

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

CRIMINAL WRIT PETITION NO. 1648 OF 2023

Mangal Tapon Ray

..Petitioner

Versus

The State of Maharashtra

..Respondent

Mr. Sudhanva S. Bedekar, (Advocate appointed) for Petitioner.
Mr. A. R. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 11 AUGUST 2023

PC :

1. This writ petition is placed before me pursuant to the steps taken by the Registry following the directions of the Division bench of this Court mentioned in the order dated 03.08.2023.

2. This petition is sent through jail. The prayer in the petition is to write off the penalty amount or to grant time to pay the amount on execution of bond for 60 days.

3. The petitioner had preferred Criminal Appeal No.664 of 2022 before this Court. It was decided by me on 22.12.2022. As far as the petitioner was concerned, his conviction and sentence

under section 370A(2) of the I.P.C. and U/s.5 of the Immoral Traffic (Prevention) Act, 1956; as recorded by the Trial Court was maintained. His conviction U/s.376 of the I.P.C. was also maintained. However, instead of R.I. for 12 years imposed by the trial Court, the sentence was reduced to R.I. for nine years. It was in addition to the payment of fine of Rs.10000/- and in default of payment of fine to suffer S.I. for three months. Under section 370A(2) of the I.P.C., apart from the substantive sentence of five years, he was sentenced to pay a fine of Rs.5000/- and under the provisions of Section 5 of the Immoral Traffic (Prevention) Act, 1956 the Trial Court had imposed sentence of R.I. for five years.

4. The report of the Superintendent of Kolhapur Central prison shows that, till 30.06.2023 he had completed 9 years and 10 days. Thus, at present, he is serving the sentence imposed on him in default of payment of fine. The total fine amount was Rs.15000/- and total 'in default' sentence is for six months. Under section 362 of the Cr.p.c., once I had passed the Judgment and signed it, it is not possible to alter it and hence, I cannot change the substantive sentence and the sentence imposed in default of

payment of fine.

5. Therefore, this petition cannot be entertained and is disposed of.

(SARANG V. KOTWAL, J.)