



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.10.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

Cr1.O.P. [MD].No.19149 of 2018

WEB COPY

Thavasi @ Thavasimuthu

: Petitioner

Vs.

1. The Superintendent of Prison,
Central Prison, Cudalore.

2. The Inspector of Police,
Thattaparai Police Station,
Tuticorin District.
(Crime No.151 of 1999)

3. The Inspector of Police,
Srirangam Police Station,
Trichy District.
(Crime No.724 of 2003)

4. The Inspector of Police,
Mylapore Police Station,
Chennai District.
(Crime No.176 of 2003)

5. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
(Crime No.25 of 2003)

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to issue a direction by directing the sentences imposed in S.C.No.288 of 2000, on the file of the learned Additional District and Sessions Judge (Fast Track Court) No.2, Tuticorin, the sentence imposed in S,C.No.264 of 2006 dated 31.07.2007 on the file of the learned Additional District and Sessions Judge (Fast Track Court) No.4, Chennai and the sentence imposed in C,C.No.474 of 2004 dated 03.09.2007, on the file of the learned Judicial Magistrate Court, Valliyoor to run concurrently along with the sentences of life imprisonment imposed in S.C.No.149 of 2004 dated 17.05.2005 on the file of the learned Additional District and Sessions Judge (Fast Track Court) No.2, Tiruchirapalli.

For Petitioner

: Mr.A.Rahul

For Respondents

: Mr.R.Anandharaj

Additional Public Prosecutor

**ORDER**

This Criminal Original Petition has been filed seeking for a direction that the sentence imposed in S.C.No.288 of 2000, on the file of the learned Additional District and Sessions Judge (Fast Track Court) No.2, Tuticorin, the sentence imposed in S,C.No.264 of 2006 dated 31.07.2007 on the file of the learned Additional District and Sessions Judge (Fast Track Court) No.4, Chennai and the sentence imposed in C.C.No.474 of 2004 dated 03.09.2007 on the file of the learned Judicial Magistrate Court, Valliyoor to run concurrently along with the sentence of life imprisonment imposed in S,C.No.149 of 2004, dated 17.05.2005, on the file of the learned Additional District and Sessions Judge (Fast Track Court) No.2, Tiruchirapalli.

2.The learned counsel appearing for the petitioner would submit that in view of the life sentence that has been undergone by the petitioner, the other sentences imposed for the other offences shall be directed to run concurrently along with the life sentence. The learned counsel also brought to the notice of this Court the earlier judgment passed by this Court in this regard in CrI.O.P.(MD). No.12497 of 2017, dated 31.08.2018.

3.The learned Additional Public Prosecutor would submit that the petitioner has been involved in very serious offences and. therefore, the request made by the petitioner should not be granted by this Court, in exercise of its jurisdiction under Section 482 Cr.P.C.

4.This Court has carefully considered the submission made on either side.

5.The judgment referred to supra makes it clear that this Court can exercise its jurisdiction under Section 482 Cr.P.C and issue directions ordering the sentences imposed in the latter case to run concurrently along with the sentences imposed in the former case. This Court has already held that consideration must be had on the gravity of the charges levelled against the accused in each of the cases.

6.In the present case, it is seen that the petitioner has already been sentenced to life imprisonment in S.C.No.149 of 2004. By definition, a life imprisonment will mean that the petitioner has to undergo sentence for the whole of his life. Therefore, the other sentences given against the petitioner in the other cases will not actually have any effect since the person can have only one life. Section 427(2) Cr.P.C specifically deals with this issue. The said Section specifically provides that where a person already undergoing a sentence of imprisonment for life, the imprisonment based on the subsequent convictions, shall run concurrently. The reason being that the sentence for life must be understood to mean as sentence to serve the remainder of the life in prison unless it is committed or remitted by the appropriate authority. Even though there is some

force in the arguments of the learned Additional Public Prosecutor that the petitioner has been involved in serious offences, in view of the operation of Section 427 (2) Cr.P.C, all the other sentences will have to necessarily run concurrently with the life sentence imposed in S.C.No.149 of 2004. Accordingly, the sentences imposed in S.C.No.288 of 2000, S.C.No.264 of 2006 and C.C.No.474 of 2004 shall run concurrently with the life sentence imposed in S.C.No.149 of 2004.

7. In the result, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Superintendent of Prison ,
Central Prison, Cudalore.
2. The Inspector of Police,
Thattaparai Police Station, Tuticorin District.
3. The Inspector of Police,
Srirangam Police Station, Trichy District.
4. The Inspector of Police,
Mylapore Police Station,
Chennai District.
5. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Karunanidhi, Advocate Sr.No.92300

TSG

VB/BK/SAR2/10.12.2018/3P/8C

Cr1.O.P. [MD] .No.19149 of 2018
26.10.2018