

Jainta Kumar Banerjee Vs. the State

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Court : Kolkata

Decided On : May-05-1955

Reported in : AIR1955Cal632,1955CriLJ1584

Judge : Mitter and ;Renupada Mukherjee, JJ.

Acts : [Code of Criminal Procedure \(CrPC\) , 1898](#) - Section 561A

Appeal No. : Criminal Revn. No. 300 of 1955

Appellant : Jainta Kumar Banerjee

Respondent : The State

Advocate for Def. : N.K. Sen, Adv.

Judgement :

Mitter, J.

1. This Rule was issued by the Bench taking undefended criminal cases to show cause why the petitioner's sentences should not be made concurrent.

2. The petitioner was convicted and sentenced as follows:

1. A sentence of rigorous imprisonment for 4 years and 6 months under Section 408 of the Penal Code, passed on 19-5-1951;

2. A sentence of 4 months' rigorous imprisonment and a fine of Rs. 200/-, in default, rigorous imprisonment for 3 months more under Section 420 of the Penal Code, passed on 5-9-1951;

3. A sentence of rigorous imprisonment for 6 months and a fine of Rs. 200/-, in default, rigorous imprisonment for 2 months more under Section 420 of the Penal Code, passed on 22-9-1951;

and lastly, a sentence of 2 years' rigorous imprisonment under Section 474 of the Penal Code passed by Sen, J. on 20-8-1951.

3. The petitioner prays that the several sentences imposed upon him be directed to run (sic) concurrently. It is clear that so far as the petitioner (sic) conviction and the sentence imposed upon him (sic) this Court are concerned, we cannot interfere. (sic) regard to the sentences in respect of the other that convictions, we have, in our view; power (sic) Section 561-A. Criminal P. C. to order that they may (sic) concurrently. In all the facts and circumstance (sic) this case, we direct that the petitioner's sentences (sic) in respect of the first three convictions do run (sic) concurrently.

4. The case is disposed of accordingly.

Renupada Mukherjee, J.

5. I agree.

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