

Azad Singh Vs. State

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Court : Delhi

Decided On : Dec-08-1989

Reported in : 1991CriLJ438; ILR1989Delhi476; 1990RLR25

Judge : P.K. Bahri, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 134, 379, 397 and 411

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 1385 of 1989

Appellant : Azad Singh

Respondent : State

Advocate for Pet/Ap. : R. Sabharwal and; Usha Kumari, Advs

Judgement :

Bahri, J.

(1) This petition has been sent through Superintendent of Jail in which a prayer has been made by the convict that the sentences imposed on him in seven cases be directed to run concurrently. Out of the seven cases, four cases have been decided by other Courts outside the jurisdiction of Delhi. This Court has no jurisdiction to give any direction for the sentences awarded by the Courts outside Delhi to run concurrently.

(2) The petitioner has been awarded sentence of rigorous imprisonment for 18 months in case Fir No. 257 of 1984 under Section 379/411 Indian Penal Code , Police Station Karol Bagh, seven years rigorous imprisonment .in case Fir No. 74184 under Section 397/34 Indian Penal Code , Police Station Delhi Cantt and two years rigorous imprisonment in case Fir No. 215 of 1984 under Section 379 Indian Penal Code of Police Station Connaught Place. So, all these three cases were registered in 1984 in which the said sentences have been awarded. Keeping in view the nature of the offences, I think it is a fit case where the Court should exercise its inherent powers to direct that the substantive sentences of the imprisonment awarded in the aforesaid three cases should run concurrently.

(3) Shri Rajan Sabharwal, Advocate was appointed as amicus curiae for the petitioner at State expense to advance arguments on behalf of the petitioner and he had ably assisted this Court in coming to this conclusion based on a case cited as A.S. Naidu versus The State of Madhya Pradesh (1). It has been laid down in this case by a Division Bench of Madhya Pradesh High. Court as follows :

'This Court can exercise its discretion under sub-section (1) of Section 397 of the Code and direct the sentences awarded in a subsequent trial to run concurrently with the sentences awarded in a previous trial, even after the appeals or revisions preferred by the convict against his conviction in the said trials have been dismissed.'

I entirely agree with the ratio laid down in the aforesaid judgment and allow this petition and direct that the substantive sentences of imprisonment awarded by Delhi Courts mentioned in the aforesaid three cases shall run concurrently. If any sentences have been awarded in default of payment of fine, the said sentences would be undergone by the petitioner in addition. A copy of this judgment he sent to the Superintendent of Jail for compliance and also for intimation to the petitioner.