



***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO.3157 OF 2022

Aslam Salim Shaikh

Age:-30 years; Occupation: - Nil

Currently Residing at:

Convict Prisoner No.B – 37620

Circle No.3, Barrack No.3

Yerwada Central Prison, Pune – 06

Permanent Resident of; -

Kashewadi, Bhawani Peth,

Pune – 42.

...Petitioner

Versus

1. The State of Maharashtra
(Copy to be served on Public Prosecution,
High Court of Judicature of Bombay

2. The Superintendent of Jail,
Yerwada Central Prison, Pune – 06. ...Respondents

Ms. Gazala R. Shaikh, for the Petitioner.

Ms. P. P. Shinde, A.P.P for the Respondents – State.

***CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.***

***RESERVED ON : 16th JUNE 2023
PRONOUNCED ON: 17th JULY 2023***

JUDGMENT (Per Revati Mohite Dere,J.) :

1. Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondents –State.

3. This is a glaring case warranting interference of this Court, as a protector of the fundamental right to life and personal liberty, lest there would be serious miscarriage of justice. The facts in the instant case, warrants exercise of our writ jurisdiction, as well as inherent jurisdiction, to do justice, for which the Courts exists.

4. Briefly stated the facts are as under:-

The petitioner, currently aged 30 years, has filed the petition through the Legal Services Authority, invoking our writ jurisdiction as well as inherent powers, and as such, seeks a direction,

that the sentences of imprisonment awarded to the petitioner, by different Courts, in 41 cases, run concurrently. The petitioner also seeks setting aside of the fine amount of Rs.1,26,400/- (total), passed by the various Courts in 41 cases.

The petitioner is in custody since 3rd December 2014. The petitioner was arrested and prosecuted essentially for the offences pertaining to theft in 41 cases by different police stations. According to the petitioner, he was falsely implicated in the said cases and being ill-literate and unaware of the niceties of law and having regard to his financial condition, being unable to engage a lawyer, he pleaded guilty in all the 41 cases, under a bonafide belief that he would be released from prison for the period already undergone by him as an undertrial prisoner. The details of all the 41 cases are as under;

Sr. No.	Police Stn./ CR No./ Sessions Case No./ Before Learned Court	Offences	Date of Arrest	Date of Conviction & Sentence
1	Vishrantwadi Police Stn CR No.156 of 2014 R.C.C. No.337/2014, Ld. Judicial Magistrate, F.C, Khadki, Pune	U/secs. 454,457,380 r/w. 34 of IPC	12.09.2014	03.12.2014 U/s.380 IPC R.I. for 18 months and fine of Rs.500/- i/d. RI for 1 month U/s.454 IPC R.I. for 1 yr. U/s.457 IPC R.I. for 1 yr.
2	Vishrantwadi Police Stn CR No.229 of 2014 R.C.C. No.352/2014 Ld. Judicial Magistrate, F.C, Khadki, Pune	U/secs.454,380 r/w.34 of IPC	15.09.2014	03.12.2014 U/s.380 IPC R.I. for 18 months and fine of Rs.500/- i/d. RI for 1 month U/s.454 IPC R.I. for 1 yr.
3	Vishrantwadi Police Stn CR No.251 of 2014 R.C.C. No.353/2014 Ld. Judicial Magistrate, F.C, Khadki, Pune	U/secs. 454, 457, 380 r/w. 34 of IPC	15.09.2014	03.12.2014 U/s.380 IPC R.I. for 18 months and fine of Rs.500/- i/d. RI for 1 month U/s.454 r/w.34 IPC - 1 yr. U/s.457 r/w.34 IPC - 1 yr.
4	Vishrantwadi Police Stn CR No.212 of 2014 R.C.C. No.75/2015 Ld. Judicial Magistrate, F.C, Khadki, Pune	U/secs.454,380 r/w.34 of IPC	18.03.2015	18.03.2015 U/s.380 IPC – RI 18 months and fine of Rs.500/- i/d. RI for 1 month U/s.454 IPC R.I. for 1 yr.

