

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3669 OF 2018**

Asfar Iqbal Shaikh	... Petitioner
V/s.	
The State of Maharashtra	... Respondents

None for the Petitioner.
Shri. K.V. Saste, APP for the Respondent - State.

**CORAM : B.P. DHARMADHIKARI &
 : N.R. BORKAR, JJ.
DATE : JANUARY 15, 2020.**

P.C.

1] The prisoner who is accused No.3 in MCOC Special Case No. 12 of 2015 has been convicted by the Special Court on 12th April 2016 with imprisonment as also with direction to pay fine. In default of payment of fine, a simple imprisonment for 1 year or 1½ year has been ordered.

2] His prayer is to permit sentences imposed in default of fine to run concurrently with substantive sentence.

3] Learned APP has invited attention of the Court to section 64 of IPC and also to section 429 of Cr.P.C. to urge that sentence to be undergone in default of payment of fine has to

be over and above substantive sentence imposed by the Trial Court.

4] In view of this legal position, the prayer made by prisoner is misconceived. Accordingly, Writ Petition is dismissed.

5] Order be served upon the prisoner in Jail.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)