

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.42315 of 2018
Date of decision: 11th April, 2019

Rashid

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. A.S. Trikha, Advocate for the petitioner.
Mr. Ripudaman, Asstt. Advocate General, Haryana
for the respondents/State.

FATEH DEEP SINGH, J.

Petitioner Rashid has moved the present prayer by way of criminal miscellaneous application praying that his conviction in case got registered by way of FIR No.299 dated 14.08.2005 under Sections 304-B/498-A IPC decided on 27.07.2007 and in case FIR No.209/2004 under Sections 304-B/498-A IPC decided on 20.11.2006 be ordered to run concurrently by the aid of Section 427 Cr.P.C.

Heard Mr. A.S. Trikha, Advocate for the petitioner;
Mr. Ripudaman, Asstt. Advocate General, Haryana on behalf of the respondents/State and perused the records.

It is the own stand of the accused petitioner that he was tried in case bearing FIR No.209 of 2004 under Sections 304-B/498-A IPC pertaining to Police Station Kairana, District Shamli (Uttar Pradesh) and

sentenced to undergo rigorous imprisonment for ten years with fine vide judgment and order dated 20.11.2006 passed by the Court of learned Additional Sessions Judge, Kairana, District Shamli (Uttar Pradesh). Furthermore, it is also the stand of the petitioner that in another case bearing FIR No.299 dated 14.08.2005 under Sections 304-B/498-A IPC pertaining to Police Station Chandni Bagh, Panipat, District Panipat, he was convicted vide judgment and order dated 26.07.2007 by the Court of Additional District & Sessions Judge, Panipat to undergo rigorous imprisonment for a term of life with fine.

In the light of the stand of the State, these two cases pertain to two different States in respect of two entirely different criminal cases where trials were separately held and orders of sentence of conviction/imprisonment were passed on different dates in period of time. The submissions of Mr. Trikha on behalf of the petitioner are that by virtue of Section 427 Cr.P.C., this Court has ample powers with the aid of Section 482 Cr.P.C. for ordering concurrent running of both these sentences as the petitioner has already undergone more than 15 years and had maintained good conduct while undergoing his sentences.

Appreciating the submissions of the two sides, in the light of what has been detailed and discussed above and to prevent its repetition, in the light of the fact that these are two different trials in two different cases in two different States and at two different points of time, and therefore, in view of the ratios laid down in '**M.R. Kudva vs. State of**

Andhra Pradesh’ 2007(1) RCR (Criminal) 868 and ‘Sukumaran vs. State of Kerala’ 2008(2) RCR(Criminal) 359, this Court is of the view that such an application by the petitioner is not maintainable as this Court never exercised jurisdiction in the subsequent case pertaining to the State of Uttar Pradesh nor learned counsel for the petitioner could show to this Court how the provisions of Section 427 Cr.P.C. would be attracted to two separate and independent proceedings by this Court. Moreover, the question of sentences in these two cases was also never considered under the jurisdiction of this Court and thus, nullifies the claims of the petitioner by any means. Learned counsel for the petitioner could not convince this Court how there could have been concurrent running of sentences in such an eventuality. Rather to the mind of this Court, it appears that the present petition has come about mala fide for a motivated cause and has unnecessarily caused wastage of time and resources of the State, and therefore, needs to be dismissed with special costs of Rs.20,000/- which shall go to the High Court Legal Services Committee.

Ordered accordingly.

(FATEH DEEP SINGH)
JUDGE

April 11, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No