



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.7949 of 2021

Bala @ Balasubramanian ... Petitioner

Vs.

1.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

2.State rep. by
The Inspector of Police,
Thalamuthu Nagar Police Station,
Tuticorin District.
(Crime Nos.88 and 104 of 2001) ... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the sentences imposed on the petitioner in S.C.Nos.288 and 304 of 2002 on the file of Additional Sessions Judge Cum Chief Judicial Magistrate, Thoothukudi dated 28.03.2003 to run concurrently.

For Petitioner : Mr.K.Esakki
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

2.The petitioner has suffered conviction and life sentence in S.C.Nos.288 and 304 of 2002 on the file of Additional Sessions Judge Cum Chief Judicial Magistrate, Thoothukudi. He wants this Court to direct that both the sentences should run concurrently. It is brought to my notice that when the co-accused (A1 to A3) filed CrI.A.(MD)Nos.860 and 1365 of 2003 before the Hon'ble Division Bench, the Hon'ble Division Bench vide order dated 06.09.2006 had directed that the sentences imposed in the two session cases shall run concurrently. The petitioner is a co-accused and therefore, he cannot be denied the said relief. Invoking the power under Section 427(2) of CrPC, it is directed that the sentences imposed on the



petitioner in S.C.Nos.288 and 304 of 2002 on the file of Additional Sessions Judge Cum Chief Judicial Magistrate, Thoothukudi shall run concurrently.

3.This criminal original petition is allowed accordingly.

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Sd/-

Assistant Registrar (T&P)

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/ /2022

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 Additional Sessions Judge cum
Chief Judicial Magistrate,
Thoothukudi.
- 2.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 3.The Inspector of Police,
Thalamuthu Nagar Police Station,
Tuticorin District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.ESAKKI, Advocate (SR-3609[F] dated 02/02/2022)

Crl.O.P(MD)No.7949 of 2021
31.01.2022

SVN(CO)

GC(23.02.2022) 2P 6C

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