

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

CRM-M No.45527 of 2016 (O&M)
DATE OF DECISION : 19th AUGUST, 2019

Chhote Lal

.... Petitioner

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Kulbhushan Soi, Advocate for the petitioner.
Mr. K. S. Aulakh, Deputy Advocate General, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C. read with Section 427 Cr.P.C.; seeking direction that sentence awarded to the petitioner in different cases may be ordered to run concurrently

It is submitted by counsel for the petitioner that the petitioner has been convicted in multiple cases under Section 138 Negotiable Instruments Act. The appeals against all the judgments of conviction and order of sentence have also been dismissed. However, the courts below have not passed the orders for running the sentences concurrently. The petitioner has already undergone about one year of sentence. Hence, the sentences imposed upon the petitioner in all the separate cases should be ordered to run concurrent; so that the petitioner can come out of the custody and can live his normal life.

Reply has been filed by the complainant. In the reply the complainant has submitted that the present petition for making sentences imposed upon the petitioner in separate and distinct cases to run

concurrently, filed under Section 482 Cr.P.C., independently, is not even maintainable. Not even revision petitions have been filed by the petitioner against the orders of sentences. Reliance has been placed on the judgment of Full Bench of this court rendered in ***Jang Singh Versus State of Punjab, 2008(1) RCR (Criminal) 323***, to support his contention.

After hearing the counsel and perusing the record this court finds that it is not even asserted by the petitioner that he has filed any criminal revision petition; for challenging the order of sentence and conviction of the petitioner in multiple and separate cases. Therefore, it is obvious that so far as the orders of conviction and sentence of the petitioner in different cases, are concerned, the same have already attained the finality and are not subject to any challenge in any further proceedings before this court.

Accordingly this court finds substance in the case of the complainant that judicially final orders of sentences cannot be disturbed by exercising powers under Section 482 Cr.P.C, just to mitigate the rigour of law against a convict. This court finds the reliance of the complainant upon the judgment of Full Bench of this court rendered in ***Jang Singh (supra)*** to be justified.

In view of the above, finding no merits, the present petition is dismissed.

19th AUGUST, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>