



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.78 of 2016

Annathurai

.. Petitioner

Vs.

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

2.The Inspector of Police,
Jayakondam Police Station,
Kallakudi Police Station,
Tiruchirappalli District,
[Crime No.405 of 2006]

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the first respondent to order the sentences under Sections 302 and 392 r/w 397 of the Indian Penal Code to run concurrently in S.C.No.219 of 2006, convicted and sentenced by the learned Additional Sessions Judge, [Fast Track Court No.I], Trichirappalli, the detenu, Annathurai, S/o.Manickam detained at Central Prison, Trichy.

For petitioner

: Ms.Akarathi

For Mr.S.Manoharan

For respondents

: Mr.R.Ramachandran

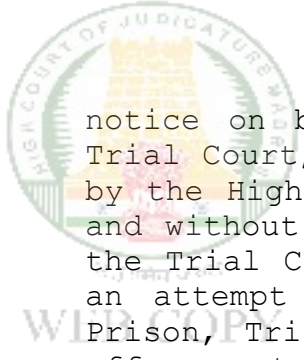
Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.R.SHIVAKUMAR, J.]

This Habeas Corpus Petition has been filed seeking an order or direction in the nature of a Writ of Habeas Corpus directing the first respondent to order the sentences under Sections 302 and 392 r/w 397 of the Indian Penal Code to run concurrently in the Judgment of the learned Additional Sessions Judge, [Fast Track Court No.I], Trichirappalli, pronounced in S.C.No.219 of 2006 convicting the petitioner for the said offences and imposing sentences on him for both the offences.

2. Claiming that the Trial Judge failed to direct the sentences to run concurrently, the petitioner has come forward not by way of an appeal, but by way of the present Habeas Corpus Petition. Of course in the said Judgment, the Trial Judge, besides imposing sentences separately for the offences under Sections 302 and 392 r/w 397 of the Indian Penal Code, omitted to state whether the sentences were to run concurrently or consecutively. But, the learned Additional Public Prosecutor, who takes



notice on behalf of the respondents, submits that the Judgment of the Trial Court, both regarding conviction and sentence, came to be confirmed by the High Court in CrI.A.(MD).No.90 of 2007. Suppressing the said fact and without bringing it to the notice of this Court that the Judgment of the Trial Court was confirmed by the High Court, the petitioner has made an attempt to seek such a direction to the Superintendent of Central Prison, Trichirappalli to make the sentences imposed on him for both the offences to run concurrently. At the best, the Jail Authorities can interpret the Judgment of the Trial Court in the light of the provisions found in the Code of Criminal Procedure. The Jail Authorities cannot rewrite the Judgment of the Court. If at all the petitioner is aggrieved, he could have either approached the Supreme Court with an appeal on Special Leave or approached the High Court for review or clarification of the Judgment passed by the High Court.

3. In the case on hand, the petitioner has not only omitted to do it, but also chosen to approach this Court suppressing the fact that the Judgment of the Trial Court convicting the petitioner for the above said offences and imposing sentences for both the offences was confirmed by this Court. In view of the same, the present Habeas Corpus Petition cannot be entertained and the same is dismissed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To:

- 1.The Superintendent,
Central Prison, Trichy.
- 2.The Inspector of Police,
Jayakondam Police Station,
Kallakudi Police Station,
Tiruchirappalli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.R.Narayanan, Advocate SR.No.4740

sm:Pm-MP:10.2.2016:2P/5c

ORDER MADE IN
H.C.P (MD) No.78 of 2016
22.01.2016