

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

***CRIMINAL INTERIM APPLICATION NO. 3122 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 285 OF 2021***

Kiran Mahadev Vaidya ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Shekhar Bhise for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
TUESDAY, 11th JANUARY 2022

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks suspension of his sentence, directing the applicant to pay a fine of Rs. 1,75,000/-, in default, to undergo simple imprisonment for 2 months.

3 The applicant, vide judgment and order dated 7th April 2017 passed by the learned Judicial Magistrate First Class, Thane, in RCC No. 151/2013 was convicted for the offence punishable under Section 384 of the

Indian Penal Code and was sentenced to undergo RI for 6 months and to pay compensation of Rs. 1,50,000/- to the complainant. Being aggrieved by the said judgment and sentence, the applicant filed criminal appeal being Criminal Appeal No. 82/2017 in the Court of the learned Additional Sessions Judge, Thane. The learned Additional Sessions Judge, vide judgment and order dated 7th March 2020 passed in the said appeal, partly allowed the same. The learned Additional Sessions Judge confirmed the conviction of the applicant for the offence punishable under Section 384 of the IPC, however, reduced the sentence awarded to the period already undergone and directed the applicant to pay fine of Rs.1,75,000/-, in default, to undergo simple imprisonment for 2 months.

4 Learned counsel for the applicant states that the applicant has deposited Rs.25,000/- in the Registry of the Sessions Court. He requests for some additional time to deposit the balance amount of Rs.1,50,000/-. Accordingly, the applicant to deposit the said amount of Rs. 1,50,000/- in the Registry of this Court within 6 weeks from today. In view of the aforesaid, the question of suspending the sentence of fine does not arise. Application is disposed of in the aforesaid terms.

REVATI MOHITE DERE, J.