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In Re: Kanda Mooppan

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SooperKanoon Citation : sooperkanoon.com/815062

Court : Chennai

Decided On : Nov-27-1936

Reported in : AIR1937Mad406; 169Ind.Cas.607

Judge : Pandrang Row, J.

Appellant : In Re: Kanda Mooppan

Judgement :
ORDER

Pandrang Raw, J.

1. The question raised in this reference by the District Magistrate of Ramnad is whether a Criminal Court is competent to direct that sentences of imprisonment imposed for default in payment of fines should in concurrently. The section that relates to this subject is Section 35 of the Code of Criminal Procedure and the words of the section show that the direction can be given only in respect of sentences of imprisonment or transportation. The point appears to be covered by authority as will be seen from the decisions in Imperator v. Akidullah, 15 Ind. Cas. 808 : 13 Cri.L.J. 536 : S.S.L. 256, Emperor v. Subba Rao Shesharao A.I.R. 1926 Bom 62 : 91 Ind. Cas. 543 : 27 Cri.L.J.111 : 27 Bom L.R.1351, Shidlingappa Gurulingappa v. Emperor : AIR1926 Bom416 Emperor v. Ghulam Ahmad 118 Ind. Cas. 224 : A.I.R. 1929 Sind 179 : 30 Cri.L.J. 907 : Ind. Rul. (1929) Sind 192, the last three cases being rulings by Benches of the High Courts concerned. It follows,

therefore, that the direction of the Sub-Magistrate in this case to the effect that the sentences of imprisonment awarded by him in default of payment of the fines imposed by him is illegal and it is, therefore, cancelled.

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