

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.26849 of 2016

P.Sekar

.. Petitioner

Vs

1. The Inspector of Police,
Pallapatti Police Station,
Salem.

2. The Superintendent,
Central Prison,
Coimbatore.

.. Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to direct the sentence dated 15.02.2016 of one year simple imprisonment imposed on the petitioner in C.C.No.1 of 2016, C.C.No.2 of 2016, C.C.No.3 of 2016 and C.C.No.4 of 2016 by the Judicial Magistrate No.II, Salem, to run concurrently.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the Trial Court to direct the sentences of one year simple imprisonment imposed on the petitioner in C.C.No.1 of 2016, C.C.No.2 of 2016, C.C.No.3 of 2016 and C.C.No.4 of 2016 by separate orders dated 15.02.2016, to run concurrently.

2.The learned counsel for the petitioner submits that while convicting the accused, the Judicial Magistrate has not ordered for the sentences to run concurrently and the petitioner has already undergone one year period and the sentence period has been completed. He relied on a decision of this Court dated 03.09.2010 in Crl.O.P.(MD)No.9870 of 2010, in support of his contention.

3.Heard the learned Additional Public Prosecutor on the submissions made by the learned counsel for the petitioner.

4.It is seen that the petitioner has already completed the sentence of 1 year simple imprisonment. Since the learned Judicial Magistrate, while convicting the petitioner, has not ordered to undergo the sentences in all cases either to run concurrently or to run consecutively, the petitioner is in prison, on this anomaly. In the order passed by this Court in CrI.O.P.(MD)No.9870 of 2010 dated 03.09.2010, which has been relied by the learned counsel for the petitioner, this Court has referred to the judgment of the Hon'ble Supreme Court in 2009 CDJ SC 462 (State of Punjab v. Madan Lal) and granted the relief to the petitioner therein, to have the sentences run concurrently, which squarely is applicable to the present case.

5.Following the same, the Criminal Original Petition is allowed and the sentences passed in C.C.Nos.1, 2, 3 and 4 by the Judicial Magistrate No.II, Salem, by orders dated 15.02.2016, are ordered to run concurrently. The Superintendent of Central Prison, Coimbatore, is directed to act in accordance with law.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Pallapatti Police Station,
Salem.
2. The Superintendent,
Central Prison,
Coimbatore.
3. The Judicial Magistrate No.II, Salem.
4. The Public Prosecutor, Madras High Court,
Chennai-600 104.

+1 CC to Mr.C.D.Sugumar, Advocate sr 40876

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