



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P. (MD) No.8073 of 2022

K.Kanniyammal

... Petitioner

Vs

1.The Superintendent of Prison,
Vellore Central Prison,
Vellore District.

2.The Inspector of Police,
Boilore Plant Police Station,
Trichy District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the 1st respondent to set off the period of imprisonment from 31.07.2021 to 12.12.2021 to the Convict, Mr.Karthi, S/o.Tamilveeran (CT.No.3873) presently confined in the 1st respondent prison in pursuant to the petitioner representation dated 11.10.2021 in Crl A(MD).No.96 of 16 dated 21.02.2020 against S.C.No.51 of 2012 dated 19.06.2015.

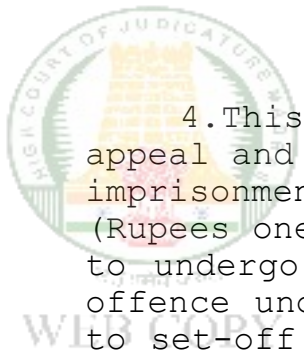
For Petitioner :Mr.P.Muthamizh Selvakumar
For Respondents :Mr.R.Suresh Kumar
Government Advocate (Crl.Side)

ORDER

Seeking a direction to the 1st respondent to set-off the period of imprisonment from 31.07.2021 to 12.12.2021, which was already undergone by the petitioner's brother, namely, Mr.Karthi, this Criminal Original Petition has been filed.

2.The learned counsel appearing for the petitioner submits that based upon the complaint given by one S.Nagarajan, a case in Crime No.61 of 2011 has been registered as against the petitioner's brother/A2 and other named accused by the 2nd respondent police and the same has been taken cognizance in SC.No.51 of 2012 by the the learned Additional District and Sessions Judge, Trichirappalli.

3.After trial, the trial Court acquitted the accused on the ground that the charges framed against them were not proved beyond reasonable doubt, vide judgment dated 08.07.2015 and challenging the same, the State has preferred an appeal in Crl.A.(MD) No.96 of 2018 before this Court.



4.This Court, by its judgment dated 21.12.2019, allowed the appeal and sentenced the petitioner's brother/A2 to undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.1,000/- (Rupees one Thousand only) and in default of payment of fine amount, to undergo rigorous imprisonment for a period of 3 months for the offence under Section 404 of IPC and directed the respondent police to set-off the period of imprisonment already undergone by A2 under Section 482 of the Code of Criminal Procedure. However, the respondent police has failed to comply with the same and therefore, the petitioner has submitted a representation dated 11.10.2021 before the 1st respondent to set-off the period of imprisonment from 31.07.2011 to 12.12.2011 ie., nearly 135 days already undergone by A2. However, no steps have been taken so far. Hence, the petitioner has filed the present Criminal Original Petition.

5.The learned Government Advocate (Crl.side) appearing for the respondents submits that the petitioner's brother was in prison during investigation from 31.07.2011 to 12.12.2011 and he is also entitled to set-off the period of imprisonment that was undergone by A2 already in the total period of imprisonment, as per the directions of this Court.

6.Heard the learned counsel on either side and perused the records.

7.Admittedly, the petitioner's brother was in judicial custody during investigation and trial for the period from 31.07.2011 to 12.12.2011 and already this Court, vide its order dated 24.02.2022, set-off the period of imprisonment that was already undergone by A2. Accordingly, I hereby direct the 1st respondent to consider the petitioner's representation dated 11.10.2021 and pass suitable orders on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order.

8.With the aforesaid directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

09/06/2022

Sub Assistant Registrar (CS-II)

mm

To

1.The Additional District and Sessions Judge,
Tiruchirappalli.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Superintendent of Prison,
Vellore Central Prison,
Vellore District.

3.The Inspector of Police,
Boilore Plant Police Station,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.MUTHAMIZH SELVAKUMAR, Advocate (SR-24796[F]
dated 09/06/2022)

CrI.O.P. (MD) No.8073 of 2022
08.06.2022

AM(CO)

GC(09.06.2022) 3P 6C