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Crl.O.P.No.5971 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5971 of 2025

Sasikumar

...Petitioner

Versus

1.The State Rep By Its,
The Superintendent of Prison,
Coimbatore Central Prison,
Gandhipruam, Coimbatore.

2.The Inspector of Police,
Aviyur Police Station,
Coimbatore District.

3.The Inspector of Police,
Sulur Police Station,
Coimbatore District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, direction to the respondents to run the sentence of imprisonment imposed in the judgment dated 18.08.2023 in CC No.145 of 2017 on the file of the Judicial Magistrate Court at Aruppukottai to run concurrently with the sentences of imprisonment imposed in the judgments dated 09.02.2024 made in CC



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No.11 of 2018 on the file of the Judicial Magistrate Court No.II, Virudhunagar and Judgment dated 28.05.2024 in CC No.108 of 2023 on the file of the Judicial Magistrate Court at Sular.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents to run the sentence of imprisonment imposed in the judgment dated 18.08.2023 in CC No.145 of 2017 on the file of the Judicial Magistrate Court at Aruppukottai, to run concurrently with the sentences of imprisonment imposed in the judgments dated 09.02.2024 made in CC No.11 of 2018 on the file of the Judicial Magistrate Court No.II, Virudhunagar and Judgment dated 28.05.2024 in CC No.108 of 2023 on the file of the Judicial Magistrate Court at Sular.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is an accused in the following criminal



cases and has been convicted and sentenced as follows :

Sl. No	Case No	Crime No	Details of conviction
1	C.C.NO.146 of 2017 dated 18.08.2023.	Crime No.14 of 2017 by Aruppukottai Town P.S	3 years Simple Imprisonment for the offence u/s.380 of IPC 1 year simple imprisonment for the offence u/s.454 of IPC
2	C.C.No.147 of 2017 dated 18.08.2023	Crime No.191 of 2017 by Aruppukottai Town P.S	3 years Rigorous Imprisonment for the offence u/s.393 of IPC
3	C.C.No.59 of 2018 dated 18.08.2023	Crime No.38 of 2017 by Panthalkudi P.S.	3 years Simple Imprisonment for the offence u/s.380 r/w.511 of IPC 1 year simple imprisonment for the offence u/s.457 of IPC
4	C.C.No.64 of 2018 dated 18.08.2023	Crime No.37 of 2017 by Pandhalkudi P.S.	3 years Simple Imprisonment for the offence u/s.380 r/w 511 of IPC 1 year Simple Imprisonment for the offence u/s.457 of IPC
5	C.C.No.31 of 2021 dated 18.08.2023	Crime No.287 of 2017 by Aruppukottai Town P.S	3 years Simple Imprisonment for the offence u/s.380 of IPC 1 year Simple Imprisonment for the offence u/s.457 of IPC
6	C.C.No.182 of 2022 dated 18.08.2023	Crime No.105 of 2017 by Aruppukottai Town P.S	3 years Simple Imprisonment for the offence u/s.380 of IPC 1 years Simple Imprisonment for the offence u/s.457 of IPC

4. All the sentences imposed in the six earlier cases were



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ordered to run concurrently. Thereafter, in C.C.No.11 of 2018 on the file of the Judicial Magistrate No.II, Virudhunagar, the petitioner pleaded guilty and was sentenced to undergo three years imprisonment for the offence under Section 392 of IPC by Judgment dated 28.05.2024. It is evident that the said conviction was imposed nearly one year after the earlier conviction. Therefore, the petitioner is not entitled to the benefit as contemplated under Section 427 of Bharatiya Nyaya Sanhita.

5. In view of the above, the direction sought for in this petition cannot be considered. Accordingly, this Criminal Original Petition stands dismissed.

03.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1.The Judicial Magistrate Court,
Aruppukottai.

2.The Judicial Magistrate Court No.II,
Virudhunagar

3.The Superintendent of Prison,

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Coimbatore Central Prison,
Gandhipruam, Coimbatore.

4.The Inspector of Police,
Sulur Police Station,
Coimbatore District.

5.The Inspector of Police,
Sulur Police Station,
Coimbatore District.

6.The Public Prosecutor,
High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN, J.

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