

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49453-2017 (O&M)
Date of decision: 10.02.2020

Santu @ Paina

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. read with Section 31 (2) & 427 Cr.P.C. is to make the sentence of the petitioner run concurrently in FIR No.24 dated 28.02.2016 under Section 379-A IPC, Police Station GRP Rewari, District Rewari and FIR No.5 dated 08.01.2016 under Section 379-A IPC, Police Station GRP Rewari, District Rewari.

It is stated in the petition that the petitioner stands convicted for a period of 05 years R.I. with a fine of Rs.25,000/- under Section 379-A IPC, vide judgment of conviction dated 19.05.2016 and order of sentence dated 21.05.2016 in FIR No.5, by the Additional Sessions Judge, Bhiwani. Similarly, vide judgment of conviction and order of sentence of even date i.e. 22.07.2016, the petitioner was convicted and sentenced for a period of 05 years with a fine of Rs.25,000/- in FIR No.24.

It is further stated in the petition that the petitioner has already filed an appeal i.e. CRA-S-2072-SB-2016 against the judgment of conviction/order of sentence dated 19.05.2016/21.05.2016, which is pending before this Court and against the judgment of conviction and order of sentence of even date i.e. 22.07.2016, he has also filed an appeal i.e. CRA-S-2743-SB-2016 and the same is also pending before this Court.

Since the petitioner has already availed his remedy of filing an appeal before this Court, in view of judgment of the Hon'ble Supreme Court in **M.R. Kudva Vs. State of Andhra Pradesh, 2007 (1) RCR (Criminal) 868**, present petition is not maintainable, as the petitioner has alternative and efficacious remedy of filing similar application in the aforesaid appeals.

In view of the above, this petition is dismissed.

Liberty is granted to the petitioner to move appropriate application in the aforesaid appeals.

[ARVIND SINGH SANGWAN]
JUDGE

10.02.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No