

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.296 OF 2023

Mr. Ashokkumar Shivkant Jaiswar

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

- Mr. Prosper D'souza, for the Petitioner.
- Ms. M.H. Mhatre, APP for Respondent No.1 –State.

**CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, JJ.**

DATE : 2nd MAY, 2023.

ORAL JUDGMENT :-

1. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties, the Petition is taken up for final disposal at the stage of admission itself.

2. Learned counsel for the petitioner submits that now the petitioner has undergone the sentence imposed upon him for an offence punishable under Section 399 of the Indian Penal Code, including the sentence for committing default in payment of the fine imposed upon him. It is further submitted that the petitioner has also deposited the fine amount.

3. It appears that when the impugned order was passed, the position was that though the petitioner had suffered substantive sentence, the petitioner had not paid the fine and was required to complete the default sentence; but the petitioner has now paid the fine amount, and therefore, he is not required to undergo any default sentence. But, for that matter, appropriate consideration will have to be made by the competent authority and that it would be possible only if the impugned order is quashed and set aside.

4. In the result, the impugned order dated 31.03.2022 passed by the Deputy Inspector General of Police, Western Region, Yerwada, Pune-6 is quashed and set aside. The matter is remanded back to Respondent No.2 for a fresh consideration, in accordance with law, and a decision thereon may be taken within a period of four weeks from the date of receipt of writ of this Court.

5. Rule is made absolute in the aforesaid terms.

6. The Petition is disposed of. No costs.

[M.M. SATHAYE, J]

[SUNIL B. SHUKRE, J.]