

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Writ Petition No.201 of 2015

The Godavari Sugar Mills Ltd.
Kolhapur.

.. Petitioner.

Versus

The State of Maharashtra
And Another.

.. Respondents.

Shri. Sudarshan J. Salunke, Advocate, for petitioner.

Shri. S.A. Ambad, Additional Public Prosecutor, for
respondent No.1.

Shri. Shrimant Mundhe, Advocate, for respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 1st JULY 2015

ORDER:

1) The petition is filed to challenge the order made by the learned Judicial Magistrate First Class Dharur in Criminal Case No.627/2014 which is filed by the present petitioner for offence under section 138 of the Negotiable Instruments Act. It appears that initially the case was filed in the Court of the Judicial Magistrate

First Class Kolhapur and the case came to be returned in view of the directions given by the Hon'ble Apex court in the case of **Dashrath Rupsing Rathod v. State of Maharashtra (2014 S.T.P.L. (Web) 499)**.

2) It appears that when this complaint was presented in the Court from Dharur, as per office note, Dharur Court directed to pay court fees as per amendment effected to Bombay Court Fees Act by Maharashtra Government. Copy of the said amendment is produced on record

3) As per the old provision the complainant was to pay court fees of Rs.200/- and such court fees was paid by the complainant. Only because the matter was required to be taken to other Court but from Maharashtra, the new provision regarding court fees cannot be made applicable to the proceeding which was filed prior to coming into force of the amended provision. Thus, the Judicial Magistrate has committed error in directing the complainant to pay court fees as per amended provision.

4) In the result, the application is allowed. The order dated 15-11-2014 of the Judicial Magistrate First Class Dharur in Criminal Case No.627/2014 is hereby quashed and set aside and it is held that court fees already paid is sufficient in the matter filed by the present petitioner.

Sd/-
(T.V. NALAWADE, J.)

rsl