

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-23423-2019
Date of Decision: 24.07.2023

Lalit Lal Chandani and another

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Harvinder Singh, Advocate, for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Ravish Bansal, Advocate, for respondent Nos.2 to 13 & 16.

Mr.H.S. Sidhu, Advocate, for respondent Nos.14 & 17 (ii).

Mr. Nakul Sharma, Advocate, for respondent No.18.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 to be read with Section 427 Code of Criminal Procedure, 1973 [for short 'the Cr.P.C.'], petitioners pray that substantive sentences awarded to them in as many as 28 different cases be directed to run concurrently.

2. Initially said concurrency of sentence was sought in 38 cases. During pendency of the petition, some more cases were added and some were deleted. As of now, relief is sought to order concurrency of sentences in 28 cases as detailed in Annexure C1 (6 pages), forming part of this judgment.

3. It is contended by the petitioners that FIR No.208 of 2014 was registered at Police Station Civil Lines, Bathinda against petitioners and others, in which conviction has been recorded and the appeal has been dismissed despite the fact that petitioners did not have any dishonest intention to cheat their business partners. In fact, as per the memorandum of understanding, the business partners had invested the money and payments were to be made as per schedule. However, after lodging of the FIR, business of the company was shut down due to heavy losses. The complainant and other witnesses also filed various complaints under Section 138 of the Negotiable Instruments Act, 1881 [for short 'the Act'] on the same sets of facts, in which the petitioners have been convicted and the complainants have been awarded compensation.

4. Petitioners contend that they are in custody ever since their time of arrest on 16.12.2014 in FIR No.208 of 2014 and it is due to their bad financial condition and circumstances beyond their control that cheques bounced and they have been convicted in 26 cases filed under Negotiable Instrument Act besides in two FIR cases. Both of them are highly educated and their old age parents/wife/children are dependent upon them. After giving details of all the convictions and sentences, it is contended that total length of sentence for petitioner No.1 would be around 61.5 years and for petitioner No.2, it will be 59.5 years. It is urged that facts of all the cases are of similar nature and that all the cases have arisen out of the same business. Still further, it is contended that legislature intended to provide maximum punishment to an accused convicted of an offence under Section 138 of the Act as two years apart from the compensation to the complainant to the extent of twice the

cheque amount. It is argued that for conviction recorded in different cases arising out of the same business, different sentences given in different cases cannot be made to run consecutively, as it will be against the legislative intention. By referring to Section 427(2) Cr.PC., learned counsel for the petitioners contend that even the life convict has been held entitled to the benefit of subsequent sentence being run concurrently, be it life term or any other lesser term and, therefore, different yardstick cannot be applied for those persons, who have been sentenced of lesser duration than the life unless there are compelling reasons to do so. It is urged that in the present case there is no such compelling reason to order to run the sentences in 28 cases as consecutively.

5. With all the aforesaid submissions, the prayer is made to direct sentences in all the 28 cases to run concurrently. To fortify his submissions, learned counsel for the petitioners has referred to the following judgments:

- (i) *State of Punjab Vs. Madan Lal*, 2009(2) RCR (Criminal) 602 (Supreme Court of India)
- (ii) *V.K. Bansal Vs. State of Haryana*, 2013(3) RCR (Criminal) 983 (Supreme Court of India)
- (iii) *Arjan Ram Vs. State of Rajasthan*, 2016(2) Crl LR (Raj) 346 (Rajasthan High Court)
- (iv) *Rajender Vs. State of Rajasthan*, 2017(2) Crl LR (Raj) 561 (Rajasthan High Court)
- (v) *Laxmi Narayan Vs. State of Rajasthan*, 2017(3) Crl LR 1167 (Rajasthan High Court)

- (vi) *Dhiraj Singh Vs. State, through the Secretary, Department of Home and others, 2021(3) RLW 1601 (Rajasthan High Court)*
- (vii) *Sameer Ahmad and others Vs. State of Haryana, 2010(2) RCR (Criminal) 612 (Punjab and Haryana High Court)*
- (viii) *Anil Kumar Vs. State of Punjab, 2017(1) RCR (Criminal) 691 (Supreme Court of India)*

6. Although, learned counsel for respondent No.14 and 17 did not oppose the prayer of the petitioners, but learned State counsel appearing for respondent No.1 as well as learned counsel appearing for respondents No.2 to 13 & 16 strongly opposed the prayer.

