

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: February 11, 2015

+ CRL.M.C.NO.525/2015

MANISH

..... Petitioner

Through: Ms. Arundhati Katju & Mr.
Himanshu Suman, Advocates

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr.Naveen Sharma, Additional
Public Prosecutor for respondent-
State with SI mahender Singh PS
Prasad Nagar

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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(ORAL)

Crl.M.A.No. /2015 (to be numbered) (Exemption)

Allowed subject to all just exceptions.

Crl.M.C.No.525/2015

In this petition, prayer made is that the substantive sentence awarded to petitioner in FIR No.73/2011 and FIR No.78/2003 both registered at Police Station Prasad Nagar, Delhi be made to run concurrently.

At the hearing, learned counsel for petitioner had drawn the attention of this Court to Nominal Roll of petitioner to point out that

unexpired portion of sentence is just five months and since petitioner has maintained good conduct in jail, therefore, two sentences awarded to petitioner be directed to run concurrently. It was submitted that due to illiteracy and poverty petitioner could not challenge his conviction in the aforesaid two FIR cases and to highlight the parameters which govern exercise of discretionary jurisdiction under Section 427 Cr.P.C., learned counsel for petitioner had drawn the attention of this Court to a recent decision of Apex Court in *V.K.Bansal v. State of Haryana & Anr.* (2013) 7 SCC 211.

Upon hearing and on perusal of Nominal Roll of petitioner, material on record and the decision cited, it becomes apparent that imprisonment awarded in default of payment of fine cannot be made to run concurrently. In FIR No.73/2011 petitioner has already undergone the substantive sentence and the unexpired sentence in FIR No.78/2003 is of three months only. The single transaction rule reiterated by Apex Court in *V.K.Bansal* (supra) persuades this Court to decline the prayer made in this petition.

This petition is accordingly dismissed.

(SUNIL GAUR)
JUDGE

FEBRUARY 11, 2015
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