

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.336 of 2015

P.Veeran

... Petitioner

-v-

1.The State rep. by its
The Superintendent of Police,
Central Prison,
Trichy.

2.The Inspector of Police,
Jayamkondam Police Station,
Ariyalur,
Ariyalur District.

(Crime No.34/00)

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the first respondent to order the sentences u/s.302 r/w/201 of IPC to run concurrently in S.C.No.116/2002, convicted and sentenced by the Additional Sessions Judge (Fast Track Court), Ariyalur, to the petitioner's son the detenu P.Veeramani(A1), Son of P.Veeran, Convict No.10831 detained at Central Prison, Trichy.

For Petitioner: Mr.S.Manoharan

For Respondents: Mr.A.N.Thambidurai
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by S.TAMILVANAN,J.)

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

2.The Habeas Corpus Petition has been filed invoking Article 226 of the Constitution of India seeking an order to direct the first respondent to order the sentence under Section 302 read with 201 IPC to run concurrently in the case in S.C.No.116 of 2002 on the file of the Additional Sessions Judge (Fast Track Court), Ariyalur.

3.It is not in dispute that the petitioner's son/detenu P.Veeramani, Son of P.Veeran, Convict No.10831, was arrayed as A1 and he was convicted for the offence punishable under Section 302 IPC and sentenced to undergo life imprisonment and he was also convicted under Section 201 IPC for screening the evidence and sentenced to undergo imprisonment for 3 years. However, the sentence imposed on the detenu under Section 201 IPC, for three years imprisonment, was not specifically stated as to whether it is either Rigorous Imprisonment or Simple Imprisonment. Further, the convictions and sentences were imposed only relating to the same occurrence in the case in S.C.No.116 of 2002.

4.It is also pointed out that in the operative portion of the judgment of the Court below, it has not specifically stated whether the sentence was imposed to run concurrently or consecutively.

5. However, the learned Additional Public Prosecutor has pointed out that in page No.2 of the trial Court judgment, it is stated that the first accused/detenu has to undergo imprisonment for three years for hiding the offence under Section 201 IPC and fine of Rs.1000/-, and if he fails to pay the fine, he has to undergo one month imprisonment and the punishment has to be undergone by the accused/detenu separately.

6.Having considered the facts and circumstances and also the submissions of both sides, the sentence should be imposed specifically whether it is consecutively or concurrently. The Court should opt either 'concurrently' or 'consecutively', but should not introduce the word 'separately', leaving the opt word available.

7.Hence, we find it just and reasonable to treat the sentence as to run concurrently. Therefore, the sentences imposed against the detenu P.Veeramani under Sections 302 and 201 of IPC in S.C.No.116/2002 by the learned Additional Sessions Judge, Fast Track Court, Ariyalur in the judgment dated 26.11.2002 shall run concurrently, as per the provision of Section 427 of Cr.P.C.

8.This Habeas Corpus Petition is disposed of with the above direction.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1.The Additional Sessions Judge,
Fast Track Court, Ariyalur

2.The State rep. by its
The Superintendent of Police,
Central Prison,
Trichy.

3.The Inspector of Police,
Jayamkondam Police Station,
Ariyalur,
Ariyalur District.

4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to Mr.S.Manoharan, Advocate sr.42198

सत्यमेव जयते

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