



Crl.O.P.No.8725 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM:

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

Crl.O.P.No.8725 of 2025

H.Vishnu Shetti

... Petitioner

vs.

1. The State by : The Superintendent of Prison,
Central Prison-1, Puzhal,
Chennai 600 066.

2. The Inspector of Police,
Vishnu Kanchi Police Station,
Kanchipuram District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 467 r/w 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (427 r/w 482 Cr.P.C.) to consider the representation of the petitioner dated 08.03.2025 and 09.03.2025 in accordance with law and further directing the respondent No.1 to run-concurrently all the sentences passed against the petitioner in C.C.No.227 of 2022, C.C.No.226 of 2022 and C.C.No.216 of 2022 dated 15.03.2025 by the Judicial Magistrate Court No.1, Kanchipuram.



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Crl.O.P.No.8725 of 2025

For Petitioner : Mr.P.Pugalenth

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

ORDER

This Criminal Original Petition has been filed seeking a direction to consider the representations of the petitioner dated 08.03.2025 and 09.03.2025 in accordance with law and further direction to the respondent No.1 to run-concurrently all the sentences passed against the petitioner in C.C.No.227 of 2022, C.C.No.226 of 2022 and C.C.No.216 of 2022 dated 15.03.2025 by the Judicial Magistrate Court No.1, Kanchipuram.

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

3. The petitioner is an accused and he was convicted in C.C.Nos.227, 226 and 216 of 2022 before the Judicial Magistrate Court No.1, Kanchipuram and the Judgments were pronounced in all three cases in different charges on the same day by the same Court. The details of the said conviction are hereunder :-



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S.No.	Crime No.	C.C.No.	Conviction Details
1	730/2022	227/2022	U/s.457 IPC – 2 years R.I and fine of Rs.1,000/- in default one moth S.I. U/s.380 IPC – One year R.I and fine of Rs.1,000/- in default one month S.I.
2	736/2022	226/2022	U/s.457 IPC – 2 years R.I and fine of Rs.1,000/- in default one month S.I. U/s.380 IPC – One year R.I and fine of Rs.1,000/- in default one month S.I.
3	737/2022	216/2022	U/s.457 IPC – 2 years R.I and fine of Rs.1,000/- in default one month S.I U/s.380 IPC – One year R.I and fine of Rs.1,000/- in default one month S.I

4. It is relevant to extract the provisions under Section 427 of Cr.P.C

as follows:-

“ 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,



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Crl.O.P.No.8725 of 2025

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.”

Therefore, the sentences imposed in all the cases shall run concurrently.

5. In view of the above, the first respondent is directed to treat the sentences imposed on the petitioner in C.C.Nos.226, 227 and 216 of 2022 on the file of the Judicial Magistrate Court No.I, Kanchipuram, by an order dated 15.03.2023 to run concurrently, unless, the petitioner is not required to be imprisonment for other cases.

With the above direction, this Criminal Original Petition stands allowed.

25.03.2025

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



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Crl.O.P.No.8725 of 2025

To

1. The State by : The Superintendent of Prison,
Central Prison-1, Puzhal,
Chennai 600 066.
2. The Inspector of Police,
Vishnu Kanchi Police Station,
Kanchipuram District.
3. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.8725 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.8725 of 2025

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