

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRI.R.C.Nos.542, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556,
557, 558 and 559 of 2015

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COMMON ORDER:-

Since the parties and the point for consideration in all the Criminal Revision Cases are one and same, they are heard and disposed of together by this common order.

All the Criminal Revision Cases are filed challenging the docket orders dated 31.03.2015 passed in C.C.Nos.18, 21, 20, 22, 23, 24, 120, 123, 124, 125, 25, 121, 122, 126, 127, 128 & 129 of 2014 on the file of the Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge at Hyderabad wherein the trial Court while adjourning the above cases imposed costs of Rs.2,000/- in each case. Out of which, 50% was directed to be paid to P.W.1 and the remaining to the District Legal Services Authority.

The facts in issue are as under:

As many as 24 cases were filed by the Registrar of Companies, Hyderabad, before the trial Court against the petitioners for an offence punishable under Section 75(4) of the Companies Act, 1956 (for short 'the Act') for non-compliance of Section 75(1) of the Act. The cases were posted to 23.03.2015 for chief-examination of P.W.1. On that day, an inspection report running into about 100 pages was said to have been submitted by P.W.1 and, as such, the cases were adjourned to 31.03.2015 for his cross-examination. On 31.03.2015, when 6 cases out of 24 cases were posted, P.W.1 was not present and all the six cases were adjourned without imposing any costs. In so far as the other 18 cases are concerned, learned counsel for the petitioners is said to have made an oral request seeking time, as he could not prepare all the 24 cases within one week. While rejecting the request of the petitioners, the trial Court directed the petitioners to pay costs of Rs.2,000/- in each case, failing which, the petitioners were directed to undergo simple imprisonment for

a period of 15 days. Challenging the same, the present revisions are filed.

Learned counsel for the petitioners submits that the petitioners have been cooperating with the Court and only on one occasion the accused sought time, as the inspection report was furnished to them only a week prior to 31.03.2015. According to him, the intention of seeking time was neither willful nor deliberate, but was only on the ground that they could not prepare all the 24 cases within one week. He submits that the Criminal Rules of Practice does not anywhere contemplate any procedure of payment of costs and according to him the Apex Court ordered imposition of costs only when adjournments are sought with a view to delay the proceedings. He further submits that the orders dated 31.03.2015 do not anywhere indicate that the petitioners were trying to protract or prolong the proceedings before the Court. He contends that six cases were adjourned without imposing any costs, though P.W.1, who is Authorised Officer to depose in those cases, was not present and the same yardstick ought to have been applied to the cases as well.

On the other hand, learned Additional Public Prosecutor opposed the revisions.

A reading of the impugned orders would show that the counsel for the petitioners sought time as he was not ready to cross-examine P.W.1, for which costs of Rs.2,000/- in each case was imposed. It is also to be noted that P.W.1 who is the main witness in 18 cases was present in the Court. Having regard to the facts and circumstances of the cases, imposition of costs of Rs.2,000/- in each case appears to be on higher side. Taking into consideration the fact that time of the Court was being wasted and P.W.1 has come to the Court by leaving all his work, though he is a local witness, it would be just and proper to direct the petitioners to pay a sum of Rs.4,000/- (Rupees Four thousand only) in all. The said amount of Rs.4,000/- shall be paid to the District Legal Services Authority.

With the above direction, all the Criminal Revision Cases are disposed of.

Consequently, miscellaneous petitions, if any, pending in all the revisions

shall stand closed.

C. PRAVEEN KUMAR, J

28th April, 2015

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