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

+ CRL.M.C. 3764/2014

MANOJ @ HODAL @ KHOTAL Petitioner

Through Mr.Ajit Sharma and Mr.Mayank
Aggarwal, Advs.

versus

STATE Respondent

Through Mr.M.S. Oberoi, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **11.08.2016**

Arguments heard.

The present petition has been filed on behalf of the petitioner for concurrent running of two sentences passed in FIR No.224/2010, under Section 307/34 IPC, Police Station Kalyanpuri and in FIR No.426/2004, under Section 326/34 IPC, Police Station Kalyanpuri.

Vide order dated 29.08.2013 passed by the Court below in FIR No.224/2010, Police Station Kalyanpuri, the petitioner was sentenced to undergo rigorous imprisonment for four years with fine of Rs.5,000/- for offence under Section 307/34 IPC and in default of payment of fine to further undergo simple imprisonment for six months.

Vide order dated 16.08.2013 passed by the Court below in FIR No.426/2004, Police Station Kalyanpuri, the petitioner was sentenced

to undergo rigorous imprisonment for four years with fine of Rs.2,000/- for offence under Section 326 IPC and in default of payment of fine to further undergo simple imprisonment for three months.

Argument advanced by the counsel for the petitioner is that the petitioner is less educated and was misguided by other inmates of the jail and that was the reason not filing appeal. It is further submitted that the conviction in the other case was not in the knowledge of the counsel, therefore no prayer was made in the subsequent case to run the punishment of imprisonment concurrently. It is further submitted that the petitioner is in custody since 19.11.2012. It is submitted that the petitioner belongs to a lower strata of the society and a direction be issued to the Jail Superintendent to run concurrently the sentences awarded to the petitioner in the above mentioned two cases.

Having heard the counsel for the petitioner and gone through the record, this Court is of the considered opinion that the petitioner was facing two separate cases and conviction and sentences of imprisonment were passed separately in two separate criminal trials. This Court does not find any merit in the instant petition to issue direction to run concurrently the sentences awarded to the petitioner in two different cases.

Consequently, the present petition is dismissed.

P.S.TEJI, J

AUGUST 11, 2016
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