

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1143 OF 2022**

Viterra India Pvt. Ltd. ... Petitioner
versus
The State of Maharashtra ... Respondent

Mr. Hrishikesh Chavan, for Petitioner.
Ms. Anamika Malhotra, APP, for State.

CORAM: N.J.JAMADAR, J.

DATE : 28th APRIL, 2022

P.C.

1. Heard the learned Advocate for the Petitioner. By an order dated 19th April, 2022 this Court had directed the learned Magistrate not to pass dismissal order in the event of default in payment of costs of Rs.2,000/-. This Court also directed the Petitioner to file an Affidavit as to what was the stage of the matter on 13th October, 2021 and what steps were required to be taken by the Petitioner-Complainant.
2. The Petitioner has filed an Affidavit. The sum and substance of the Affidavit is that the Petitioner company had delivered bailable warrants issued against the accused to the jurisdictional police and report of warrants was awaited and no steps were required to be taken by the Petitioner.
3. Without delving into the aspect of justifiability of the imposition of costs, in the light of the facts as revealed from the record, it would be appropriate to direct the Petitioner to pay the sum of Rs.2,000/- by way of donation to the District

Legal Services Authority, Mumbai, instead of costs.

4. The costs are generally imposed by the Courts in disapprobation of the conduct of the parties. Though the Courts have the power to impose costs so as to ensure that the proceedings before the Court are conducted with reasonable expedition, yet there ought to be justifiable grounds for imposition of costs. It cannot be an exercise in arbitrariness.

5. The above Writ Petition thus stands disposed with a modification in the order of the learned Magistrate to the effect that the Petitioner Company to pay a donation of Rs.2000/- to the District Legal Services Authority, Mumbai within a period of three weeks from today and tender a copy of the receipt in the proceedings before the learned Magistrate. The Petitioner-Complainant shall appear before the learned Magistrate on the scheduled date and take appropriate steps as may be required in law.

(N.J.JAMADAR, J.)