7. It is contended by learned counsel for the contesting respondents that in fact present petition filed under Section 482 Cr.P.C. for concurrency of sentences awarded in different trials, is not even maintainable because in most of the cases, the appeals were not preferred by the petitioners and in some cases, wherein the appeals were filed, the same were dismissed, with no revision petition before this Court. It is urged that since the judgments of conviction and order of sentences have attained finality maximum at the stage of appellate Court, therefore, petitioners cannot be allowed to invoke the extraordinary jurisdiction of this Court under Section 482 Cr.P.C. to seek concurrency of the sentences.

8. With these submissions, prayer is made for dismissal of the petition. In support of his submissions, learned counsel for the respondents has referred to the following judgments:

- (i) *M.R. Kudva Vs. State of Andhra Pradesh, 2007(1) RCR (Criminal) 868 [Supreme Court of India]*

- (ii) *Jang Singh Vs. State of Punjab, 2008(1) RCR (Criminal) 323 [Punjab and Haryana High Court]*
- (iii) *State of Punjab Vs. Ranjit Kaur, 2020(1) RCR (Criminal) 108 [Supreme Court of India]*
- (iv) *Prem Chand Vs. State of Haryana and another, 2008(2) CrI. CC 312 [Punjab and Haryana High Court]*
- (v) *Amar Singh Vs. State of Punjab and others [Punjab and Haryana High Court]*
- (vi) *Darshan Singh Vs. Gurparkar Singh and another, 2014(32) RCR (Criminal) 342 [Punjab and Haryana High Court]*
- (vii) *Ravinder Mohan Luthra Vs. State of Punjab and another, 2015(35) RCR (Criminal) 195 [Punjab and Haryana High Court]*
- (viii) *Prince Garg and another Vs. State of Haryana and another, 2020(4) RCR (Criminal) 49 [Punjab and Haryana High Court]*
- (ix) *M/s Piyush Infrastructure Pvt. Ltd. and another Vs. Shyam Lal, 2021(1) RCR (Criminal) 379 [Punjab and Haryana High Court]*
- (x) *Nagpal Traders Vs. Davinder Singh, 2014(4) RCR (Criminal) 96 [Supreme Court of India]*
- (xi) *Vishwanath Jha Vs. State of Haryana and another, 2018(4) RCR (Criminal) 39 [Punjab and Haryana High Court]*

9. Rebutting the aforesaid submissions, it is argued by learned counsel for the petitioners that neither the judgment passed in the case of **M.R.**

Kudva's (Supra) nor the Full Bench judgment of this Court in the case of **Jang Singh's** (Supra) are applicable to the case because in the case of **M.R. Kudva** (Supra), the separate application had been filed before the High Court after Special Leave Petition had been dismissed; whereas in the present case, no such petition has been dismissed either by the High Court or by the Hon'ble Supreme Court. For the same reason, **Jang Singh's** case (Supra) is not applicable because it had followed **M.R. Kudva's** case (Supra). With these submissions, learned counsel for the petitioners has reiterated his prayer for concurrency of sentences in all the cases.

10. I have considered submissions of both the sides and have appraised the record carefully.

11. Since the issue relating to very maintainability of this petition has been seriously contested, so it is firstly required to be dealt with.

12. Section 427 Cr.P.C. reads as under: -

“427. Sentence on offender already sentenced for another offence. - (1) When a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment or imprisonment for life, such imprisonment or imprisonment for life shall commence at the expiration of the imprisonment to which he has been previously sentenced, unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence:

Provided that where a person who has been sentenced to imprisonment by an order under section 122 in default of furnishing security is, whilst undergoing such sentence, sentenced to imprisonment for an offence committed prior to the making of such order, the latter sentence shall commence immediately.

(2) When a person 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”

13. A bare perusal of the above said provision would reveal that the general principle is that sentence should take effect immediately on conviction and the same cannot be postponed.

14. Section 427(1) Cr.P.C. provides about a situation when a person already undergoing a sentence of imprisonment (for a fixed term) is sentenced on subsequent conviction to imprisonment (for a fixed term) or life imprisonment. On the other hand, Section 427(2) Cr.P.C. deals with a situation when a person, who is undergoing a sentence for imprisonment of life, is subsequently sentenced either for imprisonment for a fixed term or for life imprisonment.

