



Crl.O.P.No.23134 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.23134 of 2025

1.Vijaya Kumar Mali
2.Ganesh Mali

... Petitioners

Vs.

The State represented by

1.The Superintendent of Prison,
Central Prison Puzhal – I,
Chennai – 600 066.

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

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to direct the 1st respondent to treat the sentences in C.C.No.226 of 2022 with C.C.No.216 of 2022, C.C.No.227 of 2022 dated 15.03.2023 on the file of the learned Judicial Magistrate Court No.1, Kancheepuram, dated 15.03.2023 to run concurrently.

For Petitioners : Mr.S.Manoharan

For Respondents : Mr.R.Vinothraja



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Government Advocate (Crl. Side)

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ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to treat the sentences in C.C.No.226 of 2022 with C.C.No.216 of 2022, C.C.No.227 of 2022 dated 15.03.2023 on the file of the learned Judicial Magistrate Court No.1, Kancheepuram, dated 15.03.2023, to run concurrently.

2.According to the learned counsel for the petitioner, the petitioners who are A1 and A2 were convicted for the offences under Sections 457 and 380 IPC and were sentenced to undergo 2 years rigorous imprisonment and fine of Rs.1,000/- in default to undergo one month simple imprisonment for the offence under Section 457 IPC; and one year rigorous imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment for the offence under Section 380 IPC, in C.C.No.226 of 2022, by judgment dated 15.03.2023. It is also stated that the petitioners were also convicted and sentenced in C.C.Nos.216 of 2022 and C.C.No.227 of 2022 on the same day, i.e., 15.03.2023. Therefore, they pray that the sentences in all the



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three cases may be ordered to run concurrently.

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3.Learned counsel for the petitioners would submit that the co-accused (A3) has been granted with the said benefit by this Court in Crl.O.P.No.8725 of 2025, by order dated 25.03.2025. He would further submit that the petitioners have also approached this Court in Crl.O.P.No.2685 of 2024, and they have also been granted the same benefit, however, one case number in C.C.No.226 of 2022 was not brought to the notice of this Court at that time. Hence, they have filed the present petition.

4.I have perused the entire materials available on record.

5.This Court, in Crl.O.P.No.8725 of 2025, has passed the following order on 25.03.2025 :

“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 moth 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 moth 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



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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.”

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.”



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6. When the benefit has been extended to the co-accused (A3), the same has to be extended to the petitioners herein (A1 and A2) also. Considering the same, there shall be a direction to the 1st respondent to treat the sentences imposed on the petitioners (A1 and A2) in C.C.Nos.226, 227 and 216 of 2022 on the file of the Judicial Magistrate No.1, Kanchipuram, by order dated 15.03.2023, to run concurrently, unless the petitioners are not required to be imprisoned in any other case(s).

7. With the above direction, this Criminal Original Petition is allowed.

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No



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To

- 1.The Judicial Magistrate No.1,
Kanchipuram.
- 2.The Superintendent of Prison,
Central Prison Puzhal – I,
Chennai – 600 066.
- 3.The Inspector of Police,
Vishnu Kanchi Police Station,
Kanchipuram.
- 4.The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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