



Crl.O.P.No.21542 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM:

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

Crl.O.P.No.21542 of 2023

Ajith @ Ajithkumar

... Petitioner

Vs.

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

2. The State rep. by
The Inspector of Police,
Race Course Police Station,
Coimbatore District.
(Crime No.836/2015)

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to include the period of incarceration of the petitioner as under trial prisoner from 05.10.2015 to 11.02.2016 along with the imprisonment which the petitioner is undergoing pursuant to the conviction in S.C.No.42 of 2016 dated 24.08.2017 on the file of the Special Court for Bomb Blast at Coimbatore.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.R.Vinothraja
Government Advocate (Crl.Side)



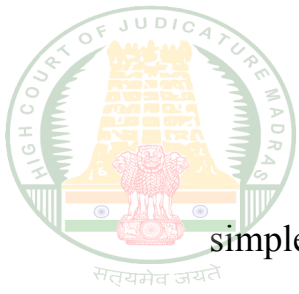
Crl.O.P.No.21542 of 2023

ORDER

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This petition has been filed for seeking direction to include the period of incarceration of the petitioner as under trial prisoner from 05.10.2015 to 11.02.2016 along with the imprisonment which the petitioner is undergoing pursuant to the conviction in S.C.No.42 of 2016 dated 24.08.2017 on the file of the Special Court for Bomb Blast at Coimbatore.

2. The petitioner was arrested and remanded to judicial custody on 05.10.2015 in pursuant to the registration of FIR. Thereafter the petitioner released on bail only on 11.02.2016. After completion of investigation the second respondent filed charge sheet and the same has been taken cognizance in S.C.No.42 of 2016 on the file of the Special Court for Bomb Blast case at Coimbatore. After full-fledged trial, the petitioner was convicted and sentenced to undergo one month rigorous imprisonment for the offence under Section 148 of IPC, ten years rigorous imprisonment for the offence under section 449 and to pay a fine of Rs.1000/- in default to undergo three months simple imprisonment and for the offence under Section 302 of IPC to undergo imprisonment for life and to pay a fine of Rs.1000/- in default to undergo three months



Crl.O.P.No.21542 of 2023

simple imprisonment. Though the petitioner failed appeal before this Court, the same was dismissed by confirming the conviction and sentence. Therefore, the petitioner sought for direction to include the period in which, the petitioner was incarceration as under trial prisoner in the life sentence.

3. On instructions, the learned Government Advocate (Crl. Side) submitted that the period of incarceration as under trail prisoner is under consideration and so far the petitioner had undergone imprisonment for six years five months six days as on 20.09.2023.

4. In view of the above, the first respondent is directed to include the period of incarceration by the petitioner as under trial prisoner from 05.10.2015 to 11.02.2016 in the life imprisonment which is undergoing by the petitioner in pursuant to the conviction and sentence imposed in S.C.No.42 of 2016 on the file of the Special Court for Bomb Blast case at Coimbatore.



Crl.O.P.No.21542 of 2023

5. With the above directions, the Criminal Original Petition

stands disposed of.

04.02.2025

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

rts



Crl.O.P.No.21542 of 2023

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To

1. The Special Judge,
Special Court for Bomb Blast case
Coimbatore

2. The Superintendent of Prison,
Central Prison,
Coimbatore.

3. The Inspector of Police,
Race Course Police Station,
Coimbatore District.

4. The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.O.P.No.21542 of 2023

G.K.ILANTHIRAIYAN. J.

rts

Crl.O.P.No.21542 of 2023

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