

L. Ramesh Vs. the Superintendent, Central Prison and ors.

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SooperKanoon Citation : sooperkanoon.com/435352

Court : Andhra Pradesh

Decided On : Feb-04-1991

Reported in : 1991(2)ALT619

Judge : N.D. Patnaik, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 428 and 482

Appeal No. : Criminal Miscellaneous Petition No. 172 of 1991

Appellant : L. Ramesh

Respondent : The Superintendent, Central Prison and ors.

Advocate for Def. : Additional Public Prosecutor

Advocate for Pet/Ap. : P. Raghava Reddy, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

N.D. Patnaik, J.

1. The Petitioner who is accused No. 1 in Sessions case No. 74/84 on the file of the Sessions Judge, Nalgonda was granted bail pending Criminal appeal No. 267/86 which was ultimately disposed of with some modification. The petitioner

was in jail during the period from 13-5-1986 to 7-11-1986 in connection with another case.

2. This petition is filed to deduct that period during which he was in jail from the sentence of imprisonment awarded to him in CrI. A.No. 267/86. Section 428 Criminal Procedure Code says that where an accused person has, on conviction, been sentenced to imprisonment for a term, (not being imprisonment in default of payment of fine the period of detention, if any, undergone by him during the investigation, inquiry, or trial of the same case and before the date of such conviction, shall be set-off against the term of imprisonment imposed on him on such conviction.

3. In this case, since the petitioner was in jail during the period from 13-5-1986 to 7-11-1986 in connection with the trial of another case which ultimately ended in acquittal, that period cannot be set off against the imprisonment awarded to him in Criminal appeal No. 267/86 which was filed against the order in Session Case No. 74/84.

4. Therefore, the petition is dismissed.