

Ashok Jindal Vs. State and anr

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SooperKanoon Citation : sooperkanoon.com/973262

Court : Rajasthan Jodhpur

Decided On : Feb-05-2013

Appellant : Ashok Jindal

Respondent : State and anr

Judgement :

1. S.B. CRIMINAL MISC. PETITION NO. 166/2013 (Ashok Jindal Vs. State of Rajasthan & Anr.) DATE OF ORDER :

5. 2.2013 HON'BLE MR. JUSTICE SANDEEP MEHTA Mr. G.J.

Gupta, for the petitioner. Mrs. Rajlaxmi Choudhary, Public Prosecutor. The instant misc. petition has been filed on behalf of the petitioner seeking a direction for concurrent running of the sentences awarded to the petitioner in Criminal Case No.1003/2009 and in Criminal Case No.916/2009. The petitioner was tried in both the aforesaid cases for the offences under Sections 138 of the N.I. Act. The learned Magistrate by judgment dated 22.11.2010 passed in Criminal Case No.916/2009 convicted the petitioner for the offence under Section 138 of the N.I. Act and sentenced him to undergo six months' simple imprisonment and directed compensation of Rs.15,000/- to be paid to the complainant. The appeal filed against the said judgment was dismissed on 16.6.2012. The learned Magistrate in another case by judgment dated 19.2.2011 passed in Criminal Case No.1003/2009 convicted the petitioner for the offence under Section 138 of the N.I. Act and sentenced him to undergo six months' simple imprisonment and directed compensation of Rs.20,000/- to be paid to the complainant. The appeal filed

against the said judgment was dismissed on 16.6.2012. Now, the petitioner approached this Court by way of instant misc. petition and prays that the sentences awarded to 2. him in the aforesaid two cases should be directed to run concurrently. Having heard learned counsel for the parties and upon perusal of the orders passed by the learned courts below and keeping in view the decision of the Hon'ble Apex Court in the case of State of Punjab Vs. Madan Lal, reported in 2009(2) Criminal Court Cases, 812 (SC), this Court is of the opinion that the Hon'ble Apex Court held that the sentences passed in different cases against the accused in relation to similar offences can be directed to run concurrently in view of the provisions of Section 427 Cr.P.C. Reference may also be had to a decision of the Division Bench of this Court in the case of Parsa Ram Vs. State of Rajasthan, reported in 2010 WLC (UC) 756, wherein, the Hon'ble Division Bench of this Court directed the two life imprisonment sentences awarded to the accused therein in two different cases to run concurrently. The petitioner has been sentenced to six months' simple imprisonment in both the aforesaid two cases and he has already undergone imprisonment for almost 8 months but he is not being released because the sentences are made being run one after the other. In this case, the petitioner appears to be not in a position to make payment of trivial amount of Rs.35,000/- to the complainant. Having regard to the facts and circumstances of the case and in view of the decision of the Hon'ble Apex Court in the case of Madan Lal (supra), this Court is of the opinion that the 3. sentences awarded to the petitioner in the aforesaid two cases for the offence under Section 138 of the N.I. Act deserve to be made concurrent. Resultantly, this misc. petition is allowed. It is hereby directed that the sentences passed by order dated 22.11.2010 in Criminal Case No.916/2009 and by order dated 19.2.2011 passed in Criminal Case No.1003/2009 for the offence under Section 138 of the N.I. Act shall run concurrently. A copy of this order be sent to the Superintendent, Central Jail, Sri Ganganagar, where the petitioner is lodged. (SANDEEP MEHTA), J.

ms rathore