

APPENDIX XVI.

Court-fees and Court-fee stamps.

Remission and reduction of Court fees.

In exercise of the powers conferred by section 73 of the Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XVI of 1955) and in supersession of all previous notifications on the subject cited, the Government of Madras hereby:

remits the fees chargeable on applications for refund of the amount paid to the Government of Madras for stamped paper which has become spoiled or unfit for use, or is no longer required for use and on applications for renewal or stamped paper which has become spoiled or unfit for use;

remits the fee chargeable under Article 16 of Schedule II in respect of Vakalathnama or any paper signed by an Advocate signifying or intimating that he is retained for a party, when presented to any Criminal Court for the conduct of any prosecution on behalf of a municipal council to which the Madras District Municipalities Act, 1920 (Madras Act V of 1920) applies or on behalf of the Corporation of Madras to which the Madras City Municipal Act, 1919 (Madras Act IV of 1919) applies or to a District Board to which the Madras District Boards Act, 1920 (Madras Act XIV of 1920) applies;

remits the fee chargeable under Schedule II upon applications for a authorities for the possession and use of sacramental wine and sweet tody licences under the Madras Prohibition Act, 1937 (Madras Act X of 1937);

remits the fee payable under Schedule II upon the petitions mentioned below filed by or on behalf of District Boards, Panchayats, Municipalities and the Corporation of Madras:-

- (i) Petitions for adjournments under Section 344 of the Code of Criminal Procedure, 1898;
- (ii) Petitions for transfer of case under Section 526 of the Code of Criminal Procedure, 1898;
- (iii) Petitions for local inspection under Section 539-B of the Code of Criminal Procedure, 1898;
- (iv) Petitions for filing an additional list of witnesses:

remits the fee payable under Schedule II upon all petitions containing complaints of offences under the Prevention of Cruelty to Animals Act, 1890 (Central Act XI of 1890), presented by or on behalf of the Society for the Prevention of Cruelty to Animals, Madras, or any of its branch societies;

remits the fees payable under Schedule II on application presented by local bodies for the quarrying of sand free of charge;

remits the fees payable under Schedule II on petitions presented to the Special Deputy Tahsildars and the Revenue Divisional Officer, Salem, by the unauthorized occupants of houses and lands in the Mettur Township area;

remits the fees chargeable under Article 14 (ii) of Schedule II, on security bonds under sections 107 to 110 or 517(4) or section 562 of the Code of Criminal Procedure, 1898 (Central Act V of 1898);

remits (i) the fee chargeable under Articles 5,6,7 and 9 of Schedule II, on translations or certified copies furnished by any court of Criminal jurisdiction;

(ii) the fees chargeable on applications for copies of documents referred to in the sub-clause (i) above.

remits the fee chargeable under Article 10 (i), (k) 11 (g) of Schedule II, on application for orders for the payment of deposits in cases in which the deposit does not exceed Rs.25 in amount;

remits the fee chargeable on an application presented by any person for the return of a document filed by him in any Court or Public Office;

remits the fee chargeable on an application for repayment of a fine or of any portion of a fine, the refund of which has been ordered by competent authority;

remits the fee payable under Article 16 of Schedule II, on memoranda of appearance filed by Advocates, when appearing for persons proceeded against in Criminal cases;

remits the fee chargeable under Schedule II in respect of applications for execution of maintenance orders under sub-section (3) of sections 488 and 490 of the Code of Criminal Procedure 1898 (Central Act V of 1898), in cases where the amount of arrears of maintenance recoverable does not exceed Rs.25;

remits the fee chargeable under Schedule II on petitions for mercy presented to the Government on behalf of prisoners under sentence of death by persons other than such prisoners themselves or their Advocates;

remits the fee chargeable under Schedule II on applications filed by or on behalf of District Boards, Panchayats and Municipal Councils for the withdrawal of prosecutions instituted by them;

remits the fee chargeable under Schedule II on the under mentioned applications presented to Criminal Courts by public prosecutors or other public servants:-

- (1) Applications under the Indian Lunacy Act;
- (2) Second and subsequent applications for subpoena;
- (3) Applications for the examination of witnesses under section 540 of the Code of Criminal Procedure, 1898;
- (4) Applications for the examination of supplemental witnesses;
- (5) Applications for adjournment of cases; and
- (6) Applications for transfer of cases;

remits the fee chargeable under Schedule II on applications filed by Public Prosecutors under section 494 of the Code of Criminal Procedure, 1898, (Central Act V of 1898), for withdrawal of complaints made by public servants;

remits the fee chargeable under Schedule II on applications filed by Government Departments and Public servants for withdrawal of prosecutions instituted by them;

remits the fee chargeable under Article 14 (i) of Schedule II on bail bonds filed in Village Courts;

Cancellation of Court-fee stamps.

The attention of all Courts and Officers having to deal with Court-fee stamps is called to the importance of punching out from the stamps the figurehead and destroying the piece punched out, before taking action upon the documents to which the stamps may be attached. The Court or Office issuing copies, certificates, or other similar documents liable to stamp duty, shall before issue, cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figurehead, nor the part of the label upon which its value is expressed. As an additional precaution, the signature of

the Officer attesting the document with the date, should be written across the label and upon the paper on either side of it, as is frequently done by persons signing stamped receipts.

The above directions apply only to adhesive labels used under the Court-fees Act. Impressed stamps used for denoting Court-fees need not be cancelled or punched otherwise than as required by Section 30 of the Court-fees Act.

(Old Rule 362): The punching out of the figurehead alone does not afford sufficient protection. Therefore when a case is decided and the record consigned to the custody of the Record Keeper, he shall punch a second hole in each label distinct from the first and note the date of his doing so at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

P.Dis.No. 970 of 1959.

(R.O.C. No. 133/51, Rules Revision.)