

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.8030 of 2018

Shanmugam

.. Petitioner

Vs.

M.Shajahan

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to pass an order directing concurrent running of the sentence to the petitioner under Section 427 of the Cr.P.C in Crl.R.C.No.801 of 2016 along with sentence imposed in Crl.R.C.No.802 of 2016 dated 28.11.2016.

For Petitioner : Mr.E.C.Ramesh

For Respondent : No appearance

O R D E R

This petition has been filed seeking to pass an order directing concurrent running of the sentence to the petitioner under Section 427 of the Cr.P.C in Crl.R.C.No.802 of 2016 dated 28.11.2016.

2. Heard Mr.E.C.Ramesh, learned counsel for the petitioner. There is no representation for the respondent.

3. The petitioner herein was convicted and sentenced in C.C.No.209 & 211 of 2005 by the learned Judicial Magistrate, Arani. The said Judgement was confirmed by the learned Principal Sessions Judge, Tiruvannamalai in Crl.A.Nos.60 & 61 of 2006 on 02.04.2016. When the petitioner had preferred a Criminal Revision Case in Crl.R.C.Nos.801 & 802 of 2016, the sentence was reduced by order dated 28.11.2016. Subsequently, the appeals preferred before the Hon'ble Apex Court in SLP (Crl) Nos.416 & 417 of 2017 was also dismissed on 29.01.2018 . In the aforesaid Judgement wherein conviction was imposed, it is seen that there was no observation that the sentence in all the cases should run concurrently.

4. Learned counsel for the petitioner submits that by inadvertently, they failed to ask for a prayer for an order under Section 427 Cr.P.C. during the disposal of the Criminal Revision Petition, before this Court.

5. From the facts of the case, it is seen that all the above adjudications have happened at same time, on same date and had been disposed by a common order. As such, it would be appropriate that the sentences also ought to have been ordered to run concurrently.

6. In view of the fact that the cause of action in the original complaint arose out of business transaction between the same parties and the case was also came to be disposed of through a common order, it would be appropriate to order that the sentence should also run concurrently.

7. In the result, there shall be a direction to the effect that the sentence imposed in Crl.R.C.No.801 & 802 of 2016 to run concurrently. With the above observation, the Criminal Original petition stands allowed.

Sd/-
Deputy Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate, Arani.

2.The Principal Sessions Judge, Tiruvannamalai.

+1cc to Mr.E.C.Ramesh, Advocate, S.R.No.23913

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RRK(16/04/2018)

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