

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 514 of 2016

1. Jagannath Singh Thakur S/o Narayan Singh Thakur, aged about 36 years, Caste Rajput, Occupation Laborer, R/o South Chakradhar Nagar, Behind PWD Office, P.S. Chakradhar Nagar, Distt. Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh through District Magistrate Raigarh Chhattisgarh.

---- Respondent

For Petitioner – Mr. Rajendra Tripathi, Advocate.

For Respondent – Ms. M.Asha, Panel Lawyer, on advance copy.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

11/05/2016

1. Heard.
2. Issue notice.
3. Ms. M.Asha, Panel Lawyer for the State accepts notice on behalf of the respondent.
4. Learned counsel for the petitioner submits that purely on the mercy ground if the time may be extended till 13th of May, 2016, he will deposit the entire fine amount as per judgment passed by this Court in Criminal Appeal No.427/2004 dated 07-01-2013 before the trial Court positively.
5. On due consideration and submission, the instant Cr.M.P. heard finally at the motion stage itself.
6. From perusal of the facts mentioned in the instant Cr.M.P. and the order of the judgment passed by this Court in Criminal Appeal No.427/2004 vide judgment dated 07-01-2013, it appears that in para 19 this Court sentenced the applicant/petitioner for the period already undergone by him and enhanced the fine amount from Rs.1,000/- to Rs.10,000/- and granted three months' time to deposit the said amount, failing which, he shall be liable to undergo rigorous

imprisonment for one month. As submitted by learned counsel for the petitioner, the fine amount as ordered by this Court is not deposited till date and purely on the mercy ground the learned counsel prayed for extension of time to deposit the fine amount before the trial Court till 13th of May, 2016.

7. It appears that as per order passed by this Court, the applicant/petitioner was directed to deposit the fine amount before 7th of April, 2013. From 7th of April, 2013 onwards till date the petitioner was negligent by not depositing the fine amount as ordered and he committed grave negligence.

8. In the light of the submission of learned counsel for the petitioner, purely on the mercy ground, the time to deposit the fine amount given by this Court vide order dated 07-01-2013 is hereby extended till 13th of May, 2016. The applicant/petitioner is directed to deposit the entire remaining fine amount before the trial Court till **13-05-2016**. If the applicant/petitioner fails to comply with this order, the trial Court is directed to serve the default sentence under intimation of Registry of this Court.

9. The applicant/petitioner may file copy of this order before the trial Court for compliance. In addition, Registrar (Judicial) is also directed to send copy of the order to the trial Court through usual mode and fax mode immediately for compliance.

10. Certified copy today.

11. The petition disposed of.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE