

**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM No.M-5636 of 2016

Date of Decision: February 17, 2016

Maggar Singh

.... Petitioner

vs.

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

Petitioner was convicted in two FIRs. He was convicted and sentenced in FIR No.78, dated 08.04.2009, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sadar Sunam and sentenced to undergo rigorous imprisonment for a period of 6 months and to pay a fine of ₹5,000/-, in default thereof to undergo further rigorous imprisonment for 15 days, vide judgment of conviction and order of sentence dated 04.11.2011 by the learned Judge, Special Court, Sangrur.

The petitioner was also convicted for the commission of offence punishable under Section 15(c) of the NDPS Act and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of ₹1,00,000/-, in default thereof to further undergo rigorous imprisonment for 2 years, vide judgment of conviction dated 04.11.2003 and order of sentence dated 10.11.2003 by the learned

Addl. Sessions Judge, Fatehabad, pertaining to FIR No.61, dated 01.07.2000, registered at Police Station Jakhal, District Fatehabad, Haryana.

The prayer in the present petition is that both the sentences awarded to the petitioner in the aforesaid two FIRs may be directed to run concurrently under Section 428 Cr.P.C. and the sentence already undergone by the petitioner in one case should be set off.

I am of the view that the petitioner has committed two offences at different places at different times. He was convicted and sentenced by two different courts. Period/sentence already undergone by him undergone is substantive sentences under Section 427 Cr.P.C.

However, Section 427 Cr.P.C. is not attracted in the present case as the convicting court or the first appellate court did not direct that the sentence shall run concurrently in the previous case.

Sub Section (2) of Section 427 Cr.P.C. is applicable to only those cases, in which life imprisonment is awarded. It is not so in the present case. Therefore, there is no merit in present case.

Accordingly, present petition stands dismissed.

February 17, 2016
sarita

(KULDIP SINGH)
JUDGE