15. In the first situation, as a normal rule, the sentence on the subsequent conviction shall run consecutively unless directed by the Court otherwise; whereas in the second situation, the subsequent sentence shall run concurrently with the previous sentence. The reason for this distinction is that in the first situation, the sentence on first conviction being for a fixed term i.e., known to the convict, so the sentence of the subsequent conviction can start running from a fixed date expiring on the completion of the first sentence. On the other hand, in the second situation, the sentence in the first conviction being life term, which is understood to mean as a sentence to serve the remainder of life unless commuted or re-remitted by the appropriate authority and a person having only one life span, therefore, the sentence of the subsequent conviction of imprisonment of a fixed term or that of the life imprisonment can only be super imposed on the earlier life sentence and cannot be added to it because extending the life span of an offender is beyond human right.

16. This position of law has been clearly explained by Hon'ble Supreme Court in ***Ranjit Singh Vs. Union Territory of Chandigarh and another 1991(3) RCR (Criminal) 470***, wherein after making detailed reference to Sub Sections (1) and (2) of Section 427 Cr.P.C., it was held as under: -

*“Sub-section (1) of Section 427 Cr. PC provides for the situation when a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment or life imprisonment. In other words, Sub-section (1) of Section 427 Cr.PC deals with an offender who while undergoing sentence for a fixed term is subsequently convicted to imprisonment for a fixed term or for life. In such a situation, the first sentence, being for a fixed term, expires on a definite date which is known when the subsequent conviction is made. Sub-section (1) says that in such a situation, the date of expiry of the first sentence which the offender is undergoing being known, ordinarily the subsequent sentence would commence at the expiration of the first term of imprisonment unless the Court directs the subsequent sentence to run concurrently with the previous sentence. Obviously, in cases covered by Sub-section (1) where the sentence is for a fixed term, the subsequent sentence can be consecutive unless directed to run concurrently. Sub-section (2), on the other hand, provides for an offender "already undergoing sentence of imprisonment for life" who is sentenced on a subsequent conviction to imprisonment for a term or for life. It is well-settled since the decision of this Court in **Gopal Vinayaka Godse** and reiterated in **Maru Ram** that imprisonment for life is a sentence for the remainder of the life of the offender unless the remaining sentence is commuted or remitted by the appropriate authority. This being so at the stage of sentencing by the Court on a subsequent conviction, the earlier sentence of imprisonment for life must be understood in this manner and, therefore, there can be no question of a subsequent sentence of imprisonment for a term or for life running consecutively which is the general rule laid down in Sub-section (1) of Section 427. As rightly contended by Shri Garg, and not disputed by Shri Lalit, the earlier sentence of imprisonment for life being understood to mean as*

sentence to serve the remainder of life in prison unless commuted or remitted by the appropriate authority and a person having only one life span, the sentence on a subsequent conviction of imprisonment for a term or imprisonment for life can only be superimposed to the earlier life sentence and certainly not added to it since extending the life span of the offender or for that matter anyone is beyond human might. It is this obvious situation which is stated in Sub-section (2) of Section 427 since the general rule enunciated in Sub-section (1) thereof is that without the Court's direction the subsequent sentence will not run concurrently, but consecutively. The only situation in which no direction of the Court is needed to make the subsequent sentence run concurrently with the previous sentence is provided for in Sub-section (2) which has been enacted to avoid any possible controversy based on Sub-section (1) if there be no express direction of the Court to that effect. Sub-section (2) is in the nature of an exception to the general rule enacted in Sub-section (1) of Section 427 that a sentence on subsequent conviction commences on expiry of the first sentence unless the Court directs it to run concurrently. The meaning and purpose of Sub-sections (1) & (2) of Section 427 and the object of enacting Sub-section (2) is, therefore, clear."

17. The enunciation of the legal position as above answers the contention of Ld. counsel for the petitioners that a life convict is entitled to the benefit of subsequent sentence being run concurrently but the said yardstick cannot be applied to those persons, who have been awarded sentence of lesser duration than life, unless Court directs otherwise. As such, no benefit to the petitioners can be given of the provision of Section 427(2) Cr.P.C. as none of the previous conviction of the petitioners has resulted in the sentence of life imprisonment.

