



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.5518 of 2017

M.M.Hakim

...Petitioner

Vs.

State rep. by  
The Superintendent,  
Central Prison,  
Puzhal 1,  
Chennai.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to set off the imprisonment period from 27.04.1998 to 12.10.2000 already undergone by the petitioner in S.C.No.240/2003, dated 06.04.2005 by Principal Sessions Judge, Nagapattinam.

For Petitioner .. Dr.S.Manoharan

For Respondent .. Mr.E.Raj Thilak  
Government Advocate (Criminal Side)

ORDER

This petition has been filed seeking direction against the respondent/the Superintendent, Central Prison, Puzhal 1, Chennai to set off the imprisonment period from 27.04.1998 to 12.10.2000 already undergone by the petitioner in S.C.No.240 of 2005, who had been convicted by the judgment, dated 06.04.2005 by the Principal Sessions Judge, Nagapattinam.

2. It is stated by the prosecution that the petitioner is a life convict prisoner in Puzhal Central Prison. He had been convicted after trial in S.C.No.240 of 2005 on 07.04.2005 by the Principal Sessions Judge, Nagapattinam. He had been sentenced to undergo life imprisonment for offence under Section 302 r/w 109 of I.P.C, rigorous imprisonment for five years for the offence under Section 449 of I.P.C, rigorous imprisonment for three years for the offence under Section 307 r/w 149 of I.P.C and rigorous imprisonment for six months for the offence under Section 324 of I.P.C.



3. It is also stated that conviction and the sentence have been confirmed by the High Court of Madras in C.A.No.359 of 2005, dated 23.07.2008. The Hon'ble Supreme Court of India had dismissed the appeal in C.A.No.567 of 2012 by judgment, dated 06.08.2014. It has also been stated that he had been arrested on 26.10.1996 and released on 27.05.1997. He had again rearrested on 13.10.2000 and convicted on 07.04.2005. It had been stated that period under remand had been set off namely the total period of 1851 days had been set off and necessary endorsement had also been made in the warrant issued by the learned Principal Sessions Judge, Nagapattinam.

4. Recording said statement, the petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

grs/kbs

To

1. The Principal Sessions Judge,  
Nagapattinam.
2. The Superintendent,  
Central Prison,  
Puzhal 1,  
Chennai.
3. The Public Prosecutor,  
High Court, Madras - 104.

+1cc to Dr.S.Manoharan, Advocate, S.R.No.46098

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BS[co]  
NSK 29/09/2021