

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1715/2006

(From the impugned judgement and final order dated 06/02/2006 in CRLMA No. 4534/2005 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

RAJESH @ RAJU PRAVINDHANDRA SONI

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(With office report)

Date: 25/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Aniruddha P. Mayee, Adv.

Mr. Sanjeev Kumar Choudhary, Adv.

For Respondent(s)

Mr. Maulik Nanavati, Adv.

Ms. Hemantika Wahi, Adv.

Ms. Shivangi, Adv.

UPON hearing counsel the Court made the following

O R D E R

Special Leave granted.

The appeal is allowed in terms of the signed order.

(Sukhbir Paul Kaur)

(Rajesh Dham)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.794 OF 2006

(ARISING OUT OF S.L.P.(CRL.)NO.1715 OF 2006)

RAJESH @ RAJU PRAVINDHANDRA SONI
NT(S)

...APPELLA

Versus

STATE OF GUJARAT
ENT (S)

...RESPOND

O R D E R

Special Leave granted.

We have heard counsel for the parties.

The appellant was tried in eight cases relating to separate incidents. He i

s

alleged to have sold several cars by changing their numbers etc. Th
e Trial Court

which found him guilty of the offence on a plea of guilt sentenced him to undergo 18

months simple imprisonment under Section 420, 24 months simple impriso
nment

12 under Section 467, 20 months simple imprisonment under Section 468,
months

simple imprisonment under Section 471 and 6 months simple imprisonment
under

Section 120B of the Indian Penal Code. Though the sentences passed in each case
were directed to run concurrently, the Court did not extend to the
appellant the

benefit under Section 427 of the Criminal Procedure Code making all the sentences
in the different cases concurrent.

The appellant, though belatedly, moved the Magistrate for modification of
the sentence but the said application was rejected. Thereafter, the appellant moved
the Revisional

-2-

Court which dismissed his revision and ultimately the appellant moved the
High

Court under Section 482 of the Criminal Procedure Code. The High Court, by its
impugned judgment and order, found that discretion under Section 427 could not be
exercised in favour of the appellant because when the second order of conviction was
passed, the accused was not undergoing a sentence.

We have considered all aspects of the matter. We notice that so far as the
co-accused are concerned, the Trial Court itself gave to them the benefi
t under

Section 427 Cr.P.C. There appears to be no reason why the same benefit should not be
extended to the appellant having regard to the peculiar facts of the c
ase and the

interest of justice. With a view to do complete justice to the appellant, we allow this

appeal and direct that the appellant shall be given the benefit under
Section 427

Cr.P.C. and all the sentences in all the eight separate cases shall run concurrently.

This appeal is, accordingly, allowed.

We have not considered the correctness or otherwise of the judgment of the High Court, which we may notice, has differed with the view of the Judicial

Commissioner, Goa.

.....J.

(B.P.SINGH)

.....J.

(ALTAMAS KABIR)

New Delhi,

JULY 25, 2006