

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1576 OF 2019
(Arising out of SLP(CrI.) No. 654 of 2018)

STATE OF PUNJAB .. APPELLANT(S)

VERSUS

RANJIT KAUR .. RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal is against an order dated 15.9.2017 passed by the High Court allowing the petition filed by the accused respondent under Section 482 of the Code of Criminal Procedure and ordering that the sentences imposed in 69 Challan cases pertaining to FIR 21/1996 should run concurrently.
3. Section 427 of the Code of Criminal Procedure provides that when a person undergoing a sentence of imprisonment is sentenced, on a subsequent conviction, to imprisonment, such imprisonment is to commence at the expiration of the imprisonment to which he has previously been sentenced, unless the Court directs that the subsequent sentence shall run concurrently.

4. The short question involved in this appeal is whether the High Court was justified in ordering that the sentences imposed on the accused-respondent in 69 Challan cases run concurrently when admittedly such contention had not been raised by the accused appellant in her appeals filed before the High Court or in the special leave petitions filed by her in this Court against the orders of her conviction and sentence in the 69 Challan cases.

5. In *M.R. Kundva vs. State of A.P.* reported in (2007) 2 SCC 772, this Court held :

"12. However, in this case the provision of Section 427 of the Code was not invoked in the original cases or in the appeals. A separate application was filed before the High Court after the special leave petitions were dismissed. Such an application, in our opinion, was not maintainable. The High Court could not have exercised its inherent jurisdiction in a case of this nature as it had not exercised such jurisdiction while passing the judgments in appeal. Section 482 of the Code was, therefore, not an appropriate remedy having regard to the fact that neither the Trial Judge, nor the High Court while passing the judgments of conviction and sentence indicated that the sentences passed against the appellant in both the cases shall run concurrently or Section 427 would be attracted. The said provision, therefore, could not be applied in a separate and independent proceeding by the High Court. The appeal being devoid of any merit is dismissed."

6. The conviction of the respondent was affirmed

by this Court and the Special Leave Petitions were dismissed. The inherent power of the High Court under Section 482 of the Code of Criminal Procedure to make such orders as may be necessary to give effect to any order under the Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice, does not enable the High Court to alter, add to, modify or vary any order that has been affirmed by the Supreme Court.

7. In view of the law laid down by this Court in the case of *"M.R. Kundva vs. State of A.P."* (supra) the impugned order of the High Court directing the sentences to run concurrently is set aside. Needless to mention that it will be open to the respondent to avail such remedy as may be available to her in law. The respondent shall surrender within four weeks from date.

8. The appeal is disposed of accordingly.

.....J.
[INDIRA BANERJEE]

.....J.
[M.R. SHAH]

NEW DELHI,
OCTOBER 14. 2019.

ITEM NO.39

COURT NO.16

SECTION II-B

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 (Cr1.) No(s). 654/2018

(Arising out of impugned final judgment and order dated 15-09-2017 in CRMM No. 32996/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

STATE OF PUNJAB

Petitioner(s)

VERSUS

RANJIT KAUR

Respondent(s)

Date : 14-10-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Ms. Jaspreet Gogia, AOR

For Respondent(s) Mr. Rajinder Goyal, Adv.
Mr. Dinesh Verma, Adv.
Mr. Subhasish Bhowmick, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

[CHARANJEET KAUR]
A.R. -CUM-P.S.

[BEENA JOLLY]
COURT MASTER

[Signed order is placed on the file]