

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 151 of 2020

1. Sureshwar Ram, S/o Manijar Ram, Aged About 20 Years, Resident Of Village Gaibuda, Police-Station-Bagicha, District-Jashpur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Magistrate Police-Station-Bagicha, District-Jashpur, Chhattisgarh.

---- Respondent

CRR No. 398 of 2020

1. Sureshwar Ram, S/o Manijar Ram, Aged About 20 Years R/o Gaibuda, P.S. Bagicha, District-Jashpur, Chhattisgarh.

---- Applicant

2. Versus

1. State of Chhattisgarh Through The District Magistrate, District-Jashpur Chhattisgarh.

---- Respondent

<u>For Applicant</u>	:Mr. Ranjana Jaiswal & Mr. Anukul Biswas, Advocates.
<u>For Respondent/State</u>	:Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

25/03/2021

1. Both the revision petitions have been brought challenging the legality, propriety and correctness of the impugned judgment of conviction upheld by the appellate Court.
2. In CRR No.151/2020 the applicant was charge-sheeted and tried for offence punishable under Section 379 IPC. Vide judgment dated 26.11.2019 passed in Criminal Case No.147/2019 the trial Court convicted the applicant under Section 379 IPC and

sentenced him to undergo R.I. for two years and to pay fine of Rs.500/-. Criminal appeal No.34/2019 preferred against the said judgment of conviction has also been dismissed by the judgment dated 10.2.2020 which is the order under challenge.

3. It is submitted by the counsels for applicant in both the cases that the applicant was granted bail after suspension of sentence, but as he was not in a position to furnish surety, therefore, he could not be released on bail. Applicant is in jail since 4.4.2019 and his jail sentence of two years is nearing completion. As there is no specific order that the jail sentences in both the cases shall run concurrently, therefore, there is likelihood that after the completion of jail sentence in one case, the applicant will have to serve imprisonment imposed on him in another case. Hence, an order be passed directing that the sentences imposed on the applicant in both the cases shall run concurrently. Counsels for applicant do not want to make submissions on merit.
4. Learned State counsel opposes the submissions made and submits that looking to two cases of similar nature against this applicant in which he had been convicted, he is not entitled for such relief from this Court, hence, both the revision petitions be dismissed.
5. I have heard both the parties and perused the documents on record.
6. After consideration on merits both the revision petitions are dismissed. Other prayer of applicant is taken into consideration. Under Section 427 CrPC it is provided that when a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment, without there being any order for concurrent running of sentence, the sentence of both the cases shall run consecutively, unless the Court directs that the subsequent sentence shall run concurrently with the sentence in previous case. Hence, this provision provides that the Court can pass such order directing that the sentence in subsequent case shall run concurrently with the sentence of imprisonment imposed against the accused in earlier case.
7. The conviction of the applicant in CRR No.151/2020 is the

conviction in earlier case which was registered as Criminal Case No.147/2019 and the conviction against the applicant in CRR No.398/2020 is subsequent one which was registered as Criminal Case No.159/2019. In both the cases the applicant has been arrested on 4.4.2019, hence, looking to these facts present, it is found that the circumstances are present for passing the order under Section 427 CrPC. Hence, after due consideration, the prayer made by the applicant on behalf of applicant in both the cases is allowed. It is ordered that the jail sentence imposed upon the applicant in subsequent case No.159/2019 shall run concurrently with jail sentence imposed upon the applicant in case No.147/2019.

8. Accordingly, both the petitions stand disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha