



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18288 of 2026

Rajini @ Parthiban

..Petitioner(s)

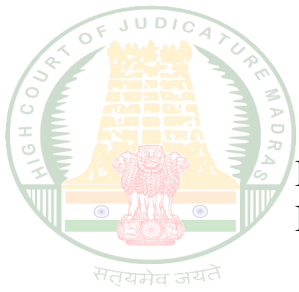
Vs

1.The State represented by
The Superintendent of Prison,
Central Prison, Salem
Hasthampatty, Salem – 636 007.

2.The Inspector of Police,
B4, Sevvapet Police Station,
Tiruvallur District.
Crime Nos.47 and 48 of 2003.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents to treat the sentence of imprisonment imposed upon the petitioner in the judgment dated 21.12.2015 in S.C.No.140 of 2007 on the file of the learned I Additional Sessions Judge, Tiruvallur, which was confirmed by this Court in Crl.A.No.97 of 2016 by judgment dated 31.08.2016 and thereafter confirmed by the Hon'ble Supreme Court in SLP(Crl).No.317 of 2017 by order dated 20.01.2017, to run concurrently with the sentence of imprisonment imposed upon the petitioner in S.C.No.141 of 2007 on the file of the learned I Additional Sessions Judge, Tiruvallur, by judgment dated 21.12.2015, which was confirmed by this Court in Crl.A.No.94 of 2016 by judgment dated 31.08.2016 and thereafter confirmed by the Hon'ble Supreme Court in SLP (Crl)No.382 of 2017 by order dated 20.01.2017.



For Petitioner(s):
For Respondent(s):

Mr.M.Mohamed Saifulla
Mr.R.Rajasekaran
Government Advocate (Criminal Side)

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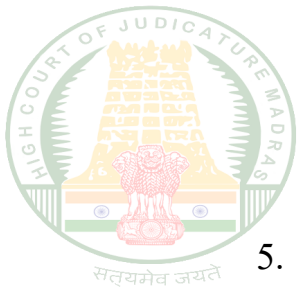
ORDER

The petitioner was arrayed as A8 in S.C.No.140 of 2007 and S.C.No.141 of 2007, which were decided by two separate judgments dated 21.12.2025.

2. The petitioner was found guilty of charges under Section 148, 120(B), 449 of IPC r/w 149 IPC, 341 r/w 149 of IPC, 302 of IPC r/w 149 of IPC and 506(ii) of IPC r/w 149 of IPC. The petitioner, *inter alia*, has been sentenced to undergo imprisonment for life for the offences under Section 302 of the IPC.

3. Upon perusal of the judgements in both cases, the occurrence happened on 11.02.2003 on account of a land dispute, which was also coupled with communal intentions between two groups. The petitioner and others are said to have attacked the persons of the other group, and one Mahesh and one Sugumar died from the attack. As such, two separate cases were registered and two separate final reports were filed, which were tried as S.C.No.140 of 2007 and 141 of 2007 and the petitioner was convicted in both cases.

4. It is seen that since the judgments were delivered on the same day, there seem to be no observations regarding the running of the sentences. The SLP filed by the petitioner against the conviction also came to be dismissed.



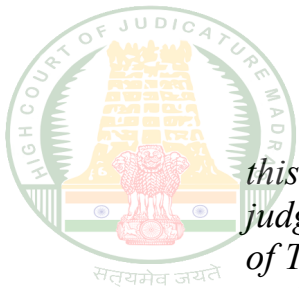
5. As per 427(1) of the Cr.P.C, when a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment or imprisonment for life, such imprisonment or imprisonment for life shall commence at the expiration of the imprisonment to which he has been previously sentenced, unless the court directs that the subsequent sentence shall run concurrently with such previous sentence.

6. This issue came up for consideration with reference to life sentences before the Constitution Bench of the Hon'ble Supreme Court of India in ***Muthuramalingam*** vs ***State***, reported in (2016) 8 SCC 313, where it was decided that with reference to life sentences, the same shall run concurrently.

