

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI. INTERIM APPLICATION NO. 1273 OF 2020

IN

CRI. INTERIM APPLICATION NO. 1271 OF 2020

IN

CRIMINAL APPEAL NO. 738 OF 2016

Prakash S. Bankar

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Mr. Kishan Chaudhari for Applicant.

Smt. Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 4th November 2020.

PC. :

. This is an application for relaxation of condition of deposit of fine amount imposed upon the applicant by the Trial Court.

2. This Court (Coram : Shri Prithviraj K. Chavan, J.) by its Order dated 5th August 2020 was pleased to release the applicant on bail by directing him to deposit the fine amount within a period of 12 weeks from the date of passing of the said Order.

It is the settled position of law that, default sentence for non-payment of fine can not be suspended or relaxed.

3. Learned counsel for the applicant, on instructions, submitted that, the applicant could not deposit the fine amount and he is unable to deposit the said fine amount as directed by this Court even in future.

In view thereof, it is imperative for the applicant to undergo the default sentence awarded by the Trial Court for non-payment of fine amount.

4. Learned counsel for the applicant, on instructions submitted that, the applicant will surrender to the Jail Authorities for undergoing the default sentence on or before 23rd November 2020. The said statement is accepted.

5. Applicant is directed to surrender to the concerned Jail Authorities on or before 03.00 p.m. of 23rd November 2020.

6. Application is accordingly dismissed.

7. This Order will be digitally signed by the Personal Assistant of this Court. All the concerned will act on production by fax or e-mail of a digitally signed copy of this Order.

(A.S. GADKARI, J.)

Digitally signed
by Omkar S.
Kumbhakarn
Date:
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Omkar S.
Kumbhakarn