

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

**INTERIM APPLICATION NO. 208 OF 2020
IN
CRIMINAL APPEAL NO. 78 OF 2017**

Munnavarali Mohammed Sharafat Ali Khan @
Munna @ Nangi Talvar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Prasad B. Kulkarni , Advocate for the Applicant (Advocate
appointed by High Court Legal Aid Committee).
Mrs. A. A. Takalkar, APP for Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 06th JANUARY, 2021

PC :

1. This is an application through Jail. The applicant has prayed that the fine amount imposed on the applicant be waived or reduced and/or the period of imprisonment the applicant had to undergo in default be reduced.

2. The applicant was convicted in M.C.O.C. Special Case No.12 of 2015 vide Judgment and Order dated 12th April 2016. Apart from the conviction for the offence under Section 394 r/w 34 of the Indian Penal Code, the applicant was also convicted for the offence under Section 3(1)(ii) of M.C.O.C. Act and sentenced to suffer R.I. for

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seven years with fine amount of Rs.5,00,000/- and in default to suffer simple imprisonment for 1 ½ year. He is also convicted for the offence under Section 3(4) of M.C.O.C. Act and sentenced to suffer R.I. for seven years with fine amount of Rs.5,00,000/- and in default to suffer simple imprisonment for 1 ½ year.

3. The judgment of conviction was challenged by the applicant before this Court by preferring Criminal Appeal No.78 of 2017. The appeal has been dismissed by this Court vide Judgment and Order dated 1st March 2019. Thus, the conviction awarded by the trial Court was confirmed. The said Judgment also indicate that the submission of the applicant to impose sentence on par with the co-accused was rejected.

4. The minimum sentence of fine for the conviction under the provisions of M.C.O.C. Act for which the applicant was convicted is Rs.5,00,000/-. In view of Judgment and Order dated 1st March 2019 dispensing appeal the applicant is at liberty to resort to appropriate remedy challenging the said Judgment.

5. This application is rejected.

6. The concerned Department shall pay the Professional Fees to learned appointed Advocate in accordance with the Rules.

7. This order be communicated to the applicant through Jail where he has been undergoing sentence.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)