

12.03.2024

Item No.76
Ct.No.34
dc.

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

C.R.R. 1011 of 2024

**Pratik Ghosh
versus
The State of West Bengal & Ors.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Satadru Lahiri,
Mr. Anjan Banerjee,
Mr. Sourav Paul ... For the Petitioner.

The petitioner is aggrieved by the order dated 24.01.2024 passed in EA/21/2017 wherein the learned District Consumer Disputes Redressal Commission, Howrah in connection with CC/444/2014 was pleased to issue warrant of arrest against the present petitioner.

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, Howrah 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.”

In view of the mode and manner which has been settled by the High Court, the warrant of arrest so issued should be recalled by the learned District Consumer Disputes Redressal Commission, Howrah in connection with CC/444/2014 and steps be followed by the Commission as has been stated above.

With the aforesaid observations, the revisional application being CRR 1011 of 2024 is disposed of.

Pending connected 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)