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Crl.O.P.No.1741 of 2024

In the High Court of Judicature at Madras

Dated : 26.2.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.1741 of 2024

Jegan (a) Jegan Muththaiah
(a) Jeganathan

...Petitioner

Vs

1.The Superintendent of Prison,
Central Prison, Coimbatore-18.

2.The Inspector of Police,
Kodumudi Police Station.

3.The Inspector of Police,
Karur Police Station.

4.The Inspector of Police,
Velayuthampalayam Police
Station.

...Respondents

PETITION under Section 482 of the Criminal Procedure Code praying to direct the first respondent to treat the sentences in C.C.No. 25 of 2019 on the file of the Principal District Munsif-cum-Judicial Magistrate, Kodumudi, Erode dated 04.7.2022, C.C.No.162 of 2020 on the file of the Principal Judicial Magistrate No.1, Karur dated 29.6.2022 and C.C.No.155 of 2021 on the file of the Principal Judicial Magistrate No.2, Karur dated 22.12.2022 run concurrently.



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For Petitioner : Mr.S.Manoharan
For Respondents : Mr.A.Damodaran, APP

ORDER

This is a petition filed by the petitioner seeking to direct the first respondent to treat the sentences in (i) C.C.No.25 of 2019 on the file of the Principal District Munsif-cum-Judicial Magistrate, Kodumudi, Erode dated 04.7.2022, (ii) C.C.No.162 of 2020 on the file of the Principal Judicial Magistrate No.1, Karur dated 29.6.2022 and (iii) C.C.No.155 of 2021 on the file of the Principal Judicial Magistrate No.2, Karur dated 22.12.2022 to run concurrently.

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

3. The petitioner has been convicted and sentenced in the following manner :

S. No.	Case No., offence for which convicted and date of judgment	Sentence imposed against the petitioner
1	C.C.No.162 of 2020; under Section 392 of the IPC; dated 29.6.2022	to undergo simple imprisonment for three years
2	C.C.No.155 of 2021; under Section 379 of the IPC; dated 22.12.2022	to undergo simple imprisonment for six months
3	C.C.No.25 of 2019; under Section 392 of the IPC; dated 04.7.2022	to undergo rigorous imprisonment for three years



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4. The petitioner has approached this Court to exercise its jurisdiction under Section 482 of the Criminal Procedure Code (for short, the Code) to direct all the sentences to run concurrently in view of the provisions of Section 427 of the Code.

5. The second respondent filed a counter wherein it is seen that apart from the said three cases, the petitioner has been convicted and sentenced in seven other cases. For proper appreciation, paragraphs 3 and 4 of the counter are extracted as hereunder :

"3. It is further submitted that apart from the above stated cases, the petitioner/accused was also involved in various other criminal cases and subsequently the said cases ended in the conviction. The details of the cases are as follows :

S. No.	District, Police Station Crime No.	Offences under Sections of the IPC	Case No.	particulars of sentence of imprisonment
1	Cuddalore District, Neyveli PS Cr.No. 179 of 2015	457 & 380	C.C.No. 180 of 2016 dated 24.7.2017	Convicted. S.I. for 11 months
2	Cuddalore District, Neyveli PS Cr.No. 193 of 2015	457, 380 & 511	C.C.No. 179 of 2016	Convicted. S.I. for 11 months
3	Cuddalore District, Neyveli PS Cr.No. 197 of 2015	457 & 380	C.C.No. 182 of 2016 dated 24.7.2017	Convicted. S.I. for 11 months
4	Cuddalore District, Neyveli PS Cr.No. 219 of 2015	457 & 380	C.C.No. 182 of 2016 dated	Convicted. S.I. for 11 months



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S. No.	District, Police Station Crime No.	Offences under Sections of the IPC	Case No.	particulars of sentence of imprisonment
			24.7.2017	
5	Cuddalore District, Neyveli PS Cr.No. 283 of 2015	457 & 380	C.C.No. 184 of 2016	Convicted. S.I. for 11 months
6	Erode District, Kodumudi PS Cr. No.144 of 2018	457 & 380	C.C.No. 41 of 2019	Convicted. S.I. for 15 months
7	Erode District, Kodumudi PS Cr. No.225 of 2021	393 & 394	C.C.No. 103 of 2022	Convicted. S.I. for 3 years and imposed fine of Rs.10,000/-

4. It is submitted that in the instant case, the petitioner was convicted by various other trials for the similar offences u/s. 457, 380, 393, 394, 511 of IPC. In the seven cases stated above, sentence of imprisonment was imposed on the petitioner and he has completed conviction period in some of the cases."

6. The respondents have objected to the relief sought for by the petitioner on the ground that the petitioner is involved in grave offences repeatedly and that therefore, the discretion under Section 427 of the Code need not be exercised.

7. This Court has carefully considered the rival submissions of the learned counsel on either side.



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8. It is now a settled law that where separate trials are undergone and separate conviction and sentence are recorded, it is within the powers of the Court to direct the subsequent sentences to run concurrently with the previous sentence. It was also made clear that where the accused person is repeatedly involved in committing the offences, which are serious in nature, the discretion must not be exercised and that the sentences must be directed to be run consecutively.

9. Useful reference can be made to the judgments rendered by me (i) in the case of **Selvakumar (a) Jeyakumar Vs. The Inspector of Police & others [reported in 2018 (2) LW (Crl.) 773]**; and (ii) in the case of **Mani Vs. State [reported in 2019 (1) MWN (Crl.) 229]**.

10. In the light of the fact that the petitioner is involved repeatedly in the offences of similar nature and that at least in 10 cases, he has been convicted and sentenced, this Court is not inclined to exercise its jurisdiction under Section 482 of the Code and direct the sentences to be run concurrently. The relief sought for by the petitioner cannot be granted by this Court.



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11. Accordingly, the above criminal original petition is dismissed.

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To

- 1.The Superintendent of Prison,
Central Prison, Coimbatore-18.
- 2.The Inspector of Police,
Kodumudi Police Station,
Erode District.
- 3.The Inspector of Police,
Karur Police Station.
- 4.The Inspector of Police,
Velayuthampalayam Police
Station.
- 5.The Public Prosecutor,
High Court, Madras.

RS



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