7. The Hon'ble Division Bench of this Court considered the said judgment and all connected judgments in ***Mohan*** vs ***State of Tamil Nadu*** (HCP.No.229 of 2019). It is essential to reproduce Paragraph Nos.4 to 6, which reads as under:-

“4.The trial court convicted and sentenced the petitioner as detailed below:-

“129.After carefully viewing an cautiously weighing the age, the status, the family condition and background, the gravity and veracity of the criminality, above all, the sufficiently long duration under incarceration, for more than 15 years and other relevant and important attending aspects, and circumstances, particularly, bearing in mind the centralized and cardinal principle of law, that “Punishment must fit the crime”,



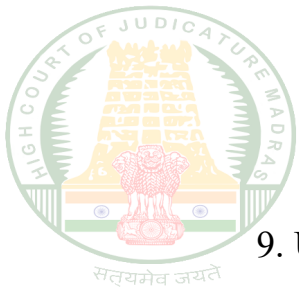
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this court by travelling in track with the recent with recent judgement of our apex court in Kamal Natha and others v. State of T.N., (2205) 5 Supreme Court Cases, Page 194, awards to A1 on hand, the life imprisonment under each count under Section 302 r/w 34 of IPC (6 counts), R.I. for five years under each count under Section 201 of IPC (4 counts) and R.I for two years under Section 147 IPC respectively. In the circumstance, no fine is imposed. Further in the circumstances, the life imprisonment awarded to A1 on hand for the murders of D1 and D4 to D6 and imprisonment for offence under Sections 201 and 147 of IPC are ordered to run concurrently and the life imprisonment for the murders of D2 and D3 stands distinctly and separately. The said totally three life imprisonments are ordered to run “consecutively”.

5.The above said conviction and sentences have been upheld by the appellate court and thus, it has attained the finality. Now, the petitioner has come forward with this petition stating that in the light of Section 427(2) of the Code, such sentences will have to be treated as the one run concurrently and not consecutively.

*6.A reliance has been made by the learned counsel for the petitioner on the judgement of the Apex Court rendered in **Muthuramalingam Vs. State (2016) 8 SCC 313**. The aforesaid judgment has been taken note of by the Division Bench of this Court in **Annadurai V. The State of Tamil Nadu (H.C.P.(MD) NO.281 of 2018 order dated 16.03.2018)**. A further reliance has been made on the judgement of the Division Bench of this Court in **Sundaram @ Vellian (H.C.P.No.2778 of 2013 order dated 09.01.2014)**.”*

8. It is further seen that as per 427(2), it is also made clear that the imprisonment for life shall run concurrently. Under the said circumstances, the petitioner is aggrieved because since it is not specifically mentioned in the judgment, the prison authorities will not consider the same, by confusing with Section 427(1) Cr.P.C.



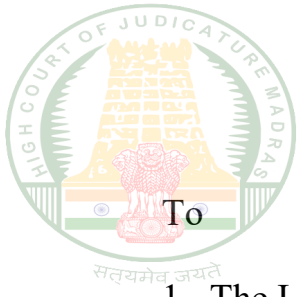
9. Under such circumstances, the Hon'ble Division Bench of this Court in ***K.Arasan*** vs ***State of Tamil Nadu*** in Crl.O.P.Nos.19441 of 2011 etc., has held that the High Court, under its inherent power, shall clarify and direct such concurrent running of sentences for the prisoner.

10. In view thereof, this Criminal Original Petition is allowed on the following terms:

(i) By virtue of Section 427(2) of the Cr.P.C, the life sentences of the petitioner imposed vide SC.No.140 of 2007 and 141 of 2007 by the learned I Additional Session Judge, Thiruvallur shall run concurrently.

14-07-2026

Neutral Citation: Yes/No
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1. The I Additional Sessions Judge, Tiruvallur.
2. The Superintendent of Prison,
Central Prison, Salem,
Hasthampatty, Salem – 636 007.
3. The Inspector of Police,
B4, Sevvapet Police Station,
Tiruvallur District.
4. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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