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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 670/2017

ANIL KUMAR @ BUTA

Through

..... Petitioner

Mr. Dhan Mohan, Ms. Tanu B. Mishra,
Ms. Rani Mishra, Ms. Harkamal Jeet
Kaur, Mr. Gagandeep and Mr. Nadeem
Khan, Advs.

versus

STATE (GNCT OF DELHI)

Through

..... Respondent

Ms. Rajni Gupta, APP with SI Naveen,
P.S. Subzi Mandi and SI Jaiveer, P.S.
Alipur

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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24.01.2018

By this petition under Section 482 Cr.P.C., petitioner has prayed that sentences passed in Crl. Appeal Nos. 1416/2011 and 848/2015 titled Anil Kumar @ Buta vs. State may be directed to run concurrently.

Vide judgment dated 3rd November, 2009 passed in W.P. (Crl.) no. 686/2009, titled Santosh Kumar vs. The State (NCT of Delhi), I have taken a view that no independent proceedings, for the reliefs under Section 427 Cr.P.C. can be maintained under Section 482 Cr.P.C. Similar view has been taken by me in Jahangir Alam @ Mohd. Saleem vs. State, 2015 SCC OnLine Del 7080. In the said case, a Full Bench judgment of Punjab and Haryana High Court rendered in Jang Singh vs. State of Punjab, 2007 (2) ILR (Punjab) 550 was

followed. Judgement of M.R. Kudva vs. State of A.P. (2007) 2 SCC 772 was also considered wherein it was held that Section 427 Cr.P.C. cannot be applied in a separate and independent proceedings by the High Court, more so when neither trial judge nor High Court, while passing the judgments of conviction and sentence indicated that the sentences passed against the appellant in both the cases shall run concurrently or Section 427 of the Code would be attracted. It was further held that Section 482 of the Code was not an appropriate remedy in such like cases.

For the foregoing reasons, present petition under Section 482 Cr.P.C. is dismissed.

A.K. PATHAK, J.

JANUARY 24, 2018
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