

3. Perused the papers. The applicant is the original complainant, who has initiated proceedings under Section 138 of the Negotiable Instruments Act in the Court of the learned Metropolitan Magistrate, 16th Court, Ballard Pier, Mumbai. The learned Magistrate vide order dated 6th November, 2015 dismissed the applicant's 12 complaints under Section 203 of the Criminal Procedure Code. Being aggrieved by the said dismissal of all the 12 complaints, the applicant filed 12 Criminal Revision Applications bearing Nos. 410 of 2017 to 421 of 2017. The said revision applications were allowed by a common order by the learned Additional Sessions Judge vide order dated 27th April, 2018. The said order reads thus;

“ORDER

- (1) All the Criminal Revision Applications are allowed.
- (2) The order of the trial court dated 06.11.2015 dismissing the criminal complaint i.e. C.C.No. 3606/SS/2013, 3607/SS/2013, 3608/SS/2013, 3609/SS/2013, 3610/SS/2013, 3611/SS/2013, 3612/SS/2013, 3613/SS/2013, 3614/SS/2013, 3615/SS/2013, 2616/SS/2013, 3617/SS/2013 is set aside and the complaint is restored to file for trial. The complaint against accused Nos.1 to 5 and 7 only is restored to file. The accused No.6 Visalakshi Vaanthan is deleted. The trial court shall amend the complaint accordingly by deleting the name of Visalakshi Vasanthan from the complaint.
- (3) The complainant is directed to appear before the trial court on 13/06/2018.
- (4) The trial court shall record the verification of the complainant on 13/06/2018. If the complainant fails to offer himself for verification, the trial court shall be at liberty to pass appropriate order.
- (5) **The complainant shall pay cost of Rs.5000/- (Rupees**

Five Thousand Only) in each case to the State which shall be credited to the State after depositing it in the Court.

(6) If the amount of cost is not deposited in this Court on or before 11/05/2018 then the revision shall stand dismissed. Thereafter, the trial court shall be intimated accordingly.

(7) The original of this order shall be kept in Cri. Rev.410 of 2017 and the certified copy of the order be kept in other cases.”

4. The applicant is aggrieved only by clauses (5) and (6) of the aforesaid order. A perusal of para 7 of the said order dated 27th April, 2018 shows that the learned Judge has imposed costs of Rs.5,000/- in each of the revision applications, only because the applicant had impleaded the State of Maharashtra as party respondent in the said revision applications, though the complaint was under Section 138 of the Negotiable Instruments Act, with which, the State of Maharashtra had no concern. No doubt, the State is a formal party in such cases, however, merely because the State of Maharashtra has impleaded as party respondent, the same does not warrant imposition of costs.

5. Accordingly, clauses (5) and (6) of the impugned order reproduced hereinabove, are quashed and set aside. In view of the quashing and setting aside of the said clauses (5) and (6), the Revision Application stand restored back to its original file. Rest of the order is maintained as it is.

6. Since the applicant was directed to appear before the trial Court on 6th December, 2018, which date has lapsed, the applicant shall now appear before the trial Court 18th April, 2022.

7. Application is allowed on the aforesaid terms and is accordingly disposed of.

8. All parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.