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

DECIDED ON : 29th AUGUST, 2016

+ **CRL.M.C.414/2015**

SALAUDDIN @ RAJA Petitioner

Through : Ms.Sunita Arora, Advocate with
Mr.S.P.Nangia, Advocate.

versus

THE STATE (NCT OF DELHI) Respondent

Through : Mr.Arun K.Sharma, APP with Insp.
Upender Singh, PS Mehrauli.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present petition has filed by the petitioner under Section 397(1) Cr.P.C. read with Section 482 Cr.P.C. seeking directions that the substantive sentence awarded to him in case FIR Nos.388/2012 and 341/2009 be run concurrently. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. On perusal of the file, it reveals that the petitioner was convicted in case FIR No.388/2012 registered under Sections 392/397/34 IPC at PS Mehrauli by a judgment dated 31.01.2014. By an order dated 01.02.2014, he was sentenced to undergo RI for forty months with fine ₹2,000/- under Sections 392/34 IPC.

3. The petitioner was also held guilty in case FIR No.341/2009 registered under Sections 307/326/392/411/34 IPC and Sections 25/27 Arms Act at PS Saket by a judgment dated 07.02.2014. By an order dated 12.02.2014, he was sentenced to undergo RI for seven years with fine ₹5,000/- under Section 307 IPC; RI for seven years under Section 397 IPC and RI for two years with fine ₹2,000/- under Section 411 IPC. All the sentences were to run concurrently.

4. On perusal of the judgments in question, it reveals that the offences committed by the appellant are distinct and separate. FIR No.341/2009 pertains to the incident dated 26.09.2009 whereby co-accused Shambhu Saha @ Babi Saha was also convicted and sentenced. The victim who had sustained stab injuries remained admitted in hospital for about nine days. He is stated to have incurred an expenditure of ₹3.5 lacs for surgery in the hospital as reflected in the order on sentence dated 12.02.2014.

5. Incident in case FIR No.388/2012 at PS Mehrauli pertains to 18.09.2012 whereby the victim Sunder Singh was robbed of his mobile by the petitioner and his associates after gaining entry in his vehicle on the pretext to take lift.

6. Status report reveals that the petitioner is a habitual offender. Ten cases were registered against him. In six cases, he was released on 17.07.2007 after arrest for lack of evidence. However, he was convicted in FIR No.399/2007 under Section 380 and FIR No.473/2007 under Section 457/380 IPC. In another case in FIR No.516/2007 at PS Mehrauli, he has been sent for trial for commission of offence under Section 21 NDPS Act.

7. Considering the gravity of the offences, antecedents of the petitioner, his involvement in number of criminal cases and his conviction in

many cases, I find no sufficient ground that both the sentences awarded for distinct offences at different stages to run concurrently. The petitioner must suffer sentence for the various offences committed by him at different stages.

8. The petition lacks in merits and is dismissed.

(S.P.GARG)
JUDGE

AUGUST 29, 2016 / tr

