

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

CRL. REVISION No.300 OF 2016 (O&M)

DATE OF DECISION : 1st AUGUST, 2016

Suresh Kumar

.... Petitioner

Versus

U. T. Chandigarh

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Ms. Shweta Nahata, Advocate (legal aid counsel) for the petitioner.

Mr. G. S. Wasu, Addl. P.P. for U.T. Chandigarh.

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A. B. CHAUDHARI, J.

CRM No.2494 of 2015

For reasons mentioned in the application, delay of 1235 days in filing the appeal is condoned.

CRM No.2495 of 2015

The application is allowed as prayed for.

CRL. REVISION No.300 OF 2016

The learned counsel for the revision petitioner has submitted that the petitioner restricts the prayer for relief only as stated in para 11 of the revision petition and therefore, she was heard accordingly.

Learned counsel for the petitioner relied upon the judgment of this Court in the case of *Surinder Singh versus State of Haryana & anr.* passed in *Criminal Revision No.503 of 2011* and judgment of Hon'ble High Court of Judicature for Rajasthan in the case of *Dinesh Kumar versus The State of Rajasthan & anr.* passed in *Criminal Misc. Petition No.431 of 2010* for the purpose of making the sentence concurrent.

Upon hearing the learned counsel for the rival parties, I find that the power under Section 482 Cr. P.C. can be exercised to make the sentence concurrent as held by the Full Bench of this Court. The exercise of that power would depend on facts of each case.

In the instant case, the petitioner was convicted under Section 20 of the NDPS Act and sentenced to undergo rigorous imprisonment for six years and to pay fine of ₹1,000/- by judgment and order dated 02.03.2010. The appeal filed by the petitioner arising out of FIR No.90 dated 22.06.2006 registered under Section 20 of NDPS Act has been dismissed on 21.05.2015. The sentence which is sought to be made concurrent with the earlier sentence arising out of FIR No.12 dated 13.08.2008 deserves to be made concurrent since the petitioner has to undergo imprisonment for a period of 14 years and fine amount also.

In that view of the matter I make the following order:

ORDER

- (i) The revision petition is partly accepted.
- (ii) The sentence awarded under Judgment and Order dated 02.03.2010 in which sentence of six months and fine of ₹1,000/- was awarded, shall run concurrently with the sentence of 14 years and fine of ₹1,52,000/- awarded vide order dated 16.02.2012 arising out of FIR No.12 dated 13.08.2008 registered under Section 20(b)(ii)(c) & 21 (b) NDPS Act.

1st AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE