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

DECIDED ON : 24th APRIL, 2018

+ **W.P.(CRL) 518/2018**
ASHOK Petitioner
Through : None.
versus
STATE Respondent
Through : Mr.Rahul Mehra, Standing Counsel.
SI Prashant, PS New Usmanpur.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (Oral)

1. Present writ petition under Article 226 of the Constitution of India read with Section 427(1) and Section 482 Cr.P.C. has been filed by the petitioner to direct the concurrent running of the sentences in FIR No.431/2009 registered under Sections 363/376 IPC at Police Station New Usmanpur. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner was convicted by the Trial Court for commission of offences punishable under Sections 363/376 IPC by a judgment dated 07.12.2010. By an order on sentence dated 10.12.2010, the petitioner was sentenced to undergo RI for three years with fine ₹1,000/- under Section 363 and RI for ten years with fine ₹5,000/- under Section 376 IPC. The order on sentence is, however,

silent whether both the sentences were to run concurrently or consecutively.

3. Nominal Roll dated 06.02.2018 reveals that the petitioner has already undergone eight years, one month and eight days incarceration besides remission for one year, seven months and twelve days as on 05.02.2018. It further reveals that he is not involved in any other criminal case and his overall jail conduct is satisfactory.

4. Considering the facts and circumstances of the case, both the sentences under Sections 363 IPC and 376 IPC awarded by the Court below are ordered to run concurrently.

5. The writ petition stands disposed of in the above terms.

6. Copy of the order be sent to the Superintendent jail for information.

APRIL 24, 2018 / tr

**(S.P.GARG)
JUDGE**