18. Proceeding further, petitioner is praying for concurrency of sentence in 28 cases, out of which conviction has been recorded and sentence awarded in 26 complaint cases filed under Section 138 of the Act; whereas

conviction in 2 cases have been recorded in State cases arising out of 2 different FIRs. It is the admitted position that out of 26 criminal complaint cases filed under Section 138 of the Act in which conviction was recorded, petitioners did not file any appeal in 17 cases as mentioned at Sr. No.1 to 10, 20 to 23 and 25 to 27 of the table Annexure C1; whereas appeals filed in 9 cases (Sr. No.11 to 19 of the table Annexure C1) have been dismissed by the Court of learned Additional Sessions Judge. It is also the admitted position that in these 9 cases, in which conviction has been upheld by the Additional Sessions Judge, no revision before this court has been preferred by any of the petitioners.

19. In one of the State cases arising out of FIR No.208 of 2014 (mentioned at Sr. No.24 of the table Annexure C1), appeals were filed by both the petitioners, but the same were dismissed by the Court of learned Additional Sessions Judge. Criminal Revision No.423 of 2019 against that judgment is stated to be pending before this Court. As far as other State case arising out of FIR No.299 of 2017 (at Sr. No.28 of the table Annexure C1) is concerned, it is disclosed during arguments that appeal against that conviction is pending before the Court of Sessions.

20. Learned counsel for the petitioners was specifically asked as to whether petitioners wanted to move any application under Section 427(1) Cr.P.C. in the Criminal Revision No.423 of 2019 pending before this Court, arising out of FIR No.208 dated 2014 (mentioned at Sr. No.24 of table Annexure C1) or in the appeal stated to be pending before the Sessions Court in the case arising out of FIR No.299 of 2017 (as mentioned at Sr. No.28 of table Annexure C1), but learned counsel for the petitioners stated that petitioners do not want to move any such application before those Courts.

21. It is also the admitted position that present petition is an independent separate petition filed under Section 482 read with Section 427 Cr.P.C. seeking concurrency of the sentences and not in any pending matter before this High Court. So, the question is that whether this petition seeking the benefit of concurrency of sentence under Section 427(1) Cr.P.C. with the aid of Section 482 Cr.P.C. is maintainable?

22. This aspect was considered by Hon'ble Supreme Court in ***M.R. Kudva's*** case (Supra). In that case, conviction of the appellant was recorded in two cases in respect of two distinct and different offences. Separate appeals filed against those convictions were dismissed by the High Court. Special Leave Petitions filed against these, were dismissed by Hon'ble Supreme Court and it is only thereafter that an application under Section 482/427 Cr.P.C. was filed in the High Court praying for sentences imposed in the two cases to run concurrently. Said application was rejected by the High Court, against which order, appeal was preferred before Hon'ble Supreme Court.

23. In above cited ***M.R. Kudva's case***, appellant placed reliance on ***Mohd. Akhtar Hussain alias Ibrahim Ahmed Bhatti Vs. Assistant Collector of Customs (Prevention), Ahmedabad 1988(4) SCC 183***; and ***Ammavassi Vs. Inspector of Police, Valiyanur, AIR 2000 Supreme Court 3544***.

24. In ***Mohd. Akhtar's*** case (supra), it had been held by Hon'ble Supreme Court that basic rule of thumb over the years has been the so-called single transaction rule for concurrent sentences. If a given transaction constitutes two different offences under two enactments, generally it is wrong to have consecutive sentences and rather, it is proper and legitimate to have concurrent sentences. However, this rule has no application, if the transaction

relating to the offences is not the same or the facts constituting the two offences are quite different.

25. In *Ammavassi's* case (Supra), the appellants were convicted for four different cases and they claimed benefit of Section 427 Cr.P.C. in order to avoid undergoing imprisonment of total period of 28 or 35 years of jail. Hon'ble Supreme Court took the view that 14 years of rigorous imprisonment would meet the ends of justice. It is clear that though Hon'ble Supreme Court had applied provision of Section 427 Cr.P.C., but still made the sentences in two cases to run concurrently.

26. With the above background, Hon'ble Supreme Court in *M.R. Kudva's* case (Supra), while dismissing the appeal for concurrent sentence, held as under: -

“9. The said decisions, therefore, are not the authorities for the proposition that it is incumbent upon the court to direct in a case of this nature that both the sentences shall run concurrently and not consecutively.