5	Vishrantwadi Police Stn CR No.239 of 2014 R.C.C. No.73/2015	U/secs.454,380 r/w.34 of IPC	12.09.2014	18.03.2015 U/s.380 IPC R.I. for 18 months and fine of Rs.500/- i/d. RI for 1 yr. U/s.454 IPC r/w.34 IPC R.I. for 1 yr. U/s.457 IPC –RI for 1 year
6	Vishrantwadi Police Stn CR No.120 of 2014 R.C.C. No.74/2015 Ld. Judicial Magistrate, F.C, Khadki, Pune	U/secs. 454, 457, 380 r/w. 34 of IPC	12.09.2014	18.03.2015 U/s.380 IPC – RI 18 months and fine of Rs.500/- i/d. RI 1 year U/s.454 r/w.34 IPC – RI for 1 year. U/s.457 r/w.34 IPC – RI for 1 year
7	Vishrantwadi Police Stn CR No.29 of 2014 R.C.C. No.80/2015 Ld. Judicial Magistrate, F.C, Khadki, Pune	U/secs.454,457, 380 r/w.34 of IPC	12.09.2014	18.03.2015 U/s.380 IPC R.I. for 18 months and fine of Rs.500/- i/d. RI for 1 month. U/s.454 r/w.34 IPC R.I. for 1 yr. U/s.457 r/w.34 IPC RI for 1 Yr.
8	Vishrantwadi Police Stn CR No.142 of 2014 R.C.C. No.387/2014 Ld. Judicial Magistrate, F.C, Khadki, Pune	U/secs.457,511 r/w.34 of IPC	10.09.2014	18.03.2015 U/s.457 r/w.34 IPC R.I. for 1 yr. U/s. 511 IPC - RI for 18 months and fine of Rs.500/- i/d. RI 1 month

9	Vishrantwadi Police Stn CR No.66 of 2014 R.C.C. No.76/2015 Ld. Judicial Magistrate, F.C, Khadki, Pune	U/secs.454,380 r/w.34 of IPC	11.09.2014	18.03.2015 U/s.380 r/w.34 IPC R.I. for 18 months and fine of Rs.500/- i/d. RI for 1 year. U/s.454 r/w.34 IPC R.I. for 1 yr.
10	Vishrantwadi Police Stn CR No.36 of 2014 R.C.C. No.72/2015 Ld. Judicial Magistrate, F.C, Khadki, Pune	U/secs.454,380 r/w.34 of IPC	10.09.2014	18.03.2015 U/s.380 r/w.34 IPC R.I. for 18 months and fine of Rs.500/- i/d. RI for 1 month. U/s.454 r/w.34 IPC R.I. for 1 yr. U/s.457 r/w.34 IPC – RI for 1 Yr.
11	Sahakar Nagar Police Stn CR No.6 of 2014 R.C.C. No.4051/2014 Ld. 11 th Judicial Magistrate, F.C., Pune	U/secs.457,380 r/w.34 of IPC	02.08.2014	06.01.2015 U/s.380 IPC S.I. for 2 Yrs. and fine of Rs.2000/- i/d. SI for 7 days. U/s.457 IPC S.I. for 2 yrs. and fine of Rs.2000/- id. SI – 7 days.
12	Sahakar Nagar Police Stn CR No.26 of 2014 R.C.C. No.2672/2015 Ld. 11 th Judicial Magistrate, F.C., Pune	U/secs.454,380 r/w.34 of IPC	06.09.2014	03.09.2015 U/s.380 IPC S.I. for 2 Yrs. and fine of Rs.2000/- i/d. SI for 7 days. U/s.454 IPC S.I. for 1 yr. and fine of Rs.2000 i/ d. SI 7 days.
13	Sahakar Nagar Police Stn CR No.3 of 2014 R.C.C. No.674/2016 Ld. 11 th Judicial Magistrate, F.C., Pune	U/secs.457,380 r/w.34 of IPC	02.09.2014	08.03.2016 U/s.380 IPC 2 Yrs. Imprisonments and fine of Rs.2000/- and i/d SI 4 days U/s.457 IPC imprisonment 2 years and fine of Rs.2000/- Id. SI – 4 days.

