

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1310-2015 (O&M)

Date of decision: February 17, 2017.

Brij Mohan

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri V.S. Rana, Advocate for the petitioner.
Shri Arjun Singh Yadav, Assistant Advocate General, Haryana.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties.

Learned Counsel for the petitioner has invited my attention to Sr. Nos. 3 and 4 of the table in para 2 of the petition. He submits that the petitioner was convicted and sentenced to undergo life imprisonment in FIR No.376 dated 22.9.2000 under Section 302 IPC on 1.11.2006 by learned Additional Sessions Judge, Faridabad and appeal against his conviction has been dismissed by this Court. Learned Counsel for the petitioner has invited my attention to FIR No.374 dated 1.10.2001 under Section 302 IPC and submitted that the petitioner has been again convicted and sentenced to life imprisonment by the court of learned Additional Sessions Judge, Faridabad on 30.1.2007. The averments in the petition have been fully corroborated in the reply, in para 3 and 4, filed by the State. I quote para 3 and 4 of the reply:-

“3. That FIR No.376 dated 22.9.2000 under Section 302, 34 IPC was registered at Police Station Sadar Palwal. On completion of the investigation challan was submitted before the learned Illaqa

Magistrate. Trial was conducted by learned Additional Sessions Judge, Faridabad and awarded sentence of life imprisonment vide order dated 1.11.2006.

4. That FIR No.374 dated 1.10.2001 under Section 148, 149, 302, 307, 120-B IPC and 25 of the Arms Act was registered at Police Station Sadar Palwal. On completion of the investigation challan was submitted before the learned Illaqa Magistrate. Trial was conducted by learned Additional Sessions Judge, Faridabad and awarded sentence of life imprisonment vide order dated 30.1.2007.”

From the above factual data, quoted above, the facts are admitted.

Section 427(2) Cr.P.C. reads thus:-

“(2) When a person already undergoing a sentence of imprisonment for life is sentenced on a subsequent conviction to imprisonment for a term or imprisonment for life, the subsequent sentence shall run concurrently with such previous sentence.”

The mandate of sub-section (2) of Section 427 Cr.P.C. clearly governs the present case. Hence the petition will have to be allowed. In that view of the matter, acting on the mandate of section 427 Cr.P.C., I make the following order:-

ORDER

- (i) CRWP-1310-2015 is allowed in part;
- (ii) sentence of imprisonment for life awarded to the petitioner by order dated 30.1.2007 in FIR No.374 dated 1.10.2001 shall run concurrently with the sentence awarded under judgment and order dated 1.11.2006 in FIR No.376 dated 22.9.2000;
- (iii) no costs.

[A.B. Chaudhari]
Judge

February 17, 2017.
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No