

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 390 of 2019**

- Chaitram Chakradhari, S/o Late Shri Vaisakhuram Chakradhari, aged about 72 Years (37 Years As Per Impugned Order), R/o Ramasagarpara, Bhatapara, Raipur (The Than Secretary Krishi Upaj Mandi Samiti Lormi, District-Bilaspur (Presently Mungeli) Chhattisgarh.

---- Petitioner**Versus**

- State of Chhattisgarh Through The District Magistrate Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashutosh Triwedi, Advocate.

For Respondent : Mr. H.S. Ahluwalia, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/03/2019**

Heard.

1. The petition has been brought under Section 482 of Cr.P.C. praying for order that the sentences imposed upon the appellant may be ordered to run concurrently.
2. By the judgment dated 13.12.1996 passed by the Court below in Special Sessions Case No.8/1987, the appellant stands convicted for the offence punishable under Sections 5 (1) (d) read with 5(2) of the Prevention of Corruption Act and Section 161 of IPC and sentenced to undergo R.I. for 1 year

with fine of Rs.100/- on each count.

3. Criminal Appeal bearing No.122/1997 preferred by the appellant before this Court was dismissed vide judgment dated 8.3.2017 against which the appellant has preferred SLP (Cr.) No.7500/2017 before the Supreme Court and the same has also been dismissed.
4. It is submitted by learned counsel for petitioner that there is no clear direction of the Court below whether both the sentences would run concurrently or the appellant would be required to undergo sentence of imprisonment consecutively. Hence, it is prayed that looking to the age of the appellant and the fact that the petitioner has faced the rigor of trial for the last 22 years, an order may be passed directing that the sentences imposed upon the petitioner shall run concurrently.
5. Learned counsel for the State opposes the application and submissions made in this respect. It is submitted that the Court below has made its intention very clear by not passing order of concurrent running of sentence and meaning thereby the sentences imposed upon the petitioner were to run consecutively. Apart from that, this issue was never raised before this Court or before the Supreme Court, therefore, now the petitioner cannot be allowed to raise such an issue. In these circumstances, the petition is liable to be dismissed.
6. I have heard both the parties and perused the order passed earlier in this case.
7. Considering the fact that the appellant has faced the rigor of trial for a sufficient length of time and further considering the old age of the petitioner i.e. about 72 years, I feel inclined to allow the prayer made by the petitioner because no purpose would be served by consecutive running of sentence against the petitioner.

8. Accordingly, it is ordered the sentences imposed upon the petitioner herein by the impugned judgment dated 13.12.1996 passed by the Court below in Sessions Trial No.08/ 2017 and which has been affirmed not only by this Court but also by the Hon'ble Supreme, shall run concurrently.
9. The petition is, accordingly, disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

JUDGE

Nisha