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CrI.O.P.No.8096 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.8096 of 2023

Saravanan

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
C-1, Kaatur Station,
Coimbatore.

2.The Inspector of Police,
C-4, Rathinapuri Police Station,
Coimbatore.

3.The Superintendent of Police,
Central Prison,
Coimbatore.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the petitioner to undergo sentences in concurrent manner relating to the punishment imposed as against the petitioner made in C.C.No.271 of 2016 dated 20.08.2019, C.C.No.272 of 2016 dated 20.08.2019, C.C.No.289 of 2016 dated 20.08.2019, C.C.No.291 of 2016 dated 29.08.2019, C.C.No.292 of 2016 dated 29.08.2019, C.C.No.290 of



Crl.O.P.No.8096 of 2023

2016 dated 06.09.2019 and C.C.No.51 of 2017 dated 06.09.2019 on the file of the learned Judicial Magistrate No.II, Coimbatore.

For Petitioner : Mr.R.Vivekananthan

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioner has been convicted and sentenced to imprisonment in seven cases by the Judgments of the learned Judicial Magistrate No.II, Coimbatore in the following manner:

<i>S.No.</i>	<i>Case No.</i>	<i>Date of Judgment</i>
1.	C.C.No.271 of 2016	20.08.2019
2.	C.C.No.272 of 2016	20.08.2019
3.	C.C.No.289 of 2016	20.08.2019
4.	C.C.No.291 of 2016	29.08.2019
5.	C.C.No.292 of 2016	29.08.2019
6.	C.C.No.290 of 2016	06.09.2019
7.	C.C.No.51 of 2016	06.09.2019

In the first three cases where Judgment was rendered on 20.08.2019, the learned Magistrate had directed that the sentences shall run concurrently.



Crl.O.P.No.8096 of 2023

2. However, in the four cases shown as case nos.4 to 7 in the column above, there was no direction for the sentences to run concurrently with the sentence imposed in the earlier cases.

3. This Court had passed an order, in Crl.O.P.No.23379 of 2021 dated 08.03.2022, on the petition filed by the co-accused in the case who had been convicted in all the above cases and directed that the sentences imposed on him to run concurrently. This Court had relied upon an earlier Judgment of this Court reported in ***2018-2-LW(Crl)773 in the case of Selvakumar Vs. The Inspector of Police, Seidhunganallur Police Station and Others.***

4. In view of the settled position of law and the scope of Section 427 of Cr.P.C., there shall be a direction that the sentences imposed on the petitioner by the learned Judicial Magistrate No.II, Coimbatore in C.C.No.271 of 2016 dated 20.08.2019, C.C.No.272 of 2016 dated 20.08.2019 C.C.No.289 of 2016 dated 20.08.2019, C.C.No.291 of 2016 dated 29.08.2019 C.C.No.292 of 2016 dated 29.08.2019 C.C.No.290 of 2016 dated 06.09.2019 C.C.No.51 of 2017 dated 06.09.2019 shall run concurrently.



Crl.O.P.No.8096 of 2023

WEB COPY

5. Accordingly, the Criminal Original Petition stands allowed.

12.04.2023

Index :Yes/No

Internet:Yes/No

Neutral Citation Case: Yes/No

ab



Crl.O.P.No.8096 of 2023

WEB COPY

To

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- 3.The Superintendent of Police,
Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8096 of 2023

SUNDER MOHAN, J.

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Crl.O.P.No.8096 of 2023

12.04.2023