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

+ W.P.(CRL.) 1400/2016

JAGANGIR @ IKKA @ IBRAHIM Petitioner

Represented by: Mr.M.L.Yadav, Advocate with
Mr.Lokesh Chandra, Advocate

versus

STATE Respondent

Represented by: Ms.Nandita Rao, ASC
Mr.Prem Pal Singh, PS Ashok Vihar

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **09.08.2016**

1. Jahangir was sentenced to undergo imprisonment for life in FIR No.254/2003 PS Seema Puri for offences punishable under Section 302/34 IPC and Section 25 of the Arms Act. Subsequently he was convicted for an offence punishable under Section 395 and Section 397 IPC in FIR No.41/2011 PS Ashok Vihar. In the second FIR sentence imposed by the learned Trial Judge was to undergo imprisonment for life with direction that the sentence would run consecutively.

2. By way of the instant writ petition the Constitution Bench Judgment of the Supreme Court in Crl.A.Nos.231-33/2009 Muthuramalingam & Ors. Vs. State Rep. by Insp. of Police is drawn to the notice of this Court as per which, since a human being can have only one life, there cannot be a sentence to undergo a sentence for imprisonment for life to run consecutively. The second sentence is to be superimposed upon the first but

that would not mean that if in one remission or commutation is granted it would enure for both.

3. We accordingly dispose of the writ petition modifying the sentence imposed upon Jahangir in FIR No.41/2011 directing that the sentence of imprisonment for life shall not run consecutively but would be superimposed over the first as per the law declared by the Supreme Court in the Constitution Bench Judgment noted hereinabove.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

AUGUST 09, 2016

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