

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 8060/2019

(Arising out of impugned final judgment and order dated 28-06-2019 in CRLMP No. 1395/2019 passed by the High Court Of Jharkhand At Ranchi)

KALI KISKU

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND
(FOR I.R.)

Respondent(s)

Date : 13-09-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. O. P. Bhadani, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

The petitioner was convicted for various offences and sentenced to undergo seven years rigorous imprisonment. He filed an appeal and vide order dated 27.11.2018, the High Court confirmed the conviction but modified the sentence to the period already undergone but enhanced the fine to Rs.25,000/-. This fine was to be deposited within eight weeks.

The petitioner, who admittedly belongs to a scheduled tribe, could not deposit the fine within the period granted by the High Court. He, therefore, applied to the Trial Court for extension of time to deposit the fine of Rs.25,000/- which was rejected. The delay was only of 14 days. Therefore, he approached the High Court

and the High Court dismissed the petition on the ground that it is *functus officio*.

We do not understand how the High Court had become *functus officio* in such a matter. It was not to re-open the case on merits but the only issue was whether the time could be extended or not. The Court did not become *functus officio* for this purpose. Only the Court which has granted time can extend the same. It is unfortunate that because of the delay of 14 days, the petitioner was again arrested and the High Court did not take into consideration this fact while rejecting the petition.

In our opinion, it is not necessary to issue notice in this petition. We dispose of the petition and permit the amount of fine to be deposited by the petitioner or by someone on his behalf at the earliest. On the fine being deposited, the petitioner shall be released within 24 hours from the payment of fine, if not wanted in any other case.

The special leave petition is disposed of.

(MEENAKSHI KOHLI)
COURT MASTER

(RENU KAPOOR)
COURT MASTER