

**State by the Public Prosecutor Vs. Natarajan**

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**SooperKanoon Citation :** [sooperkanoon.com/809668](http://sooperkanoon.com/809668)

**Court :** Chennai

**Decided On :** Mar-18-1971

**Reported in :** 1971CriLJ1479

**Judge :** K.N. Mudaliyar, J.

**Appellant :** State by the Public Prosecutor

**Respondent :** Natarajan

**Judgement :**

ORDER

**K.N. Mudaliyar, J.**

1. The accused, Natarajan, has been found guilty Under Section 380, IPC by the Sub Magistrate, Paramakudi, in C. C. No. 517 of 1969 on his file, and has been committed to the Senior Certified School, Thattaparai, for two years Under Section 23 (1) of the Madras Children Act. In another case also, viz., in C. C. No. 516 of 1969, on the file of the Sub Magistrate, Paramakudi, the accused has been convicted for offences Under Sections 457 and 380, IPC and has been committed by the same Magistrate to the Senior Certified School, Thattaparai, for two years Under Section 23 (1) of the Madras Children Act. Both these convictions were made on the basis of the admission of guilt by Natarajan, the accused. The State has filed these revision petitions against the consecutive sentences ordered by the learned sub Magistrate.

2. No doubt, Section 24 of the Madras Children Act mentions about the detention in the school being for a period of not less than two and not more than five years. But, the order of the Magistrate does not make it clear that this period of two years in each case is concurrent. These two detentions on each count for two years cannot be converted into one consecutively, for there is no provision in the Act to that effect.

3. The learned Public Prosecutor brought to the notice of the court that under the Borstal Schools Act, a similar Act as the Madras Children Act, orders of detention Under Section 8 thereof cannot be directed to run consecutively. The Madras Children Act also contains no provision directing the periods of detention to run consecutively. A combined reading of the two judgments would make it clear that the periods of detention would run consecutively, for which there is no basis in law.

4. Therefore, the periods of detention ordered in C. C. 517 of 1969 and 516 of 1969 are directed to run concurrently. With this modification in sentence, the revision petitions are allowed.