

**Grahari Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/727427](http://sooperkanoon.com/727427)

**Court :** Kerala

**Decided On :** Dec-16-1987

**Reported in :** 1988CriLJ1351

**Judge :** Chettur Sankaran Nair, J.

**Appellant :** Grahari

**Respondent :** State

**Judgement :**

ORDER

**Chettur Sankaran Nair, J.**

1. Petitioner, a convict prisoner undergoing imprisonment jumped jail, was rearrested, tried and convicted of the offence under Section 225 B. A sentence of six months was imposed. Appeal was unsuccessful and hence the revision petition.

2. Sentence of imprisonment petitioner is undergoing would terminate only on 7-9-1988.

3. Prayer in this petition is to make the sentence now imposed concurrent with the sentence which petitioner is undergoing. If it is so made, petitioner will not have to suffer consequences of the conviction and petitioner may feel justified in making

similar attempts. Even if he does not succeed, nothing will be lost, if sentences are to be concurrent.

4. Courts have power to direct sentences to run concurrently. Such power must also be exercised in proper cases. But it must not be so exercised to make sentences ineffective or crime inconsequential. Sometimes habitual offenders with several convictions make a limited prayer for concurrent sentences and such prayers are benevolently granted. Result could be that crimes escape punishment and even dangerous criminals, who must be segregated are let loose. A similar prayer was made before me today in CrI. R.P. 633/87. A few days back a habitual offender with 16 convictions, made a like prayer. I have noticed like prayers, often made before this Court and in trial courts. Sometimes, unwarily such are granted, missing the disguise. Court must apply its mind to the facts and circumstances and should not make it a meaningless exercise, missing the nuances of the case.

Having regard to the facts and circumstances of the case, it is directed that the sentences will run consecutively. The sentence of six months - which is the maximum, is reduced to three months. With this modification, petition is dismissed.

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