

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPEAL NO. 679 OF 2019
WITH
INTERIM APPLICATION NO. 4224 OF 2025

Rajesh Keshav Phatak	...Appellant/Applicant
Versus	
The State Of Maharashtra	...Respondent

Ms. Vilasini Balsubramanian, *for Appellant/Applicant.*

Mr. Ashok S. Gawai, *APP, for Respondent-State.*

CORAM : R.M. JOSHI, J.

Date : January 20, 2026

ORDER :

1. This Appeal is preferred by the Appellant, who is in jail, against the Judgment and order dated 7th March 2019 passed by the Addl. Sessions, Civil Civil and Sessions Court, Greater Mumbai in Sessions Case No.674 of 2015 for the offences punishable under u/s. 304, Part (II) of the Indian Penal Code, 1960 and he is sentenced to suffer Rigorous Imprisonment for ten years and to pay fine of Rs. 10,000/- in default to undergo rigorous imprisonment for six months.

2. Learned Counsel for the Appellant submits that without going

into merits of the order of conviction, dated 7th March, 2019, since the Appellant has already undergone the substantive sentence imposed against him, and he is suffering from different ailments, his request for the modification of the Impugned Judgment and Order to the extent of payment of fine be accepted. She further submits that having regard to the fact that the Appellant was in jail for last more than ten years and owing to his financial conditions, it is a fit case to modify the order to that effect. Learned APP opposed the request.

3. Since the Appellant is seeking the modification of the Impugned Judgment and Order only to the extent of payment of fine, the same can be considered by modifying the default sentence to the extent of sentence already undergone by the Appellant. In view of above, the following order :

ORDER

- i. Appeal is *partly allowed*.
- ii. The Impugned Judgment and Order of conviction of accused is modified.
- iii. Substantive sentence and sentence of fine also stands confirmed.

iv. Default sentence is modified to the extent of sentence already undergone after serving substantive sentence.

v. The Appellant be set free forthwith, if not required in any other crime.

4. In view of disposal of the Appeal, attendant Interim Application, if any, also stand disposed of.

[R.M. JOSHI, J.]