

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 553 of 2017**

Ashok Nishad, S/o Shiva Nishad, Aged about 20 years (Presently aged about 26 years), R/o Satbahaniya Mandir, P.S. Saraswati Nagar, Raipur, Tahsil and District Raipur (C.G.), presently Central Jail, Raipur (C.G.)

---- Applicant**Versus**

1. State of Chhattisgarh, through Secretary of Home and Jail Department Mahanadi Bhavan, Mantralaya, New Raipur (C.G.)
2. Director General of Jail, Jail and Sudharatamak Sewanye, Head Office, Chhattisgarh, Raipur (C.G.)
3. Superintendent Central Jail, Raipur, District Raipur (C.G.)

---- Respondents

For Applicant: Mr. Rajesh Jain, Advocate.
 For Respondents/State: Mr. Prasoon Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/05/2017**

(1) The applicant was convicted by the Additional Sessions Judge, Raipur in Case No.169/2011 by judgment dated 21st September, 2012 in which, it was directed that sentences awarded for the offences under Sections 148, 323/149, 302/149 & 506-B, for which he has been convicted, shall run concurrently.

(2) The applicant & other co-accused persons preferred Criminal Appeal No. 928/2012 there-against. The Division Bench of this Court vide order dated 10.03.2015 maintained the conviction & sentence of the applicant under Sections 148, 323/149 & 506-B of the Indian Penal

Code but conviction and sentence awarded under Section 302/149 I.P.C are altered to Section 304 Part II/149 of the I.P.C. and the appellant is sentenced to R.I. for 6 years.

(3) Learned counsel for the petitioner would submit that learned Division Bench of this Court while passing the judgment dated 10.03.2015 in Criminal Appeal No.928/2012, omitted to mention that the all the sentences shall run concurrently.

(4) I have heard learned counsel appearing for the petitioner and perused the material available on record with utmost circumspection.

(5) This Court, sitting in the Single Bench, can not modify or clarify the order passed by the Division Bench of this Court.

(6) Accordingly, the criminal misc. petition fails and is hereby dismissed. However, the applicant is at liberty to proceed in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-