
(2016) 08 DEL CK 0143
In the Delhi High Court
Case No : Crl. M.C. 414 of 2015

Salauddin @ Raja

APPELLANT

Vs

The State (NCT of Delhi)

RESPONDENT

Date of Decision : 29-08-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482, 497(1)

Citation : (2016) 3 JCC 1987

Hon'ble Judges : Mr. S.P. Garg, J.

Bench : Single Bench

Advocate : Ms. Sunita Arora, Advocate with Mr. S.P. Nangia, Advocate, for the Petitioners; Mr. Arun K. Sharma. APP with Insp. Upender Singh, PS Mehrauli, for the Respondents

Final Decision : Dismissed

Judgement

S.P. Garg, J. (Oral)—Present petition has filed by the petitioner under Section 397(1) Cr.P.C. read with Section 482 Cr.P.C. seeking directions that the substantive sentence awarded to him in case FIRs Nos. 388/2012 and 341/2009 be run con-currently. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. On perusal of the file, it reveals that the petitioner was convicted in case FIR No. 388/2012 registered under Sections 392/397/34 IPC at PS Mehrauli by a judgment dated 31.01.2014. By an order dated 01.02.2014, he was sentenced to undergo R1 for forty months with fine Rs. 2,000/- under Sections 392/34 IPC.

3. The petitioner was also held guilty in case FIR No. 341/2009 registered under Sections 307/326/392/411/34 IPC and Sections 25/27 Arms Act at PS Saket by a judgment dated 07.02.2014. By an order dated 12.02.2014, he was sentenced to undergo R1 for seven years with fine Rs. 5,000/- under Section 307 IPC; R1 for seven years under Section 397 IPC and R1 for two years with fine Rs. 2,000/- under Section 411 IPC. All the sentences were to run concurrently.

4. On perusal of the judgments in question, it reveals that the offences committed by the appellant are distinct and separate. FIR No. 341/2009 pertains to the incident dated 26.09.2009 whereby co-accused Shambhu Saha @ Babi Saha was also convicted and sentenced. The victim who had sustained stab injuries remained admitted in hospital for about nine days. He is stated to have incurred an expenditure of Rs. 3.5 lacs for surgery in the hospital as reflected in the order on sentence dated 12.02.2014.

5. Incident in case FIR No. 388/2012 at PS Mehrauli pertains to 18.09.2012 whereby the victim Sunder Singh was robbed of his mobile by the petitioner and his associates after gaining entry in his vehicle be the pretext to take lift.

6. Status report reveals that the petitioner is a habitual offender. Ten cases were registered against him. In six cases, he was released/on 17.07.2007 after arrest for lack of evidence. However, he was convicted in FIR No. 399/2007 under Section 380 and FIR No. 473/2007 under Section 457/380 IPC. In another case in FIR No. 516/2007 at PS Mehrauli, he has been sent for trial for commission of offence under Section 21 NDPS Act.

7. Considering the gravity of the offences, antecedents of the petitioner, his involvement in number of criminal cases and his conviction in many cases. I find no sufficient ground that both the sentences awarded for distinct offences at different stages to run concurrently. The petitioner must suffer sentence for the various offences committed by him at different stages.

8. The petition lacks in merits and is dismissed.