

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

rpa

CRIMINAL REVISION APPLICATION NO.292 OF 2014

Dilip Madanlal Chhabariya	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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M.K.H. Holambe Patil, Advocate for the Applicant.
Mr.D.R. More, A.P.P. for Respondent – State.

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CORAM : M. L. TAHALIYANI, J.

DATED : FEBRUARY 3, 2015.

P.C. :

Heard the learned counsel Mr.Holambe Patil, for the applicant and the learned Additional Public Prosecutor Mr. More for the respondent – State of Maharashtra. The applicant has been convicted for the offence punishable under Section 52 of the Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as 'MRTP Act', for short) and is sentenced to suffer simple imprisonment for three months and to pay a fine of Rs.5,000/- (Rupees Five Thousand). His Appeal has been dismissed by the learned Sessions Court.

2 It is submitted by the learned counsel for the applicant that this Court may consider to increase the fine amount and reduce the sentence of imprisonment. After hearing the learned counsel for the applicant and the learned Additional Public Prosecutor and after having gone through the facts of the case, I am of the view that heavy amount of fine will serve the ends of justice. I am inclined to impose a fine of Rs.50,000/- (Rupees Fifty Thousand) on the applicant instead of Rs.5,000/- (Rupees Five Thousand), imposed by the Magistrate.

3 Hence, I pass the following order:

:: ORDER ::

- (i) The Revision Application is partly allowed.

- (ii) The order passed by the Magistrate and confirmed by the Sessions Judge is modified as under:
 - (a) The applicant Dilip Madanlal Chhabariya is convicted for the offence punishable under Section 52 read with Section 43 of the MTRP Act, 1966, and he is sentenced to suffer simple

imprisonment till the rising of the Court and to pay a fine of Rs.50,000/- (Rupees Fifty Thousand), in default, to suffer simple imprisonment for one month.

(b) The sentence of imprisonment till the rising of the Court shall be undergone by the Applicant before the trial Magistrate on 20th February, 2015.

(c) The fine amount shall also be paid on or before 20th February, 2015.

(iii) The application stands disposed of accordingly.

(JUDGE)