
(1990) 03 P&H CK 0046

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 1566 of 1989

Karnail Singh alias Fakir Singh

APPELLANT

Vs

State of Punjab and ors.

RESPONDENT

Date of Decision : 23-03-1990

Acts Referred:

Citation : (1990) 2 RCR(Criminal) 103

Hon'ble Judges : Jai Singh Sekhon, J

Advocate : V. K. Jindal, Nirmaljit Kaur, Advocates for appearing Parties

Judgement

Jai Singh Sekhon, J. (Oral)

1. Admittedly, the petitioner was sentenced to death for an offence under section 302 of the Indian Penal Code by the learned Sessions Judge, Ludhiana, vide his order dated 1151970. The death sentence was maintained uptill the Supreme Court. Thereafter, in October, 1972, the President commuted the death sentence to imprisonment for life. It, appears that thereafter the petitioner was released on bail by the Supreme Court and while on bail, he committed another murder on 1941981. In the latter case, he was sentenced to death under section 303 of the Indian Penal Code by the learned Sessions Judge, Ludhiana, and ultimately the apex Court vide its order dated 1941983 converted the death sentence to life imprisonment. In this writ petition, the petitioner prays for running of both these sentences concurrently in view of the provisions of Section 427(2) of the Code of Criminal Procedure, 1973, contending that as the petitioner was already undergoing imprisonment for life in the earlier case, the second imprisonment for life should have been made concurrent with the earlier imprisonment.

2. The provisions or subsection (2) of section 427 of the Code of Criminal Procedure read as under :

"When a person already undergoing a sentence of imprisonment for life is sentenced on a subsequent conviction to imprisonment for a term or imprisonment for life, the subsequent sentence shall run concurrently with such

previous sentence."

3. A bare perusal of the above referred provisions leaves no doubt that the Legislature had deliberately provided the running of subsequent sentence concurrently with the previous sentence of imprisonment for life as imprisonment for life means imprisonment for rest of the life and there is no sense in making running of subsequent sentence after the expiry of the first imprisonment for life. Consequently, there is no escape but to accept this writ petition and order that the subsequent imprisonment for life shall run concurrently with the previous imprisonment for life. It is ordered accordingly.

JUDGMENT accordingly