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CRL OP No. 29341 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MRS.JUSTICE S.ALLI

CRL OP No. 29341 of 2025

Apple @ Sivaraman
S/o.Jegannathan,
No.115, North Street,
Marungur Village,
Panruti-607 106.

..Petitioner(s)

Vs

1. The State Rep by,
The Superintendent of Prison,
Central Prison Cuddalore,
Cuddalore - 607 003.
2. The Inspector of Police,
Kadampuliyur Police Station,
Cr.No.462/2011 and
Cr.No.517/2011

..Respondent(s)

Prayer :- This Criminal Original Petition filed under Section 528 of BNSS to direct the 1st respondent to treat the sentence in SC No.282/2011, on the file of the Learned Assistant Sessions Court, Panruti dated 14/03/2012 and in S.C.No.80/2012 on the file of the Learned Sessions Court, Cuddalore dated 27/06/2013 as to run concurrently and pass such further or other orders as this Hon'ble Court.



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For Petitioner(s): Mr. S.Manoharan

For Respondent(s): Mrs. R.S.Indira,
Govt. Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent to treat the sentences imposed on the petitioner in S.C.No.282 of 2011 and S.C.No.80 of 2012 concurrently.

2. The case of the petitioner is that the petitioner was convicted for the offence under Section 392 IPC and sentenced to undergo 10 years of Rigorous Imprisonment by the learned Assistant Sessions Judge, Panruti in S.C.No.282 of 2011 dated 14.03.2012. Subsequently, he was also convicted by the learned Sessions Judge, Cuddalore in S.C.No.80 of 2012 dated 27.06.2013, for the offences under Section 302 and 392 r/w.397 IPC and sentenced to undergo life imprisonment and fine of Rs.5000/-, i/d., 6 months RI, for the offence under Section 302 IPC and 7 years of Rigorous Imprisonment and fine of Rs.10,000/-, i/d. 6 months R.I. for the offence under section 392 r/w.397 IPC and the



sentences were ordered to run concurrently. Since the petitioner was convicted in two cases, the sentences in those two cases have to run concurrently under Section 427 of Cr.P.C./467 of BNSS. Hence, the present petition has been filed.

3. The learned counsel for the petitioner would submit that though the petitioner the petitioner was convicted in both the cases, the sentences imposed in the two cases were not directed to run concurrently. Hence, the petitioner has filed the present petition seeking a direction to the first respondent to treat the sentences imposed in S.C.No.282 of 2011 and S.c.No.80 of 2012 concurrently.

4. The learned Government Advocate (Crl. side) would submit that the Trial Court has not passed any specific order directing the sentences imposed in the two cases to run concurrently. She would further submit that the petitioner/accused faced two separate trials for separate offences and those offences did not arise out of the same transaction and therefore, the sentences imposed in both the cases are to run consecutively.

5. I have considered the submissions made by the learned counsel appearing both sides and perused the materials available on record.



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6. Admittedly, the petitioner was first convicted in S.C.No.282 of 2011 for the offence under Section 392 IPC and sentenced to undergo 10 years of Rigorous Imprisonment by the learned Assistant Sessions Judge, Panruti. Subsequently, he was convicted in S.C.No.80 of 2012 for the offences under Sections 302, 392 r/w. 397 of IPC and sentenced to undergo life imprisonment for the offence U/s. 302 IPC and 7 years of Rigorous Imprisonment for the offence under Section 392 r/w. 397 of IPC by the learned Sessions Judge, Cuddalore. However, no specific direction was given by the Court to run the sentences imposed in the two cases concurrently.

7. As per Section 427 Cr.P.C./ 467 of BNSS, the general rule is that a subsequent sentence commences after the expiry of the earlier sentence, unless the Court directs the subsequent sentence to run concurrently with the previous sentence. The Hon'ble Supreme Court has held that the discretion must be exercised by the Court Judiciously, considering the nature of the offences and the circumstances. In the case of *Iqram vs. The State of Uttar Pradesh and others*, the Hon'ble Supreme Court has revoked the judgment in **Mohd Zahid vs. State (NCB)** and laid down the principles of law to invoke the provision under Section 427(1) Cr.P.C.(467(1) BNSS) as under:-



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“ (i) if a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment, such subsequent term of imprisonment would normally commence at the expiration of the imprisonment to which he was previously sentenced.

(ii) 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.

(iii) the general rule is that where there are different transactions, different crime numbers, and cases have been decided by the different judgments, concurrent sentence cannot be awarded under Section 427 of Cr.P.C.

(iv) under Section 427(1) of Cr.P.C., the Court has the power and discretion to issue a direction that all the subsequent sentences run concurrently with the previous sentence, however discretion has to be exercised judiciously depending upon the nature of the offence or the offences committed and the facts in situation. However, there must be a specific direction or order by the Court that the subsequent sentence to run concurrently with the previous sentence. “



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8. The Hon'ble Supreme Court in ***K.R.Sugumar vs. State of Karnataka*** specifically considered the relationship between life imprisonment and the term of sentence. It has been held that the Court can direct a term of sentence to be served before the life sentence, however, if the life sentence is directed to commence first, the term sentence necessarily runs concurrently, since a person cannot undergo a further sentence after spending the remainder of his life in custody.

9. As per Section 427(1) Cr.P.C/Section 467(1) of BNSS, where an accused is already undergoing a term of imprisonment and is subsequently sentenced to imprisonment for life, the subsequent sentence normally commences after the earlier sentence, unless the Court directs that the subsequent sentence shall run concurrently with the previous sentence.

10. In the present case, the petitioner/accused was first sentenced to undergo 10 years of imprisonment and thereafter, in the subsequent case, was sentenced to undergo life imprisonment. Therefore, this Court is of the considered view that the petitioner is entitled to the benefit of concurrent



running of the sentences imposed in S.C.No.282 of 2011 and S.C.No.80 of 2012.

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11. Accordingly, this Criminal Original Petition is allowed. The sentence of 10 years of Rigorous Imprisonment imposed on the petitioner in S.C.No.282 of 2011 shall run concurrently with the sentence of life imprisonment and the other sentence imposed in S.C.No.80 of 2012. The first respondent is directed to give effect to the same.

19-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MRP



To

1. The Sessions Court,
Cuddalore.
2. The Assistant Sessions Court,
Panruti.
3. The Superintendent of Police,
Central Prison Cuddalore,
Cuddalore - 607 003.
4. The Inspector of Police,
Kadampuliyur Police Station,
Cr.No.462/2011 and
Cr.No.517/2011
5. The Public Prosecutor,
High Court, Madras



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S.ALLI, J.

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