

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

**INTERIM APPLICATION NO. 339 OF 2022
IN
INTERIM APPLICATION NO.307 OF 2021
WITH
CRIMINAL APPEAL NO.91 OF 2021**

Bharatkumar Dayalal Malde

...Applicant/
Appellant

Versus

State of Maharashtra

...Respondent

....

Mr. Abdul R. Shaikh, Advocate for the Applicant/Appellant.

Mr. S. H. Yadav, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 31st JANUARY, 2022.**

PER COURT:

1. This is an application for modification of condition No.(iii) in operative part of order dated 2nd February, 2021.

2. The applicant had preferred Interim Application No.307 of 2021 for suspension of sentence of imprisonment imposed by the trial Court vide judgment and order dated 12th January, 2021.

3. Vide order dated 2nd February, 2021, the sentence of imprisonment was suspended and the applicant was directed to be enlarged on bail on condition that the applicant

shall deposit 50% of the fine amount in the trial Court within eight weeks.

4. The applicant then urged for extension of time to deposit the amount. By order dated 30th November, 2021, time to deposit the fine amount was extended by six weeks.

5. Learned counsel for the applicant submitted that the applicant had initially deposited the amount of Rs.2,46,000/- before the trial Court. The Demand Draft for amount of Rs.2,54,000/- is ready. The photo copy of the said Demand Draft has been annexed to this application. It is submitted that, since time to deposit the amount has lapsed, the applicant could not deposit the Demand Draft. The applicant would deposit the Demand Draft within three days from today. It is submitted that the amount stipulated in the order dated 2nd February, 2021 may be reduced to 33% from 50% and further extension may be granted to deposit the balance amount.

6. Learned APP opposed the prayer sought by the applicant in this application. It is submitted that the default was committed in the year 2009. This Court has already considered the application of the applicant sympathetically and 50% of the fine amount was directed to be deposited.

Thereafter, time to deposit was extended by this Court.

7. It is pertinent to note that by order dated 2nd February, 2021, the applicant was directed to deposit 50% of the fine amount within eight weeks. Thereafter, the time was extended by six weeks. The applicant has so far deposited amount of Rs.2,46,000/-. The 50% of the fine amount is Rs.11,50,000/-. The trial Court while imposing the fine amount has observed that the default was of 2009. Considering these circumstances further reduction of deposit cannot be granted. However, further extension of time to deposit the amount is granted for reasonable period. Learned counsel for the applicant on instructions submit that the balance amount would be deposited in the trial Court within a period of ten weeks. Hence, I pass the following order :

ORDER

- i. The applicant is permitted to deposit the Demand Draft in the sum of Rs.2,54,000/- within one week from today.
- ii. The balance amount in consonance with order dated 2nd February, 2021 shall be deposited within a period of 10 weeks from today.

- iii. It is made clear that no further extension to deposit the fine amount would be granted.
- iv. Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)