

**SUPREME COURT OF INDIA**

Ahsaan

Vs.

State of Delhi Tr.Moti Nagar Police Stn.

Crl.A.No.1068 of 2009

(Altamas Kabir and Cyriac Joseph JJ.)

14.05.2009

**ORDER**

1. Delay condoned.
2. Leave granted.
3. The appellant was convicted in respect of two separate incidents. In one Sessions Trial, he was convicted and sentenced under Sections 395, 396 and 397, *I.P.C.* against which an appeal was preferred, being Crl.A.40/2003, which was dismissed. The special leave petition filed against the said decision of the High Court was also dismissed.
4. In connection with the other incident in Sessions Case 11 of 1999, the appellant was convicted under Sections 393 and 397 read with 34 IPC and SR686/09 separately sentenced to undergo 5 years imprisonment for the offences under Section 392 and 10 years for the offence under Section 397.
5. The present appeal is directed against the judgement and order of the Delhi High Court in connection with Criminal Appeal No.823 of 2001, arising out of the Sessions Case 11/99.
6. In the present case, the question which has arisen is with regard to the directions given by the High Court that the sentence in this appeal would start operating once the sentence in Crl.Appel 40/03 came to an end. The said order has been passed keeping in mind the provisions of Section 427 of the Code of Criminal Procedure.
7. Having heard learned counsel for the respective parties and having further regard to the discretion which has been vested in the Court under Section 427 Cr.P.C. to direct the sentence to run concurrently, if found fit, we modify the order passed by the High Court in Criminal Appeal No.823 of 2001 and direct that all the sentences in both the appeals shall run concurrently.
8. The appeal is disposed of.