

SUPREME COURT OF INDIA

Ammavasai

Vs.

Inspector of Police

(K Thomas and M Shah JJ.)

03.03.2000

ORDER

1. Leave granted.

2. Appellants in this case are two. 1st appellant-Ammavasai was convicted in 4 different cases the occurrence in all of which took place between 27-3-1990 and 7-5-1990. The offence found against him in all the cases was under Section 395 of the Indian Penal Code and in each case he was sentenced to undergo rigorous imprisonment for 7 years. If he is not given the benefit in exercise of the discretion conferred under Section 427 of the Criminal Procedure Code, he may have to undergo a very long period of 28 years in jail.

3. The 2nd appellant-Deivaraj was convicted in 5 different cases the occurrence in all of which took place between 21-10-1989 and 7-5-1990. He was also found guilty under Section 395 of the Indian Penal Code and was sentenced to undergo rigorous imprisonment for a period of 7 years in each case. If the benefit conferred under Section 427 is not extended to him, he may have to undergo imprisonment for a total period of 35 years in jail.

4. On the other hand, we allow the appellants to have the benefit of all the sentences to run concurrently, he would be out by now after serving only imprisonment for a period of 7 years awarded in one case. Both courses are unacceptable to us and, there fore, we thought of a via-media which would be consistent with the administration of criminal justice. After bestowing our anxious consideration we thought that if the appellants would undergo a total period of 14 years of imprisonment in respect of all the convictions passed against them that will be sufficient to meet the ends of justice.

5. We, therefore, direct that the sentence imposed on the 1st appellant pursuant to the conviction passed by the Assistant Sessions Judge, Pondicherry in S. C. 66 of 1991 will run un telescoped by any other sentence imposed upon him subsequently. In other words, the sentence imposed in subsequent cases would start running only on the termination of the sentence imposed upon him in the afore-mentioned case (S. C. 66 of 1991 on the file of Assistant Sessions Judge, Pondicherry). We also order that the sentence imposed upon him in the following 3 cases will run concurrently:

1. S.C. 135/1993 in the Court of Sessions Judge, Tuticorin.

2. S.C. 69/1994 in the Court of Sessions Judge, Nagarcoil.

3. S.C. 197/1995 in the Court of Principal Sessions Judge, Nagapattinam.

6. Regarding the 2nd appellant also, we adopt the same measure and order that the sentences imposed upon him by the Assistant Sessions Judge, Pondicherry in S. C. 66 of 1991 will run unaffected by another sentence imposed upon him subsequently. Only on the termination of the aforesaid sentence the jail authorities would start reckoning the sentence imposed on him in respect of the remaining 4 cases, which are detailed below :

1. S. C. 32/1994 in the Court of Sessions Judge, Dindigul.

2. S.C. 135/1993 in the Court of Sessions Judge, Tuticorin.

3.S. C. 69/1994 in the Court of Assistant Sessions Judge, Nagarcoil.

4. S. C. 197/1995 in the Court of Assistant Sessions Judge, Nagapattinam.

7. We make it clear that we permit the sentences passed on the 2nd appellant in respect of above-mentioned 4 remaining cases to run concurrently.

8. Appeal is disposed of in the above terms.