

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

Date of Decision: January 15, 2015

+ **CRL.M.C. 4586/2014**

MOHD NASEEM Petitioner
Through: Ms. Tanu B. Mishra and Mr. Dham
Mohan, Advocates

versus

STATE (GNCT OF DELHI) Respondent
Through: Mr. Parveen Bhati, Additional
Public Prosecutor for respondent-
State with SI Bijender

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In FIR No.908/1996 under Sections 279/304-A of IPC registered at P.S. Srinivas Puri, New Delhi, petitioner has been convicted vide order of 17th July, 2012 and sentenced to rigorous imprisonment for two years with fine for the offence under Section 304-A of IPC and for the offence under Section 279 of IPC, he has been sentenced to rigorous imprisonment for six months with fine, but both these sentences have been made to run consecutively.

In this petition, the prayer made is that the aforesaid substantive two sentences be made to run concurrently.

In this petition, status report as well as the Nominal Roll of petitioner was called for.

Upon hearing and on perusal of the Nominal Roll of petitioner, the status report and the decision of Apex Court's decision in *V.K. Bansal v. State of Haryana and Anr.* (2013) 7 SCC 211, this Court finds that petitioner has clean antecedents and his conduct in jail has been also good and he has already undergone sentence of more than two years.

Apex Court in *V.K. Bansal (supra)* has reiterated as under:-

"14. We may at this stage refer to the decision of this Court in Mohd. Akhtar Hussain v. Collector of Customs [(1988) 4 SCC 183 : 1988 SCC (Cri) 921] in which this Court recognised the basic rule of convictions arising out of a single transaction justifying concurrent running of the sentences. The following passage is in this regard apposite: (SCC p. 187, para 10)

10. The basic rule of thumb over the years has been the so-called single transaction rule for concurrent sentences. If a given transaction constitutes two offences under two enactments generally, it is wrong to have consecutive sentences. It is proper and legitimate to have concurrent sentences. But this rule has no application if the transaction relating to offences is not the same or the facts constituting the two offences are quite different."

Applying the dictum of the Apex Court in *V.K. Bansal (supra)* to the facts of the instant case, it is directed that the two substantive

sentences awarded to petitioner in this case shall run concurrently.

With aforesaid direction, this petition is disposed of.

Concerned Jail Superintendent be apprised of this judgment forthwith.

(SUNIL GAUR)
JUDGE

JANUARY 15, 2015

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