

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.20887 of 2019

Harikrishnan @ Hari

... Petitioner

Vs.

The Inspector of Police,
El-Mylapore Police Station,
Chennai.

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to run the sentence imposed in C.C.No.3349 of 2015, to run concurrently with the sentence of imprisonment imposed in the judgment dated 11.03.2019 made in C.C.Nos.3350/2015 and 3351 of 2015 by the learned 18th Metropolitan Magistrate, Saidapet.

For Petitioner : Mr.C.C.Chellappan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed to run the sentence imposed in C.C.No.3349 of 2015, to run concurrently with the sentence of imprisonment imposed in the judgment dated 11.03.2019 made in C.C.Nos.3350 and 3351 of 2015 by the learned 18th Metropolitan Magistrate, Saidapet.

2.The learned counsel for the petitioner submitted that the petitioner was convicted by the XVIIIth Metropolitan Magistrate, Saidapet, Chennai for the offence under Section 379 of IPC and was sentenced to undergo rigorous imprisonment for a period of one year in each case in C.C.Nos.3350 and 3351 of 2015, by judgment dated 11.03.2019. Similarly, the petitioner was also convicted for an offence under Section 379 of IPC and was sentenced to undergo rigorous imprisonment for a period of one year in C.C.No.3349 of 2015, by judgment dated 11.03.2019.

3.The learned Counsel for the petitioner submitted that in all the 3 cases, the petitioner has pleaded guilty and he was convicted in all the three cases on the same day. The learned

Counsel submitted that the sentences imposed against the petitioner must run concurrently and an opportunity should be given to the petitioner to reform himself.

4.The learned Counsel for the petitioner relied upon the Judgment of this Court in CrI.O.P.No.1653 of 2019, dated 25.01.2019 (Mani vs. State Represented by The Sub Inspector of Police, Peerkankaranai Police Station, Chennai and another) and submitted that the facts of the present case is squarely covered by the Judgement of this Court.

5.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the petitioner is involved in similar offences repeatedly and therefore, the petitioner has to necessarily undergo the sentences imposed in each case and the sentences should not be directed to run concurrently.

6.Heard the learned Counsel appearing on either side and the materials available on record.

7.It will be useful to extract the judgment cited by the learned counsel for the petitioner in which it is held as follows:

"7.It is clear from the above judgment that this Court has jurisdiction to issue directions to order the sentences to run concurrently. Of course, in this Court has to take into consideration the gravity of the offences. In the instant case, it is seen that the petitioner was convicted by the Court below for a similar offence under Sections 457 and 380 IPC. In both the judgments, the conviction and sentence were imposed on the ground that the petitioner himself has pleaded guilty. Therefore, this Court is of the considered view that the petitioner must be given an opportunity to reform himself in his life. This Court does not find the offence committed by the petitioner to be grave in nature.

8.This Court therefore directs that the sentence imposed on the petitioner in C.C.No.48 of 2018, will have to be undergone by the petitioner and the latter sentence imposed in C.C.No.22 of 2018 shall run concurrently. In effect the sentence imposed in C.C.No.48 of 2018 will run concurrently with the imposed sentence in C.C.No.22 of 2018 and it will be enough the petitioner to undergo the sentence imposed in C.C.No.22 of 2018."

8.In the above judgment, this Court has elaborately discussed the case laws which governs this proposition and has held that the Court has jurisdiction under Section 482 of Cr.P.C., to issue directions to order the sentences to run concurrently.

9.In the facts and circumstances of the case, it is seen that the petitioner has been convicted for the same offence thrice, on the same day and in each case the petitioner has pleaded guilty. All these judgments passed against the petitioner are not on merits. This Court is of the considered view that the petitioner must be given a fair opportunity to reform himself in his life and become a part of the mainstream of the society.

10.This Court therefore directs that the sentence imposed on the petitioner in C.C.No.3349 of 2015, will have to be undergone by the petitioner and later sentences imposed in C.C.Nos.3350 and 3351 of 2015 shall run concurrently.

11.This Criminal Original Petition is ordered accordingly.

Sd/-

Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

jas/vs

To

1. The Inspector of Police,
El-Mylapore Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.C.C.Chellappan, Advocate, S.R.No.67170

CA(CO)
SSM(12/09/2019).

CrI.O.P.No.20887 of 2019