

\$~R-200

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

Date of Decision: July 13, 2015

+ **CRL.M.C. 3938/2013 & Crl.M.A.15377/2014**

MOND. JAVED Petitioner

Through: Mr. Faraz Maqbool and Mr.
Vinayak Bhandari, Advocates

versus

DIRECTORATE OF REVENUE INTELLIGENCE ... Respondent

Through: Mr. Vineet Sharma, Advocate for
Mr. Satish Aggarwala, Advocate
for DRI

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

%

In this petition filed from Jail, the prayer made is that the two substantive sentences i.e. one of Rigorous imprisonment for 15 years and another for 12 years respectively in S.C. No.34/1998 and S.C. No.82/2004 be ordered to be run concurrently. Alongwith this petition, Nominal Roll of petitioner has been filed. Petitioner has been convicted in the aforesaid two cases for the offence under the *Narcotic Drugs and Psychotropic Substances Act, 1985*.

At the hearing, learned counsel for petitioner had relied upon a decision of a Single Bench of Bombay High Court in *Mohan Bhanudas Mohite v. State of Maharashtra* 2004 Crl. LJ 2945 to submit that Section

32-A of *the Narcotic Drugs and Psychotropic Substances Act, 1985* prohibiting suspension, remission and computation of the sentences does not impinge upon Section 427 of Cr.P.C., which empowers this Court to make the two substantive sentences to run concurrently.

Upon hearing and on perusal of the judgment rendered in the two cases under *the Narcotic Drugs and Psychotropic Substances Act, 1985*, the Nominal Roll of petitioner and the decision cited, I find that though Section 32-A of *the Narcotic Drugs and Psychotropic Substances Act, 1985* does not put any embargo upon exercise of jurisdiction of this Court under Section 427 of Cr.P.C., but in the facts of this case, I find that merely because petitioner is a senior citizen would not entitle him for the concurrence of the two substantive sentences awarded for serious offences of drug paddling.

Consequently, this petition and the application are dismissed.

(SUNIL GAUR)
JUDGE

JULY 13, 2015

s