

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 4 OF 2021

Suraj Asbe

Presently lodged in Central Jail,

Colvale

.... Appellant

V e r s u s

State

Thr. Police Inspector

The Officer in Charge

Bicholim Police Station,

Bicholim & anr.

.... Respondents

Mr. Rohan Desai, Advocate for the Appellant.

Mr. S. G. Bhobe, Public Prosecutor for the State-Respondent.

Coram :- M. S. JAWALKAR, J.

Date : 3rd February, 2021

P.C.

Heard Learned Counsel Shri Rohan Desai for the applicant and learned Public Prosecutor Shri S. G. Bhobe, for the Respondent-State.

2. By this application, it is prayed that the applicant during the trial was on bail and was represented through Legal Aid. His financial condition is not proper and he may not be able to deposit the fine amount awarded by

the Children's Court. He relied on the order passed by this Court in Criminal Misc. Application no. 53 of 2017, dated 16.02.2017, wherein, in similar circumstances, the fine amount of Rs. 25,000/- was directed to be deposited considering the financial condition of the applicant.

3. The learned Public Prosecutor also informs that he has already undergone one and half year sentence awarded by the Children's Court.

4. Heard learned Counsel for the applicant and learned Public Prosecutor for the State. It appears that the applicant was represented in the trial through Legal Aid Counsel and was also on bail during the trial. It is pointed out by the learned Counsel for the applicant that he will not be in a position to deposit the entire fine amount and made a statement that the applicant will deposit Rs.25,000/- within four weeks from today.

5. Considering the facts and circumstances, the statement is accepted and it would meet the ends of justice by suspending the substantive sentence and directing to deposit part of the fine amount.

6. In view of the matter, I pass the following :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment is hereby suspended subject to the applicant shall furnish PR Bond in sum of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of Children's Court, Panaji.
- (iii) The applicant shall deposit the fine amount of Rs. 2000/- for having committed an offence punishable under Section 304(II) of IPC and pay an amount of Rs. 25,000/- out of fine amount of Rs. 1,00,000/- for having committed offence under section 8(2) of the The Goa Children's Act, 2003.
- (iv) The applicant shall deposit the fine amount before the Children's Court within four weeks from the date of the order.
- (v) Parties to act on the basis of an authenticated copy of this order.

M. S. JAWALKAR, J