

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 833 OF 2024**

Rahul @ Bhaiyya Prakash Tayade ... Appellant
versus
The State of Maharashtra Respondent

with

CRIMINAL APPEAL NO. 871 OF 2024

Sahil Rajesh Pille and ors. ... Appellants
versus
State of Maharashtra Respondent

Mr. Siddharth N. Sutaria i/b. Mr. Suyash N. Khose, Advocate for the Appellant in Criminal Appeal No.833 of 2024.

Ms. Divya Parab i/b. Mr. Rajesh V. Katore, Advocate for Appellants in Criminal Appeal No. 871 of 2024.

Mr. Prashant Jadhav, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th OCTOBER, 2024.

P.C. :

1. Learned counsel for the appellants in these appeals, on instructions, seeks to withdraw these appeals, on the ground, that the appellants have undergone sentence imposed on them. The highest sentence imposed on the appellants is seven years Rigorous Imprisonment and the appellants are behind bar for more than eight years. Learned counsel further submitted that the trial court has imposed fine of Rs.5,00,000/- for each section of under Maharashtra Control of

Organized Crimes Act (for short "MCOCA") on appellants, in default of payment of fine, the punishment is to suffer three months Rigorous Imprisonment for each default. As the appellants have undergone the whole sentence, this default sentence be reduced to two months for each section of MCOCA.

2. Learned APP submitted that appropriate orders be passed.

3. I have heard all learned counsel.

4. The appellants have been convicted under various sections of IPC and MCOC Act. The highest sentence awarded to the appellants is of seven years rigorous imprisonment. The appellants are directed to pay fine of Rs.5,00,000/- for each section of MCOCA, in default of payment of fine, they are sentenced to suffer simple imprisonment for three months for each section of MCOCA. The total fine amount comes to Rs.15,12,000/- each.

5. Learned counsel for the appellants submits that appellant will deposit fine of Rs.12,000/- and default sentence for non-payment of Rs.5,00,000/- for each section of MCOCA be reduced to two months instead of three months.

6. In my view, the appellants have undergone, whole sentence imposed on them, hence, the default sentence for non-payment of Rs.5,00,000/- for each section of MCOCA is reduced to two months instead of three months for each section of MCOCA.

7. In view of above, as per the submissions of learned counsel for the appellants, the appeals are allowed to be withdrawn and disposed of.

8. Pending applications, if any, stands disposed of.

(SHIVKUMAR DIGE, J.)