



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.19513 of 2021

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... Petitioner

Vs

1.The Superintendent,
Central Prison,
Trichy.

2.The State,
Rep. by Inspector of Police,
Aavudaiyarkoil Police Station,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the first respondent to execute the sentence imposed in C.C.No.270 of 2013 dated 04.02.2021 on the file of the learned Judicial Magistrate, Aranthangi and the sentence imposed in C.C.No.286 of 2014 dated 21.12.2020 to run concurrently.

For Petitioner : Mr.D.Rameshkumar
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advcoate (Crl.)

ORDER

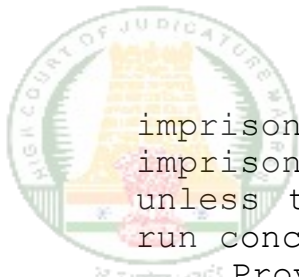
Heard the learned counsel for the petitioner and the learned Government Advocate(crl.) for the respondents.

2. The petitioner has been found guilty and sentenced to three years imprisonment in C.C.No.270 of 2013 and C.C.No.286 of 2014 on the file of the Judicial Magistrate, Aranthangi. The Judgment in C.C.No.270 of 2013 was rendered on 04.02.2021. The Judgment in C.C.No.286 of 2014 was rendered on 21.12.2020.

3. The learned counsel for the petitioner states that this Court may give a direction so that the sentences imposed in these two cases can run concurrently. The petitioner's counsel invokes Section 427 of Cr.P.C., in this regard. Section 427 of Cr.P.C., is as follows:-

427. Sentence on offender already sentenced for another offence.

(1) When a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment or imprisonment for life, such imprisonment or



imprisonment for life shall commence at the expiration of the imprisonment to which he has been previously sentenced, unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence:

Provided that where a person who has been sentenced to imprisonment by an order under section 122 in default of furnishing security is, whilst undergoing such sentence, sentenced to imprisonment for an offence committed prior to the making of such order, the latter sentence shall commence immediately.

4. In this case, the sentencing Court has not given any specific direction that the subsequent sentence shall run concurrently with a previous sentence. Therefore, the subsequent sentence will commence only at the expiration of the previous sentence.

5. In normal circumstances, I would have been inclined to exercise my discretion in favour of the petitioner. However, I wanted to know the background of the petitioner.

6. In C.C.No.286 of 2014, the charge is that the petitioner along with the other accused waylaid one Muthukannu and pushed her down and also snatched her golden earrings which she was wearing. In the process, Muthukannu's ears suffered torn injuries. In C.C.No.270 of 2013, the petitioner along with one accused by name Raja attacked one Kamalam who was bathing in the village tank and snatched her earrings, nose studs and her thirumangalyam. The witness Kamalam showed her torn ears to the Court also. The manner in which the petitioner had committed the crimes is quite gruesome. The petitioner is said to be facing a case for murder also.

7. It was probably considering the bad antecedents of the petitioner, the court below declined to pass a specific direction that the subsequent sentence will also run concurrently with a previous sentence. When the trial Court had not issued any specific direction under Section 427 of Cr.P.C, I do not deem it fit and appropriate to give a direction as sought for in this petition.

8. This Criminal Original Petition stands dismissed.

Sd/-

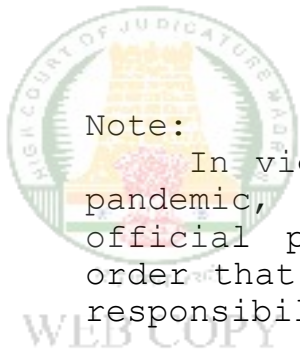
Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate,Aranthangi.
- 2.The Superintendent,
Central Prison,
Trichy.
- 3.The Inspector of Police,
Aavudaiyarkoil Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MGJ(22.12.2021) 3P 5C