

22# \$~

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

+ **W.P.(CRL) 2779/2017**

EKRAMUL ANSARI

..... Petitioner

Represented by: Mr. Anwesh Madhukar,
(DHCLSC) and Ms. Pranjal
Shekhar, Advocates.

versus

**DIRECTORATE OF REVENUE
INTELLIGENCE & ANR.**

..... Respondents

Represented by: Mr. Satish Aggarwala, Sr.
Standing Counsel for DRI.
Mr. Kunal Sharma, Advocate
for Mr. Amit Sharma, Spl. P.P.,
NIA with Inspector B.S.
Solanki, NIA.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.09.2018

%

1. By this petition, petitioner seeks concurrent running of the sentences in the two cases against him or in the alternative benefit of Section 428 IPC.
2. Petitioner was detained by the officials of Terminal-III, IGI Airport on 18th April, 2014. During search of his baggage 4988 Fake Indian Currency Notes each of ₹1,000/- denomination were recovered. Consequently, RC -02/2014/NIA/DLI was registered at PS NIA, New Delhi on 25th June, 2014 under Sections 120B/489B/489C IPC and Sections 16 and 18 of Unlawful Activity (Prevention) Act, 1967 (as amended in the year

W.P.(CRL) 2779/2017

page 1 of 3

2012). The petitioner was arrested in the said RC. During further investigation it was found that the petitioner was involved in other offences also. Finally charge sheet was filed for the above noted offences before the competent court and after conclusion of trial the petitioner was convicted for the said offences vide judgment dated 9th December, 2016. Vide order on sentence dated 26th December, 2016 petitioner was directed to undergo rigorous imprisonment for a period of five years and to pay a fine of ₹1,000/- in default whereof to undergo simple imprisonment for a period of 15 days for offence punishable under Section 489B IPC, undergo rigorous imprisonment for a period of five years and to pay a fine of ₹1,000/- in default whereof to undergo simple imprisonment for a period of 15 days for offence punishable under Section 489C IPC; rigorous imprisonment for a period of five years and fine of ₹1,000/- and in default whereof to undergo simple imprisonment for a period of 15 days for offence punishable under Section 120B IPC read with Section 489B IPC. Sentences on the three counts were to run concurrently and benefit of Section 428 Cr.P.C. was granted to the petitioner.

3. Petitioner was also tried by the DRI in its complaint case No.19803/2016 titled as DRI vs. Ekramul Ansari in which the petitioner pleaded guilty vide order dated 26th May, 2017 and the matter was thus posted for 31st May, 2017 to give reflection time to the petitioner on which date he again reiterated his plea of guilt, thus he was convicted for offence punishable under Section 135 (1) (a) of the Customs Act and awarded sentence of imprisonment for a period of 3½ years besides fine.

4. Nominal roll has been sent by the Superintendent, Tihar Jail. As per ***W.P.(CRL) 2779/2017***

the nominal roll in RC -02/2014/NIA/DLI the petitioner has undergone two years five months 23 days as under trial prisoner and one year seven months and five days as convict. In the DRI case the petitioner was awarded sentence of rigorous imprisonment for a period of 3 ½ years with fine of ₹2,000/- in default whereof to undergo simple imprisonment for a period of 15 days. The undergone period in the DRI case is three years one month and 11 days.

5. Since the benefit of Section 428 Cr.P.C. has already been granted to the petitioner, on completion of the sentence of conviction in case by NIA the petitioner will have to undergo the remaining sentence in the DRI case, that is the complaint case in which he has already undergone three years one month and 11 days. Thus from the nominal roll it is clear that benefit of Section 428 Cr.P.C. has been granted to the petitioner in both the cases. No further directions for the sentences in the two cases to run concurrently is required to be passed.

6. Petition is dismissed.

7. Copy of the order be communicated to the petitioner through Superintendent, Tihar Jail.

MUKTA GUPTA, J.

SEPTEMBER 04, 2018
‘vn’

W.P.(CRL) 2779/2017

page 3 of 3