10. However, in this case the provision of Section 427 of the Code was not invoked in the original cases or in the appeals. A separate application was filed before the High Court after the special leave petitions were dismissed. Such an application, in our opinion, was not maintainable. The High Court could not have exercised its inherent jurisdiction in a case of this nature as it had not exercised such jurisdiction while passing the judgments in appeal. Section 482 of the Code was, therefore, not an appropriate remedy having regard to the fact that neither the Trial Judge, nor the High Court while passing the judgments of conviction and sentence indicated that the sentences passed against the appellant in both the cases shall run concurrently or Section 427 would be attracted. The said provision, therefore, could not be applied in a separate and independent proceeding by the High Court. The appeal being devoid of any merit is dismissed.”

27. Thus, the view taken by Hon'ble Supreme Court in *M.R. Kudva's* case (supra) leave no scope of doubt with regard to the invoking of

inherent power of Section 482 Cr.P.C. in isolation to entertain application for making the sentences to run concurrently.

28. The contention of learned counsel for the petitioners to the effect that in *M.R. Kudva's* case (supra) before the Hon'ble Supreme Court, application under Section 427 Cr.P.C. was moved only after dismissal of the Special Leave Petition before Supreme Court, but in the present case neither any revision has been filed before the High Court nor before the Hon'ble Supreme Court and so, *M.R. Kudva's* case has no application, has absolutely no merit. Once it is found that judgments of convictions and order of sentences in different cases against the petitioners have attained finality, separate application under Section 427 Cr.P.C. cannot be moved subsequently by invoking Section 482 Cr.P.C.

29. The said aspect has also been considered by a Full Bench of this High Court in *Jang Singh's* Case (Supra), wherein this Court noticed that the said issue with regard to the maintainability of the petition under Section 482/427 Cr.P.C. had also been agitated before number of High Courts. Specific reference was made to the decision of Full Bench of Madhya Pradesh High Court in *Sher Singh Vs. State of M.P., 1989(1) RCR (Criminal) 696 (MP)*, wherein it had been held that High Court in exercise of its inherent power under Section 482 Cr.P.C. can direct running of the previous and subsequent sentences concurrently, even if no order is passed by the sentencing Court in this regard and where the conviction has also become final. The similar view was also taken by Full Bench of Allahabad High Court in *Muliam Singh Vs. State 1974 CriLJ 397*. However, contrary view was taken by Full Bench of Delhi High Court in *Gopal Dass Vs. State AIR 1978 Delhi 138*.

30. After referring to the above referred Full Bench authorities of different High Courts and various other authorities taking different views by the different High Courts and the view expressed by Hon'ble Supreme Court in **M.R. Kudva's** case (Supra), Full Bench of this Court in **Jang Singh's** case (Supra) concluded as under: -

“The consensus of the judicial opinion, as may emerge from different judgments passed by various High Courts and the Hon'ble Supreme Court, seems to be that normal rule, as per Section 427 Criminal Procedure Code, is that, a person who is undergoing a sentence of imprisonment and is sentenced on a subsequent conviction to an imprisonment or an imprisonment for life, then such imprisonment or imprisonment of life shall commence after the expiration of the imprisonment, to which he has been previously sentenced. This, however, would not be so if the Court directs that the subsequent sentence shall run concurrently with the previous sentence. Such direction to make the sentences to run concurrently, as per various decisions noted above, can be exercised by the trial Court or by the appellate Court or a revisional Court at the time of exercising appellate or revisional jurisdiction as well. However, if the trial Court does not pass any such direction for making the sentences to run concurrently and appeal or revision against said decision is also decided, then it may not be open for a person to seek such direction for making the sentences to run concurrently by moving an application under Sections 482/427 Criminal Procedure Code. The view taken by of the High Courts that such an application can be entertained while exercising inherent powers under Section 482 Criminal Procedure Code would no more appear to be a good law in view of the decision of the Hon'ble Supreme Court in M.R. Kudva case (supra). We are, thus, bound to take this view that this discretion though available with the trial Court, appellate Court or the revisional Court while holding trial or entertaining appeal or revision but would not be so available to be exercised in isolation when application in this regard is moved either under sections 482 or 427 Criminal Procedure Code.”

