

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Writ Petition NO.185 of 2015
(Abhijit Kulkarni V Sau Jyoti Kulkarni)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

[Shri Y.S. Gorle, Adv for applicant.
Mrs. S.S. Shesh, Adv for respondent]

CORAM : A.B. CHAUDHARI, J.
DATED : 03.07.2015.

Heard the learned Counsel for
the rival parties.

The petitioner is aggrieved by
the impugned revisional order under
which the petitioner has been punished
with an order of costs in the sum of Rs.
25,000/- payable to the respondent/
wife. The petitioner is working as a
Stenographer in the District Court,
Nagpur, presently posted at Parseoni,
Nagpur.

Perused the reasons given by the
learned revisional Court for making the
order of costs. Undoubtedly, the
respondent/wife had no plausible
reason to put a challenge the order

that was obviously in her favour regarding no cross examination to the witness examined by the petitioner. It was the respondent wife who could challenge the order, she being an aggrieved person. The applicant could not fall in the category of aggrieved person in relation to the said order of no cross examination. The learned Sessions Court, therefore, did not commit an error in finding the conduct of the petitioner unbecoming of his status as a Stenographer in Court and consequently, awarded costs.

However, insofar as the order of imposition of costs of Rs. 25,000/- is concerned, the same is harsh. Undoubtedly, though the petitioner was required to be punished, the order of costs is on higher side. That being so, I think the payment of costs in the sum of Rs. 7,000/- to the respondent wife since she was required to defend the revision and the present proceeding should sub-serve the interest of justice. Rest of the order will have to be removed. That being so, I make the following order :-

Order

A] Criminal Writ Petition No.185 of 2015 is partly allowed.

B] The impugned order imposing costs of Rs. 25,000/- stands modified, and in place of Rs. 25,000/-, Rs. 7,000/- be paid by the petitioner to the respondent/ wife, within a period of four weeks from today.

C] Rest of the order is set aside.

JUDGE

Deshmukh