rd October 2023 the interim order was vacated for negligent and casual approach shown by the petitioner which has been recorded in the said order. In the circumstances, the request cannot be acceded to as the petitioner appears to be little casual once he gets protection or favourable order. The records of the Commission would corroborate such status. As such the request is rejected.

7. Despite passing of the above order, the learned Advocate for the petitioner has insisted that he should be given protection. The learned Advocate has been advised to maintain decorum of the Court.

[ANIL L. PANSARE, J.]

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