



Crl.OP.No.32327 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32327 of 2022

Sathish Kumar

... Petitioner

Vs.

The State represented by its:

1.The Superintendent of Prison,
Central Prison,
Coimbatore 641 018.

2.The Inspector of Police,
Sivagiri Police Station,
Sivagiri, Erode District.
Crime No.279 of 2012

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to set off the imprisonment period from 10.06.2014 to 08.06.2016 already undergone by the petitioner in S.C.No.78 of 2014 in Crime No.279 of 2012 on the file of the learned Additional Sessions, Magalir Neethi Mandram (Fast Track Mahila Court) Erode, Erode District .

For Petitioner

: Mr.S.Manoharan

For Respondents

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the respondents to set off the imprisonment period from 10.06.2014 to 08.06.2016 already undergone by the petitioner in S.C.No.78 of 2014 in Crime No.279 of 2012 on the file of the learned Additional Sessions, Magalir Neethi Mandram (Fast Track Mahila Court) Erode, Erode District .

2. It is seen from the judgment passed in S.C.No.78 of 2014 that the petitioner is the first accused in this case. The petitioner was convicted for the offence under Sections 120(B) read with Section 302 of IPC, to undergo life imprisonment with fine Rs.10,000/- in default of payment of fine, to undergo further period of 2 years of simple imprisonment and for the offence under Section 120(B) read with Section 392 of IPC, to undergo 10 years of rigorous imprisonment with fine Rs.10,000/- in default of payment of fine, to undergo further period of 2 years of simple imprisonment and for the offence under Section 364 of IPC, to undergo life imprisonment with fine Rs.10,000/- in default of payment of fine, to undergo further period of 2 years of simple



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imprisonment and for the offence under Section 302 read with 34 of IPC, to undergo life imprisonment with fine Rs.10,000/- in default of payment of fine, to undergo further period of 2 years of simple imprisonment and for the offence under Section 392 of IPC, to undergo 10 years of rigorous imprisonment with fine Rs.10,000/- in default of payment, to undergo further period of 2 years of simple imprisonment and for the offence under Section 201(part-1) of IPC, to undergo 7 years of rigorous imprisonment with fine Rs.10,000/- in default of payment of fine, to undergo further period of 2 years of simple imprisonment. There is a specific order in judgment of the learned Judge that the period of detention already undergone by the accused is to be set off under Section 428 of Cr.P.C.

3. Therefore, it is not necessary to give any specific directions in this regard. If the petitioner had really undergone imprisonment from 10.06.2014 to 08.06.2016 in S.C.No.78 of 2014, he is certainly entitled for set off under Section 428 of Cr.P.C..



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G.CHANDRASEKHARAN,J.

shk

4. Accordingly, this Criminal Original Petition is disposed of.

03.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

shk

To

- 1.The Superintendent of Police,
Central Prison,
Coimbatore - 641 018.
2. The Inspector of Police,
Sivagiri Police Station,
Sivagiri, Erode District.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.

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