31. The above said judgments of Hon'ble Supreme Court in ***M.R. Kudva's*** case (Supra) and full Bench of this Court in ***Jang Singh's*** case (supra) have been consistently followed by this Court in ***Prem Chand's*** case (Supra), ***Amar Singh's*** case (Supra), ***Darshan Singh's*** case (Supra) and ***Ravinder Mohan Luthra's*** case (Supra), ***Prince Garg's*** case (supra) and ***M/s Piyush Infrastructure vs. Shyam Lal's*** case (supra).

32. In view of the aforesaid legal position, present petition filed under Section 482 read with Section 427 Cr.P.C., seeking concurrency of sentence in 28 cases, is held to be not maintainable.

33. Learned counsel for the petitioners has referred to a decision of Supreme Court in the case of ***Madan Lal*** (Supra), to press for his prayer for concurrent sentences. In that case, three separate convictions were recorded in three complaint cases. Accused issued three cheques in favour of the complainant which were dishonored. Accused was convicted in all the three complaints filed under Section 138 of the Act. The order of the High Court directing to run the sentences concurrently was upheld by Hon'ble Supreme Court.

It is clear that in the aforesaid case before the Hon'ble Supreme Court, the complainant was the same in the three cases; whereas in the present case, the complainants are different. Besides, perusal of the judgment would reveal that High Court had passed judgment on some application and not in separate petition. It is not at all clear as to whether such application was filed in any appeal or revision against the main conviction judgment or it was a totally separate independent proceeding. As such, no advantage to the petitioners can be given of ***Madan Lal's*** case (supra).

34. Learned counsel for the petitioner has further referred to a decision of Hon'ble Supreme Court in the case of **V.K. Bansal** (Supra), in which director of some group of companies borrowed loan from financial corporation on behalf of the companies and issued a number of cheques. All the cheques were dishonored. Separate complaints were filed in respect of each cheque. Convictions were recorded. It was held that substantial sentences in all the cases shall run concurrently because the prosecution case was based on single transaction.

35. However, facts of the present case are quite distinguishable because in **V.K. Bansal** case (Supra), complainant was the same, whereas in the present case, there are different complainants. Besides, the proceedings before the Hon'ble Supreme Court, was the criminal appeal directed against the main conviction judgment and so the Hon'ble Supreme Court had the jurisdiction to modify the sentence while deciding the appeal against the main judgment. However, in the present case, as noticed earlier, main judgments of convictions and orders of sentence have attained finality, against which no appeal/revision was filed by the petitioners. **V.K. Bansal's** case (supra) was not a case of separate petition under Section 482 Cr.P.C. having been entertained and, therefore, no benefit to the petitioners can be given of the said judgment. Besides, this judgment has already been distinguished by this High Court in similar circumstances in **Prince Garg and another Vs. State of Haryana and another** 2019 (4) Law Herald 2901.

36. Learned counsel for the petitioners has also referred to Division Bench judgment of Rajasthan High Court in **Arjun Ram's** case (Supra) and various other judgments rendered by the Single Benches of the Rajasthan High Court to contend that High Court may invoke its inherent jurisdiction

under Section 482 Cr.P.C. to secure ends of justice, for ordering concurrency of sentences under Section 427 Cr.P.C.

37. I am afraid that contention is devoid of any merit. Once the legal position has been explained by Hon’ble Supreme Court in *M.R. Kudva’s* case (supra) and by Full Bench of this High Court in *Jang Singh’s* case (supra) to the effect that separate petition under Section 482 Cr.P.C. to make the sentences in different cases concurrent, cannot be entertained and that this power can be exercised only by the sentencing Court or by the Court dealing with the appeal or revision etc., so the contrary view taken by the Rajasthan High Court in *Arjun Ram’s* case (Supra) cannot prevail upon the aforesaid judgments of the Hon’ble Supreme Court and Full Bench of this Court.

38. Thus, the legal position being clear that once the judgments of conviction and sentences have attained finality in different cases, separate petition under Section 482 Cr.P.C. for concurrency of sentence is not maintainable, therefore, there can be no hesitation in holding that present petition is not maintainable.

