

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

(For Stay of Order)

CRIMINAL APPEAL NO.158 OF 2017

...Applicant

The Central Bureau of Investigation and Anr.

...Respondents

Mr. Shirish Gupte, Senior Counsel a/w Ms. Anita Bhaktwani, for the Applicant.

Mr.H.S.Venegaonkar, Special Public Prosecutor, for the Respondent No.1-CBI.

Mr.V.V.Gangurde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 14th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks the following prayer:-
 - (i) Pending the hearing and final disposal of this appeal, the Hon'ble Court be pleased to stay the operative part of the

impugned judgment dated 31/01/2017 passed by the Special Judge (CBI-ACB) Pune, in Special Case no.14/2007 directing the applicant to deposit the fine amount of Rs.15,00,000/- in the interest of justice.

3. Learned Senior Counsel for the applicant submitted that the fine amount of Rs.15 lakhs, imposed by the learned Special Judge (CBI-ACB Cases) Pune, is extremely harsh, unreasonable and unjustified. He submitted that the applicant is about 77 years of age and was suspended from the service in the year 1998. He submitted that the applicant is a senior citizen and is suffering from various ailments. He further submits that the applicant is suffering from cancer, has undergone stenting of the heart and has also undergone knee replacement and as such is required to face huge expenses towards his medical treatment. He submits that the applicant has a good case on merits and as such pending the hearing and final disposal of his appeal, the operative part of the impugned order, directing the applicant to deposit the fine amount of Rs.15,00,000/-, be stayed.

4. Perused the papers. The case is of 1998. The applicant is about 77 years of age and is suffering from several ailments. The Appeal has been admitted by this Court (Coram : A.M.Badar,J.) vide order dated 1st March, 2017 and has been enlarged on bail today. The applicant was under suspension, since 1998.

5. In the peculiar facts of this case, the Application is allowed in terms of prayer clause 4(i).

6. Application is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)