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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1692 OF 2024

Vyankati Gulab Rathod

....Petitioner

**VERSUS**

The State Of Maharashtra

.....Respondent

.....

APP for Respondents: Mr. A.D. Wange.

**CORAM : SMT. VIBHA KANKANWADI  
& S.G. CHAPALGAONKAR, JJ.**

**DATE : 27<sup>th</sup> SEPTEMBER, 2024.**

**P.C. :-**

1. Present petition is filed by a convict through jail for exempting him from paying the fine amount of Rs 5,000/- imposed by the learned J.M.F.C Dharmabad, Dist. Nanded in R.C.C. No. 21 of 2023. He submits that since he is poor and orphan having only one younger sister in family, he is unable to deposit the amount.

2. In normal course, we would have appointed some advocate and given legal aid to the petitioner. However, the peculiar circumstances are that the present application through jail appears to have been given on 16.7.2024, but reached this Court on 29.7.2024 and it has been placed before the Bench on 27.9.2024. The copy of the judgment of conviction of the petitioner has been produced which says that in R.C.C. No.. 21 of 2023, the petitioner was held guilty of

committing an offence under Section 379 of IPC and sentenced to suffer R.I. for 1.5 years and paying a fine of Rs. 5,000/- in default, to suffer R.I. for 3 months. He was under-trial for about 3 months 26 days and in view of the provisions under Section 428 of Cr.PC., set off was granted.

3. As stated earlier, in the said application, the petitioner has stated that he has undergone imprisonment of one year six months as on 16.7.2024. He had sought exemption only in respect of the fine amount. We can say that in fact, his application appears to have been given at a belated stage as the in-default sentence has already begun on the date of his application. Now, the chart in respect of imprisonment undergone given by Senior Jailor, Aurangabad Central Prison has been produced by learned APP, which says that taking into consideration the facts and circumstances, the petitioner would be released on 1.10.2024 i.e. alongwith in-default sentence.

4. Under such circumstances, we do not find that any interference is warranted. Petition stands disposed of.

[S.G. CHAPALGAONKAR, J]

[ SMT. VIBHA KANKANWADI, J]

grt/-