39. Consequently, present petition is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

24.07.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |

Annexure C1

LIST OF 28 CASES IN WHICH RELIEF IS SOUGHT TO ORDER CONCURRENCY OF SENTENCES

Sr. No.	Case No.	Title	Cheque amount (in ₹ /date of cheque	Date of decision with Annexure	Court	Sentence to petitioner No.1	Sentence to petitioner No.2	Compensation under Section 357 (3) Cr.P.C (In ₹)	Status of appeal, if any, filed.
1	COMA 1226/2016	Manju Bala Saarsar Vs. M/s SCBL Commodity Brokers Pvt. Ltd. and others	5 lakhs/ 29.04.2016	27.11.2017 (Annexure P1)	JMIC Bathinda	RI 2 years	RI 2 years	5 lakhs + interest @ 9% per annum from the date of cheque till date. (Joint and severely liability)	Not filed.
2	COMA 2120/2016	Satpal Banga Vs. M/s. SCBL Commodity & Forex and others	5 lakhs/ 31.7.2016	27.11.2017 (Annexure P2)	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 5 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
3	COMA 2273/2016	Satpaul Mehra Vs. M/s SCBL Commodity & Forex and others	4lakh/ 31.08.2016	27.11.2017 (Annexure P3)	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 5 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
4	COMA 2031/2016	Gurbant Rai Vs. M/s SCBL Commodity Pvt. Ltd. Forex & ors	11.5 lakh/ 02.07.2016	27.11.2017 (Annexure P4)	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 5 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.

5	COMA 2042/2016	Satnam Singh Vs. Lalit Lal Chandani	9 lakhs/ 15.06.2016	27.11.2017 (Annexure P5)	JMIC Bathinda	RI 2 years	-	liability of the petitioner for cheque amount of 9 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
6	COMA 2247/2016	Ram Lal Vs. M/s SCBL Commodity and Forex	5 lakhs/ 29.5.2014	27.11.2017 (Annexure P6)	JMIC Bathinda	RI 2 years	--	liability of the petitioner No.1 for cheque amount of 5 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
7	COMA 87/2016	Satpal Banga Vs. M/s SCBL Commodity and Forex and others	30lakh/ 16.12.2015	23.01.2018 (Annexure P7)	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 30 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
8	COMA 480/2016	Satpal Banga Vs. M/s SCBL Commodity and Forex and others	20lakh/ 21.01.2016	23.01.2018 (Annexure P8)	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 20 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
9	COMA 877/2016	Satpal Banga Vs. M/s SCBL Commodity Brokers Pvt. Ltd. and others	10 lakhs/ 02.03.2016	23.01.2018 (Annexure P9)	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 10 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.

10	COMA 36/2016	Bimla Devi Vs. Lalit Lal Chandani and others	10 lakhs/ 30.10.2015	20.02.2018 (Annexure P10)	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 10 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
11	COMA 745/2016	Satpaul Mehra Vs. M/s SCBL Commodity and others	25 lakhs/ 20.2.2016	05.04.2018	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 25 lakh along with interest @ 9% per annum from the date of cheque till date.	CRA-511-2018, dismissed by ASJ, Bathinda on 26.10.2018 (Annexure P11)
12	COMA 746/2016	Satpaul Mehra Vs. M/s SCBL Commodity and others	5 lakhs/ 19.01.2016	05.04.2018	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 5 lakh along with interest @ 9% per annum from the date of cheque till date.	CRA-512-2018, dismissed by ASJ, Bathinda on 26.10.2018 (Annexure P12)
13	COMA 747/2016	Satpaul Mehra Vs. SCBL Commodity and others	5 lakhs/ 28.02.2016	05.04.2018	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 5 lakh along with interest @ 9% per annum from the date of cheque till date.	CRA-506-2018, dismissed by ASJ, Bathinda on 26.10.2018 (Annexure P13)
14	COMA 1652/2016	Satnam Singh Vs. Pradeep Jain	10 lakhs/ 04.04.2016 3 lakhs / 3.3.2016	05.04.2018	JMIC Bathinda		RI 2 years	liability of the petitioner No.2 for cheque amount of 13 lakh along with interest @ 9% per annum from the date of cheque till date.	CRA-267-2015, dismissed by ASJ, Bathinda on 19.12.2018 (Annexure P14)

