

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5901 OF 2025

AMI Builders, Through Partner Devendra
Ramanlal Zaveri ..Petitioner

Versus

Indian Junior Chamber & Anr ...Respondents

Mr. Pritam Runwal, with Mohit Bhansali and Anil Khopde, for the
Petitioner.

Adv Rita K. Joshi, for Respondent No.1.

Mr. A. D. Kamkhedkar, AGP, for Respondent No.2-State.

CORAM: N. J. JAMADAR, J.

DATE : 19th NOVEMBER 2025

P.C.:

1. Heard the learned Counsel for the parties..
2. The challenge in this Petition is to an order dated 26th August 2025, whereby the State Consumer Dispute Redressal Commission (“State Commission”) had declined to suspend the sentence imposed on the Petitioner by the District Commission, Mumbai Suburban, Mumbai, by an order dated 18th January 2022, whereunder the Petitioner has been convicted for an offence punishable under Section 27 of the Consumer Protection Act, 1986 and sentenced to suffer simple imprisonment for a term of three years and pay fine of Rs.10,000/-.

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3. The Petitioner has preferred an Appeal against the said order along with an Application for condonation of delay in preferring the Appeal.

4. By the impugned order the State Commission was persuaded to reject the prayer for suspension of the sentence primarily having regard to the conduct of the Petitioner since the passing of the order by the District Consumer Forum on 23rd November 2010; which has been affirmed up to the Supreme Court.

5. The learned Counsel for the Petitioner submitted that, the Petitioner is 72 years old. The wife of the Petitioner is bed-ridden. The Petitioner has appeared before the jurisdictional police and, thereafter, he was produced before the State Commission.

6. It was submitted that, the Petitioner is willing to deposit a sum of Rs.25,00,000/- within a period of one week towards the penalty which has been imposed by the District Consumer Forum by judgment and order dated 23rd November 2010.

7. The learned Counsel for the Respondent resisted the submissions on behalf of the Petitioner. It was urged that, the Petitioner has willfully not complied with the order of the District Consumer Forum, and evaded the process. Numerous non-bailable warrants were required to be issued to secure the presence of the Petitioner. In these

circumstances, the State Commission was justified in rejecting the Application for suspension of sentence.

8. The material on record indeed indicates that, the Petitioner has not complied with the order of the District Consumer Forum and efforts were required to be made to secure the presence of the Petitioner, to undergo the sentence imposed by the District Consumer Forum.

9. Nonetheless, having regard to the situation in life of the Petitioner, especially the advanced age and the fact that, the wife of the Petitioner is stated to be seriously ill, this Court is inclined to exercise discretion in favour of the Petitioner.

10. The facts that the Petitioner has shown willingness to deposit the sum of Rs.25,00,000/- before the State Commission, towards the penalty imposed by the District Consumer Forum, within a period of one week from today, and continue to appear before the State Commission on scheduled dates of hearing of the Application for condonation of delay in filing Appeal, also deserve to be take into account.

11. Hence, the following order:

: O R D E R :

- (i) The Petition thus stands allowed.
- (ii) The substantive sentence imposed by the District Consumer Forum by order dated 18th January 2022 stand suspended.

(iii) The Petitioner be released on bail on furnishing a P. R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(iv) The Petitioner shall deposit a sum of Rs.25,00,000/- before the District Consumer Forum, as undertaken, within a period of one week from today towards the amount of penalty imposed by the District Consumer Forum by order dated 23rd November 2010.

(v) All concerned will act on production of an authenticated copy of this order.

No costs.

[N. J. JAMADAR, J.]