

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 2216 of 2016 (O&M)
Date of Decision : 17.04.2017

Mahavir Kumar
....Petitioner

Versus

State of Punjab
....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vishavjeet Singh, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Surinder Gupta, J.

Petitioner-Mahavir Kumar was sentenced by the trial Court as follows:-

<i>Under Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
341 IPC	SI for 1 month	₹200/-	SI for 30 days
323 IPC	SI for 1 month	₹500/-	SI for 30 days
324 IPC	RI for 1 year and 6 months	₹500/-	SI for 30 days
506 IPC	RI for 6 months	₹500/-	SI for 30 days

2. It was ordered that period of sentence already undergone by the accused-convict during investigation or trial shall be set off from substantive sentence of imprisonment awarded to him. However, sentences awarded to the petitioner under different heads was not ordered to run concurrently. The petitioner filed appeal, which was dismissed by Additional Sessions Judge, Ludhiana and sentences awarded by the trial Court was maintained.
3. Learned counsel for the petitioner has argued that the petitioner was charge-sheeted for offences punishable under Sections 341, 323, 324 and 326 and 506 read with Section 34 of Indian Penal Code (for short 'IPC')

for the occurrence that took place on 11.06.2012. All the offences for which

he was charged form part of the same occurrence, as such, sentences awarded to the petitioner for different charges should have been ordered to run concurrently by the trial Court. The trial Court gave no reason as to why sentences awarded under different sections of IPC should not run concurrently.

4. Learned State counsel has argued that sentences awarded for offences committed under different sections of IPC will run concurrently, if it is so ordered by the Court. In this case the trial Court or Ist Appellate Court has not ordered sentences awarded to the petitioner to run concurrently, as such, the petitioner is not entitled to claim that sentences awarded to him for different offences should run concurrently.

5. As per case of prosecution, the complainant was way laid by the petitioner and his co-accused Bablu near Gill river, Shimlapuri, Ludhiana, where petitioner stabbed complainant with knife on right side of his chest and injuries were also caused to complainant on fingers of both the hands and right thigh. Both the accused were charge-sheeted for offences punishable under Sections 341, 323, 324 and 506 read with Section 34 IPC and were convicted. All the offences committed by petitioner form part of the same occurrence. The trial Court awarded separate sentences for all the offences committed by the petitioner but I find no reason to decline the submission of learned counsel for the petitioner that these sentences may be ordered to run concurrently being part of the same occurrence.

6. As per provisions of Section 31 Cr.P.C., when a person is convicted and awarded several punishments prescribed for two or more offences, such punishment of imprisonment shall commence one after the other unless Court direct that such punishment shall run concurrently.

7. As per prosecution case, the petitioner had way laid complainant and caused him injuries. Offences punishable under Sections 341, 323, 324 and 506 IPC form part of the same occurrence. Though, the trial Court has committed no error while awarding separate sentences to the petitioner for all the offences for which he was charged, but the ends of justice shall be fully served if submission of learned counsel for the petitioner that the sentences may be ordered to run concurrently, is accepted.

8. No other argument has been advanced by learned counsel for the petitioner.

9. As a sequel of my above discussion, this revision petition is partly allowed. The conviction and sentences as awarded to petitioner by the trial Court and affirmed by the Ist Appellate Court are maintained. However, it is ordered that all the sentences shall run concurrently. This fact be notified to Superintendent, Central Prison, Ludhiana, where the petitioner is presently undergoing sentences.

April 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No