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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION NO. 168 OF 2015
WITH
CRIMINAL REVISION APPLICATION NO. 194 OF 2015
WITH
CRIMINAL REVISION APPLICATION NO. 195 OF 2015
WITH
CRIMINAL REVISION APPLICATION NO. 196 OF 2015
WITH
CRIMINAL REVISION APPLICATION NO. 197 OF 2015
WITH
CRIMINAL REVISION APPLICATION NO. 198 OF 2015
WITH
CRIMINAL REVISION APPLICATION NO. 199 OF 2015**

Vijay Indramani Mishra

... Applicant

Versus

The State of Maharashtra and Ors.

.... Respondents

Smt. Naima Shaikh for the applicant.

Smt. A.A. Mane, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : MAY 06, 2015**

P.C.

Admit. Heard finally.

2. These revision applications are filed against the order of appellate court confirming the convictions recorded by the trial Magistrate in eight cases decided on one and the same date. The applicant has no grievance

with regard to the quantum of the punishment imposed by the learned trial Magistrate. The limited grievance of the applicant is that neither the trial Court nor the appellate court had considered his prayer for running the sentences concurrently.

3. Learned counsel Ms. Shaikh is heard on behalf of the applicant and learned A.P.P. for the respondent. Learned counsel for the applicant has submitted that there were no other cases pending against the applicant and he is a young boy of 20 years old. He was 19 years old at the time when the alleged offences were committed. Learned A.P.P. is of the view that since the applicant is habitual offender, this court may not extend any mercy to the applicant.

4. I have gone through the case papers and I find that the articles allegedly stolen by the applicant are miscellaneous articles and he does not appear to be hardened house broker or thief. Keeping in mind that he has been convicted in eight cases, if his sentences are to run concurrently, he will remain in custody for longer time. If a boy of such tender age is kept for long time in the prison, it may not be in the interest of justice. His long imprisonment may prove to be fatal as he may come into contact with the hardened criminals in the prison. Learned trial Magistrate has not even considered whether the applicant could get benefit of Probation of Offenders

Act. It is seen from the record that the learned Magistrate has not bothered to call for the report from the Probation Officer also. As such, the issue concerning the criminals of tender age is kept aside and all the orders are passed mechanically.

5. For all these reasons, I have come to the conclusion that revision applications need to be allowed. It is necessary to direct that the sentences imposed on the applicant shall run concurrently. Hence, I pass the following order :

The sentences imposed by the Judicial Magistrate, First Class, Palghar in R.C.C. No.210 of 2011, 230 of 2011, 211 of 2011, 229 of 2011, 232 of 2011, 234 of 2011 and 250 of 2011 and confirmed by the appellate court shall run concurrently. To that extent, the orders of the learned trial Magistrate and appellate court shall stand modified. All the applications stand disposed of accordingly.

(JUDGE)