



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2019 OF 2024
IN
CRIMINAL APPEAL NO. 1187 OF 2019

Asif s/o Jakir Pathan,
C-8288 in Central Prison,
Harsool, Chhatrapati Sambhaji Nagar. ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. J. R. Nawale, Advocate for the applicant (appointed)
Mr. A. A. A. Khan, APP for the Respondent-State

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 16.07.2024

Pronounced on : 29.07.2024

ORDER :

1. Convict in Spl. Case (POCSO) No. 173 of 2016, for offence punishable under Section 376(2)(i) of IPC, has filed application through jail praying to condone the sentence of fine of Rs.50,000/- imposed on him, in default of payment of which, he is ordered to suffer further imprisonment of six months.

2. Learned counsel for the applicant submits that applicant is sentenced to suffer rigorous imprisonment for 10 years and to pay fine of Rs.50,000/-, in default of payment of fine amount, he is ordered to further undergo simple imprisonment for six months.

Learned counsel further submits that, applicant is in jail since 04.08.2016 and as such, he is about to complete the period of his 10 years imprisonment. However, due to very poor financial condition, he is not in a position to pay the fine amount of Rs.50,000/- as ordered.

3. Record shows that after his conviction by learned Additional Sessions Judge, Aurangabad on 11.12.2017, a full-fledged appeal was heard by this Court vide Criminal Appeal No. 1187 of 2019 and by judgment and order dated 22.09.2022, said appeal has been dismissed, thereby confirming the judgment and order of conviction passed by learned trial Judge.

4. In the light of such circumstances, this Court cannot entertain the present application. Applicant to take legal course as available to him. The application stands disposed of.

5. Fees of the learned Advocate appointed to represent cause of applicant is to be paid by the High Court Legal Services Sub Committee, Aurangabad as per Rules.

[ABHAY S. WAGHWASE, J.]