

1 By the order dtd. 4th December, 2015. the Writ
Petition filed by the applicant challenging the order of the
Sessions court directing him to deposit a sum of Rs.6,40,000/-
as the condition precedent for suspending substantive sentence
awarded to him by the trial court was partly allowed and the
impugned order was modified. The modification was in
following terms:

i) The petitioner shall deposit Rs.2,50,000/- in the trial court for getting suspension of substantive sentence, even without depositing fine amount.

ii) If such amount is not deposited within four weeks from today, the petitioner is liable to be sent to jail for serving the substantive sentence.

2 The applicant has not deposited the amount within the time of four weeks granted to him. He claims to have deposited a sum of Rs.50,000/- on 31st December, 2015 and seeks by this application extension for deposit of amount of Rs.2,00,000/-. By way of explanation for non-deposit till date the applicant at para 4 of the application, claims that he is a patient of morbid obesity and suffers from sugar, hypertension and arthritis since the year 2009. He also claims that he has no source of income and is entirely dependent upon his son for maintenance. Mr. Karande, the learned advocate for respondent no.1, the original complainant while opposing the application points out that these were the very grounds set out by the applicant in his petition, on consideration of which, the order for the Sessions Court came to be modified. Perusal of the petition confirms the submission of Mr. Karande. The statements made at ground (e) of the petition and para 4 of the present application are identical. There is no new ground or difficulty

stated in the present application. Thus there is no justification for extension. In that circumstance, there can not be any extension of time. It is however made clear that as and when the applicant deposits the amount in future, the Sessions Court may consider suspension of the sentence awarded to him. The application is disposed off.

(Smt. R.P. SondurBaldota, J.)