

Badri Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-25-2013

Appellant : Badri Singh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Pradeep Naveriya

Judgement :

M.Cr.C.No.12709/2013 M.Cr.C.No.12709/2013 25.9.2013 Shri Pradeep Naveriya, counsel for the applicant.

Shri S.D.Khan, G.A.for the State/respondent.

With the consent of the learned counsel for the parties, matter is heard finally.

The applicant has moved a petition under section 482 of the Cr.P.C.to release the applicant, though he has deposited the fine amount.

The facts of the case, in short, are that, the applicant was convicted for the offence punishable under sections 354, 323 of IPC with fine of Rs.500/-.

He had deposited the fine of Rs.500/- before the trial Court.

Thereafter, in criminal revision No.900/2005, vide order dated 14.5.2013, the single Bench of this Court has reduced the jail sentence of the applicant to the period which he has already undergone in the custody by enhancing fine amount

from Rs.500/- to Rs.4,000/-.

The applicant has deposited the remaining fine amount i.e.Rs.3,500/- before the trial Court on 11.9.2013.

However, he was sent to the jail because fine was not deposited within the time.

M.Cr.C.No.12709/2013 After considering the submissions made by learned counsel for the parties and looking to the facts and circumstances of the case, it is a sorry state of affair that the learned Magistrate could not comply with the provisions of IPC etc.Vide corrected order dated 12.7.2013, fine of Rs.4,000/- was imposed and therefore, a default sentence was to be executed, if fine was not deposited.

According to section 68 of IPC, as soon as the fine is deposited, the accused is to be released and no default sentence could be executed against him, though fine was not deposited within time.

According to section 68 of IPC as soon as the fine is deposited, default sentence is over.

As stated by the learned counsel for the applicant, if applicant is still in custody, relating to criminal case No.664/2004 then, it is objectionable.

The learned JMFC, Pawai is directed to release the applicant, without any delay.

A copy of the order be sent to the JMFC, Pawai as well as to the jail authorities of Sub-Jail, Pawai by FAX message, so that if the applicant Badri Singh is kept in custody for default sentence in criminal case No.664/2004 and criminal M.Cr.C.No.12709/2013 revision No.900/2005 then, he shall be released forthwith.

With the aforesaid directions, the present petition under section 482 of the Cr.P.C.is hereby disposed off.

(N.K.GUPTA) JUDGE Pushpendra

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