CGHC010405602026 2026:CGHC:46601

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2724 of 2026

1 - Mahesh Kumar S/o Shri Gowardhan Prashad Suryawanshi Aged About 22 Years R/o Village Nargoda Police Station Sipat, Distt. Bilaspur C.G.

... Petitioner

Versus

1 - State Of Chhattisgarh Through Distt. Magistrate Bilaspur District Bilaspur (C.G.)

... Respondent

For Petitioner	:	Mr. Dheerendra Pandey, Advocate
For Respondent/State	:	Mr. Afroz Khan, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

03/11/2026

1. This Criminal Miscellaneous Petition is filed by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for modification of the judgment dated 15.10.2024 passed by the Co-ordinate Bench of this Court in Criminal Revision No. 289/2014 & extension of time for depositing the fine amount before the learned Trial Court.

2. Learned counsel for the petitioner submits that the petitioner could not comply with the conditions imposed upon by the Court while disposing the Criminal Revision i.e. Rs. 10,000/- as additional fine before the

learned Trial Court within 06 weeks from the date of the order and therefore, the period of 06 weeks may be further extended.

3. I have heard learned counsel for the petitioner and perused the documents enclosed along with the petition in particular, the order dated 15.10.2024 (Annexure A/1).

4. The order is dated 15.10.2024, which is sought to be modified with a prayer made in the criminal miscellaneous petition. In this petition, there is no prayer for extension of time from 06 weeks to any other further time as one condition imposed by the Court in the impugned order. Further, the order is dated 15.10.2024 and this Cr.M.P. is filed for modification on 03.10.2026 i.e. approximately about 02 years from the date of order.

5. In Condition No. (ii) of Para No. 6, there is mention that the petitioner upon depositing Rs. 10,000/- towards the additional fine has to simultaneously apply before the government for commutation of his sentence. In Condition No. (iv) in Para No. 6, there is further condition that the petitioner is not required to surrender for a period of 06 months to undergo remaining sentence and further, that if no order of commutation in favour of the petitoner is passed by the appropriate government within a period of 03 months, the petitoner will be obliged to surrender only after refund of the fine by him. It further directs the competent authority to strictly adhre to the time schedule and the conditions stipulated therein. In Condition No. (vi) of Para No. 6, there is orderof the Court that in case of default of the petitioner, he shall forthwith surrender after 06 weeks to serve the remainder sentence.

6. Petitioner has not placed on record any document to show that petitioner has submitted any document seeking commutation of his sentence nor have immediately complied with the order dated 15.10.2024 and also, this application is filed after more than 01 year and 11 months.

7. In the application for modification of the order dated 15.10.2024, no typographical error is pointed out by the counsel for petitioner.

8. In the above facts of the case, I do not find any good ground to allow this petition. Accordingly, it is **dismissed.**

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Dey