

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.415 OF 2023

Jivan @ Devendra Natthu Chalase ... **PETITIONER**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. Nitin Bhavar, Advocate for petitioner
Mr. A.R. Kale, A.P.P. for State
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 29th NOVEMBER, 2023

ORDER :

Heard. This petition has been filed with the following
prayer :

“(B) The substantive sentences of life imprisonment imposed on the petitioner vide judgment and order dated 8/12/2011 passed by the Additional Sessions Judge at Dhule in Sessions Case No.118/2010 and the judgment and order dated 4/10/2014 passed by the Additional Sessions Judge at Bhusawal in Sessions Case No.69/2014 may please be directed to run concurrently.”

2. The petitioner has been convicted for the offence punishable under Section 302 of the Indian Penal Code by the trial Court (Additional Sessions Judge, Dhule) vide judgment and order

dated 8/12/2011 in Sessions Case No.118/2010; and while he was undergoing life sentence, he again committed an offence of murder while he was on furlough/ parole leave and, therefore, sentenced to suffer life imprisonment vide judgment and order dated 4/10/2014, passed by learned Additional Sessions Judge, Bhusawal in Sessions Case No.69/2014.

3. Section 427(2) of the Code of Criminal Procedure reads thus :

“When a person is already undergoing a sentence of imprisonment for life is sentenced on a subsequent conviction to imprisonment for a term or imprisonment for life, the subsequent sentence shall run concurrently with such previous sentence.”

4. In view of the aforesaid provision, the petition stands allowed in terms of prayer clause (B).

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-