15	COMA 876/2016	Manju Bala Saarsar Vs. M/s SCBL Commodity and others	10 lakhs/ 05.03.2016	13.04.2018	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 10 lakh along with interest @ 9% per annum from the date of cheque till date.	CRA-508-2018, dismissed by ASJ, Bathinda on 26.10.2018 (Annexure P15)
16	COMA 1225/2016	Satinder Kaur Vs. Ms. SCBL Commodity and others	5 lakhs/ 01.03.2016	13.04.2018	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 5 lakh along with interest @ 9% per annum from the date of cheque till date.	CRA-510-2018, dismissed by ASJ, Bathinda on 26.10.2018 (Annexure P16)
17	COMA 1415/2016	Mela Ram Vs. M/s SCBL Commodity and others	10lakh/ 27.04.2016	13.04.2018	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 10 lakh along with interest @ 9% per annum from the date of cheque till date.	CRA-513-2018, dismissed by ASJ, Bathinda on 26.10.2018 (Annexure P17)
18	COMA 682/2016	Jaspal Singh Vs. M/s SCBL Commodity and others	5 lakhs/ 19.12.2015	13.04.2018	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 5 lakh along with interest @ 9% per annum from the date of cheque till date.	CRA-509-2018, dismissed by ASJ, Bathinda on 26.10.2018 (Annexure P18)
19	COMA 940/2016	Harmesh Chand Vs. M/s SCBL Commodity and others	5 lakhs/ 28.02.2016 8 lakhs/9.1.2016	13.04.2018	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 13 lakh along with interest @ 9% per annum from the date of cheque till date.	CRA-507-2018, dismissed by ASJ, Bathinda on 26.10.2018 (Annexure P19)

20	COMA 688/2016	Gurmail Singh Vs. SCBL Commodity and others	4 lakhs/ 2.2.2016	11.05.2018 (Annexure P20)	JMIC Bathinda	RI 1.5 years	RI 1.5years	Joint and severely liability of the petitioners for cheque amount of 4 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
21	COMA 689/2016	Sudesh Kaur Vs. SCBL Commodity and others	4 lakhs/ 9.1.2016	11.05.2018 (Annexure P21)	JMIC Bathinda	RI 1.5 years	RI 1.5years	Joint and severely liability of the petitioners for cheque amount of 4 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
22	COMA 1319/2016	Sukhdev Singh Vs. SCBL and others	1.5 lakh/ 17.3.2016	11.05.2018 (Annexure P22)	JMIC Bathinda	RI 1 years	RI 1 years	Joint and severely liability of the petitioners for cheque amount of 1.5 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
23	COMA 905/2016	Jangir Singh Vs. SCBL Commodity and others	4lakh/ 5.2.2016	18.05.2018 (Annexure P23)	JMIC Bathinda	RI 1.5 years	RI 1.5 years	Joint and severely liability of the petitioners for cheque amount of 4 lakh along with interest @ 9% per annum from the date of cheque till date.	Not filed.
24	CHI/542/2016 arising out of FIR No.208 dated 16.12.2014 registered at PS, Civil Lines, Bathinda	State of Punjab Vs. Lalit Lal Chandani and others		03.08.2018	CJM, Bathinda	U/s 467, 468& 472 – 7 years and U/s 420, 120-B IPC 3 Years	U/s 467, 468& 472 – 7 years and U/s 420, 120-B IPC 3 Years	-	CRA-454 & 443 of 2018 dismissed by ASJ, Bathinda on 18.12.2018 (Annexure P-24)

25	COMA 2964/2017	Satpaul Mehra Vs. M/s SCBL Commodity and others	1 lakh/ 26.6.17	30.05.2019 (Annexure P25)	JMIC Bathinda	RI 6 months	RI 6 months	Joint and severely liability of the petitioners for cheque amount of 1 lakh along with interest @ 9% per annum from the date of cheque till date.	Not Filed
26	COMA 3252/2017	Satpal Mehra Vs. SCBL and others	1,20,000/ 26.6.17	30.05.2019 (Annexure P26)	JMIC Bathinda	RI 6 months	RI 6 months	Joint and severely liability of the petitioners for cheque amount of 1 lakh 20 thousand along with interest @ 9% per annum from the date of cheque till date.	Not Filed
27	COMA 4372/2017	Harilal Vs. M/s SCBL Commodity and others	7,50,000/ 14.6.2016	30.05.2019 (Annexure P27)	JMIC Bathinda	RI 2 years	RI 2 years	Joint and severely liability of the petitioners for cheque amount of 7,50,000/- lakh along with interest @ 9% per annum from the date of cheque till date.	Not Filed
28	FIR No.299 dated 06.10.2017 registered at PS, City Ferozepur	State Vs. Pradeep Jain and others		05.04.2022 (Annexure P28)	CJM, Ferozepur	RI 5 years	RI 5 years		Not Filed