



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2460 OF 2024
IN
CRIMINAL APPEAL NO. 1140 OF 2019

Govind Narayan Ghule,
Age : 35 years, Occu: labour,
R/o: Dhagi, Post Borgaon,
Tq. Dist. Jalgaon,
and at present r/o Dhuliya Crane,
Chalisgaon Road, Dhule.

... Applicant

Versus

1. The State of Maharashtra,
Through Police Station Mohadi,
Tq. Dist. Dhule.

2. X Y Z

... Respondents

.....
Mr. Jitendra Shantilal Jain, Advocate for the Applicant (appointed)
Mr. S. M. Ganachari, APP for Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 23.09.2024

Pronounced on : 26.09.2024

ORDER :

1. Convict in Special (POCSO) Case No. 82 of 2013, for offence punishable under sections 376(2)(i) of the Indian Penal Code [IPC] and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 [POCSO Act], has filled application through jail praying to reduce the sentence of fine of Rs.40,000/- imposed on him

for offence under Section 6 of the POCSO Act, in default of payment of which, he is ordered to suffer further rigorous imprisonment for six months.

2. Learned counsel for the applicant submits that, for offence under Section 6 of the POCSO Act, applicant is sentenced to suffer rigorous imprisonment for fourteen (14) years and to pay fine of Rs.40,000/-, in default of payment of fine, he is further sentenced to suffer rigorous imprisonment for six months. Learned counsel further submits that applicant is in jail since 01.07.2013 and as such, he has already undergone imprisonment for more than 11 years. However, due to poor financial condition, along with responsibility of old aged parents who are not able to earn for themselves, and he being the only person to earn bread and butter for them, he is not having sufficient amount to pay fine amount of Rs.40,000/- as ordered.

3. Record shows that after his conviction by learned Additional Sessions Judge and Special Judge, Dhule on 12.07.2018, a full-fledged appeal was heard by this Court vide Criminal Appeal No. 1140 of 2019 and by judgment and order dated 06.01.2022, said appeal has been dismissed, thereby confirming the judgment and order of conviction passed by learned trial Judge.

4. It appears from the application that because of poor financial condition and responsibility of his old aged parents, and he being the sole bread earner, does not have sufficient means to pay fine amount. In the light of such circumstances, considering the statement made across the bar that out of 14 years, applicant has already undergone 11 years imprisonment and he to be 35 years of age, fine amount of Rs.40,000/- awarded by learned trial Judge is reduced to Rs.20,000/-. The application is accordingly disposed of.

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

[ABHAY S. WAGHWASE, J.]