14	Sahakar Nagar Police Stn CR No.36 of 2014 R.C.C. No.601/2016 Ld. 11 th Judicial Magistrate, F.C., Pune	U/secs.457,380 r/w.34 of IPC	09.03.2014	08.03.2016 U/s.380 IPC - SI 2 Yrs. Imprisonments and fine of Rs.2000/- and i/d SI 4 days U/s.457 IPC SI 2 years and fine of Rs.2000/- id. SI - 4 days.
15	Sahakar Nagar Police Stn CR No.122 of 2014 R.C.C. No.78/2015 Ld. Addl. Sessions Judge, Pune.	U/secs.454,380 of IPC	02.09.2014	19.04.2017 U/s.380 IPC SI 2 Yrs. U/s.454 IPC SI 2 years.
16	Sahakar Nagar Police Stn CR No.106 of 2014 R.C.C. No.77/2015 Ld. Addl. Sessions Judge, Pune.	U/secs.454,380 of IPC	04.09.2014	19.04.2017 U/s.380 IPC SI 2 Yrs. U/s.454 IPC SI 2 years.
17	Khadak Police Stn CR No.08 of 2014 R.C.C. No.4488/2014 Ld. J.M.F.C., 6 th Court, Pune.	U/secs.457,380,511, 34 of IPC	01.11.2014	06.05.2015 U/s.457 IPC SI - 6 months & 15 days and fine Rs.100/- i/d SI 4 days 380 r/w.511 IPC SI 6 months
18	Khadak Police Stn CR No.113 of 2014 R.C.C. No.651/2015 Ld. J.M.F.C., 6 th Court, Pune.	U/secs.454,380,34 of IPC	31.10.2014	29.06.2015 U/s.454 IPC SI - 8 months and fine Rs.100/- i/d SI 2 days 380 r/w.34 IPC SI 6 months and fine Rs.100/- i/d. SI 2 days.

19	Khadak Police Stn CR No.214 of 2010 R.C.C. No.4850/2010 Ld. J.M.F.C., 6 th Court, Pune.	U/secs.379 of IPC	30.10.2010	27.09.2016 U/s.379 IPC RI – 3 Yrs. and fine Rs.5000/- i/d SI 2 months
20	Khadak Police Stn CR No.05 of 2008 R.C.C. No.1235/2008 Ld. J.M.F.C., 6 th Court, Pune.	U/secs.457,380 of IPC	15.01.2008	27.09.2016 U/s.457 IPC RI – 3 yrs. and fine Rs.3000/- i/d SI 2 months 380 IPC RI 3 yrs. and fine Rs.3000/- i/d.SI 2 months.
21	Khadak Police Stn CR No.150 of 2011 R.C.C. No.3220/2011 Ld. J.M.F.C., 6 th Court, Pune.	U/secs.454,457, 380 of IPC	02.07.2011	27.09.2016 U/s.454 IPC RI – 2 yrs. and fine Rs.3000/- i/d SI 2 months U/s.457 IPC RI – 2 yrs. and fine Rs.3000/- i/d SI 2 months 380 IPC RI 2 yrs. and fine Rs.3,000/- i/d. SI 2 months.
22	Warje Malwadi Police Stn CR No.113 of 2015 R.C.C. No.475/2015 Ld. J.M.F.C., Pune.	U/secs.454,380,411 of IPC	01.10.2014	22.06.2015 U/s.454, 380, 411 IPC Imprisonment – 3 yrs. and fine Rs.7000/- i/d SI 5 months
23	Warje Malwadi Police Stn CR No.40 of 2014 R.C.C. No.2003/2015 Ld. J.M.F.C., Pune.	U/secs.454,380,411 of IPC	04.10.2014	22.06.2015 U/s.454, 380, 411 IPC Imprisonment – 3 yrs. and fine Rs.7000/- i/d SI 5 months

24	Warje Malwadi Police Stn CR No.235 of 2014 R.C.C. No.599/2015 Ld. J.M.F.C., Court No.3, Pune.	U/secs.454,457,380 r/w.511 of IPC	03.10.2014	26.08.2016 U/s.454, 380, 511 IPC Imprisonment – 2 yrs. and fine Rs.1000/- i/d SI 10 days.
25	Bharati Vidyapeeth Police Stn CR No.197 of 2014 R.C.C. No.0400617/2015 Ld. J.M.F.C., Pune.	U/secs.454,457,380, 511 of IPC	02.12.2014	31.07.2015 U/s.454 IPC RI – 6 months and fine Rs.2000/- i/d SI 3 months U/s.457 IPC RI – 2 yrs. and fine Rs.2000/- i/d SI 3 months 380 r/w.511 IPC RI 6 months
26	Bharati Vidyapeeth Police Stn CR No.73 of 2014 R.C.C. No.4218/2015 Ld. J.M.F.C., Court No.4, Pune.	U/secs.454,380 of IPC	02.12.2014	28.07.2016 U/s.454, 380 IPC RI – 3 yrs. and fine Rs.5000/- i/d RI 1 yr.
27	Bharati Vidyapeeth Police Stn CR No.227 of 2014 R.C.C. No.807/2015 Ld. J.M.F.C., Court No.4, