APHC010462842024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

WEDNESDAY, THE 22nd DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 1028/2024

Between:

Komma Srinatha Reddy **...PETITIONER**

AND

The State Of Andhra Pradesh **...RESPONDENT**

Counsel for the Petitioner:

1. G VIJAYA SARADHI

Counsel for the Respondent:

1. PUBLIC PROSECUTOR

The Court made the following:
ORDER:

The Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973, challenging the judgment dated 25.07.2024 passed in Crl.A.No.49 of 2021 by the learned VI Additional District and Sessions Judge, Kadapa, confirming the conviction of the Petitioner for the offence punishable under Section 326 of the Indian Penal Code. The learned Additional Sessions Judge, Kadapa (FAC), Principal Assistant Sessions Judge's Court, Kadapa, by judgment dated 14.10.2016 passed in

S.C.No.208 of 2014, sentenced the Petitioner to undergo rigorous imprisonment for a period of three years.

2. Sri G. Vijaya Saradhi, learned Counsel for the Petitioner, submits that the Petitioner has already undergone imprisonment for a period of 6 years, 8 months and 19 days pursuant to the conviction under Section 302 of the Indian Penal Code, 1860 (for brevity, 'the I.P.C') as per the judgment dated 12.04.2016 passed in S.C.No.151 of 2014 on the file of the learned IV Additional District and Sessions Judge, Gooty at Ananthapuram. He further submits that the Petitioner has also undergone imprisonment for a period of 9 months and 24 days in connection with the conviction in the present case. Thus, according to the learned counsel, the Petitioner has undergone imprisonment for a total period of 7 years, 6 months and 13 days.

3. In this regard, learned Counsel places reliance on Section 427(2) of 'the Cr.P.C.,' which provides that where a person already undergoing a sentence of imprisonment is subsequently sentenced to imprisonment or imprisonment for life upon another conviction, the subsequent sentence shall commence after the expiration of the previous sentence unless the Court directs that the subsequent sentence shall run concurrently. It is submitted that the sentence of life imprisonment was imposed first by the learned Sessions Judge on 12.04.2016, whereas the sentence of three years' imprisonment under Section 326 of 'I.P.C.,' was imposed subsequently on 14.10.2016 by the learned Principal Assistant Sessions Judge, Kadapa. Therefore, it is contended that

Section 427(2) of 'the Cr.P.C.,' squarely applies and the subsequent sentence is liable to run concurrently with the earlier sentence of imprisonment for life.

4. Section 427(2) of 'the Cr.P.C.,' (now substantially reflected in Section 468(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023) provides:

> *"When a person already undergoing a sentence of imprisonment for life is sentenced on a subsequent conviction to imprisonment for a term or imprisonment for life, the subsequent sentence shall run concurrently with the previous life sentence."*

5. A leading judgment on Section 427(2) of 'the Cr.P.C.,' is in **Ranjit Singh v. Union Territory of Chandigarh**[1], wherein the Hon'ble Supreme Court held that sub-section (2) is mandatory. If a convict is already serving life imprisonment, any later sentence (whether another life sentence or a fixed-term sentence) runs concurrently. It is held at paragraph No.8, as under:

> *"8. Sub-section (1) of Section 427 CrPC provides for the situation when a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment or life imprisonment. In other words, sub-section (1) of Section 427 CrPC deals with an offender who while undergoing sentence for a fixed term is subsequently convicted to imprisonment for a fixed term or for life. In such a situation, the first sentence, being for a fixed term, expires on a definite date which is known when the subsequent conviction is made. Sub-section (1) says that in such a situation, the date of expiry of the first sentence which the offender is undergoing being known, ordinarily the subsequent sentence would commence at the expiration of the first term of imprisonment unless the court directs the subsequent sentence to run concurrently with the previous sentence. Obviously, in cases covered by sub-section (1) where the sentence is for a fixed term, the subsequent sentence can be consecutive unless directed to run concurrently. Sub-section (2), on the other hand, provides for an offender "already undergoing sentence of imprisonment for life" who is sentenced on a subsequent conviction to imprisonment for a term or for life. It is well settled since the decision of this Court in Gopal Vinayak Godse [(1961) 3 SCR 440 : AIR 1961 SC 600 : (1961) 1 Cri LJ 736] and reiterated in Maru Ram [(1981) 1 SCC 107 : 1981 SCC (Cri) 112 : (1981) 1 SCR 1196] that imprisonment for life is a sentence for the remainder of the life of the offender unless the remaining sentence is commuted or remitted by the appropriate authority. This being so at the stage of sentencing by the court on a subsequent conviction, the*

[1] (1991) 4 SCC 304

earlier sentence of imprisonment for life must be understood in this manner and, therefore, there can be no question of a subsequent sentence of imprisonment for a term or for life running consecutively which is the general rule laid down in sub-section (1) of Section 427. As rightly contended by Shri Garg, and not disputed by Shri Lalit, the earlier sentence of imprisonment for life being understood to mean as a sentence to serve the remainder of life in prison unless commuted or remitted by the appropriate authority and a person having only one life span, the sentence on a subsequent conviction of imprisonment for a term or imprisonment for life can only be superimposed to the earlier life sentence and certainly not added to it since extending the life span of the offender or for that matter anyone is beyond human might. It is this obvious situation which is stated in sub-section (2) of Section 427 since the general rule enunciated in sub-section (1) thereof is that without the court's direction the subsequent sentence will not run concurrently but consecutively. The only situation in which no direction of the court is needed to make the subsequent sentence run concurrently with the previous sentence is provided for in sub-section (2) which has been enacted to avoid any possible controversy based on sub-section (1) if there be no express direction of the court to that effect. Sub-section (2) is in the nature of an exception to the general rule enacted in sub-section (1) of Section 427 that a sentence on subsequent conviction commences on expiry of the first sentence unless the court directs it to run concurrently. The meaning and purpose of sub-sections (1) and (2) of Section 427 and the object of enacting sub-section (2) is, therefore, clear."

6. In **Muthuramalingam v. State**[2] a Constitution Bench of the Hon'ble Apex Court clarified that a person cannot serve two life sentences consecutively because there is only one natural life. Section 427(2) of 'the Cr.P.C.,' mandates concurrent running of multiple life sentences imposed in separate convictions. However, Courts may direct that fixed-term sentences awarded for distinct offences operate in accordance with law where applicable, but multiple life sentences themselves cannot be consecutive. It is held at paragraph No.25, as under:

"25. In O.M. Cherian case [O.M. Cherian v. State of Kerala, (2015) 2 SCC 501 : (2015) 2 SCC (Cri) 123] the prisoner was convicted and sentenced to imprisonment for the offences punishable under Sections 498-A and 306 IPC. The courts below had in that case awarded to the convicts

[2] (2016) 8 SCC 313

imprisonment for two years under Section 498-A IPC and seven years under Section 306 IPC and directed the same to run consecutively. Aggrieved by the said direction, the prisoners appealed to this Court to contend that the sentences awarded to them ought to run concurrently and not consecutively. The appeal was referred [O.M. Cherian v. State of Kerala, (2015) 2 SCC 501, 506-507 (para 5)] to a larger Bench of three Judges of this Court in the light of the decision in Mohd. Akhtar Hussain v. Collector of Customs [Mohd. Akhtar Hussain v. Collector of Customs, (1988) 4 SCC 183 : 1988 SCC (Cri) 921] . Before the larger Bench, the prisoners relied upon Mohd. Akhtar Hussain case [Mohd. Akhtar Hussain v. Collector of Customs, (1988) 4 SCC 183 : 1988 SCC (Cri) 921] and Manoj v. State of Haryana [Manoj v. State of Haryana, (2014) 2 SCC 153 : (2014) 1 SCC (Cri) 763] to contend that since the prisoners were found guilty of more than two offences committed in the course of one incident, such sentences ought to run concurrently. This Court upon a review of the case law on the subject held that Section 31 CrPC vested the court with the power to order in its discretion that the sentences awarded shall run concurrently in case of conviction of two or more offences. This Court declared that it was difficult to lay down a straightjacket rule for the exercise of such discretion by the courts. Whether a sentence should run concurrently or consecutively would depend upon the nature of the offence and the facts and circumstances of the case. All that could be said was that the discretion has to be exercised along judicial lines and not mechanically. Having said that, the Court observed that if two life sentences are imposed on a convict the court has to direct the same to run concurrently. That is because sentence of imprisonment for life means imprisonment till the normal life of a convict."

7. In **Mohd. Zahid v. State through NCB**[3], the Hon'ble Supreme Court reiterated that under Section 427(1) of 'the Cr.P.C.,' consecutive sentences are the general rule unless the court orders concurrency. Section 427(2) of 'the Cr.P.C.,' is a statutory exception applicable where the earlier sentence is life imprisonment. The discretion under Section 427(1) must be exercised judicially, based on the facts and nature of the offences. It is held at paragraph Nos.14 and 15, as under:

"14. In Neera Yadav [Neera Yadav v. CBI, (2017) 8 SCC 757 : (2017) 3 SCC (Cri) 515] while interpreting/considering Section 427CrPC it is observed and held that Section 427CrPC deals with sentence passed on an offender who is already sentenced for another offence and the power conferred on the Court under Section 427 to order concurrent sentence is discretionary. It is further observed that the policy of the legislature is that

[3] (2022) 12 SCC 426

normally the sentencing should be done consecutively. It is further observed that only in appropriate cases, considering the facts of the case, the court can make the sentence concurrently with an earlier sentence imposed. It is further observed that the discretion exercised by the sentencing court to direct the concurrency will have to be exercised on sound principles and not on whims. Whether or not a direction ought to be issued in a given case would depend upon the nature of the offence or offences committed. It is further observed and held in the said decision that it is well settled that where there are different transactions, different crime numbers and the cases have been decided by the different judgments, concurrent sentences cannot be awarded under Section 427CrPC. It is further observed that however, the general rule that there cannot be concurrency of sentences if conviction relates to two different transactions, can be changed by an order of the court.

15. In Sharad Hiru Kolambe [Sharad Hiru Kolambe v. State of Maharashtra, (2018) 18 SCC 718 : (2019) 3 SCC (Cri) 419] , it is observed and held that unless the court directs that the punishment for such two or more offences at same trial should run concurrently, the normal principle is that the punishments would commence one after the expiration of the other. Similarly, in a case where a person already undergoing a sentence is later imposed sentence in respect of offence tried at subsequent trial, the general rule is that the subsequent sentence imposed run consecutively unless there is a specific order passed by the court while imposing any subsequent sentence, exercising discretion conferred under Section 427CrPC that in the facts and circumstances the subsequent sentence should run concurrently, the sentence imposed in both the cases shall run consecutively."

8. Thus, the principle emerging from these judgments is: Section 427(1) of 'the Cr.P.C.,' is general rule - subsequent sentence begins after the earlier sentence ends, unless the court orders concurrent running; section 427(2) of 'the Cr.P.C.,' is mandatory exception - if the prisoner is already serving life imprisonment, every later sentence (life or term imprisonment) runs concurrently by operation of law; no separate judicial direction is required.

9. Having regard to the provisions of Section 427(2) of 'the Cr.P.C.,' and the period of imprisonment already undergone by the Petitioner, this Court is of the view that the sentence imposed in the present case shall run concurrently with the sentence of imprisonment for life imposed in S.C.No.151

of 2014. Consequently, the sentence awarded to the Petitioner in the present case shall be treated as having already been undergone.

10. Accordingly, the Criminal Revision Case is disposed of by directing that the sentence imposed upon the Petitioner in S.C.No.208 of 2014 shall run concurrently with the sentence imposed in S.C.No.151 of 2014. Since the learned Counsel submits that the Petitioner is presently in judicial custody, the Petitioner shall be released forthwith, if he is not required in any other case.

11. Accordingly, the Criminal Revision Case is disposed of. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

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Dr. Y. LAKSHMANA RAO, J

Date:22.07.2026

Note:-

Issue C.C by today

B/o

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 1028/2024

Date: 22.07.2026
KMS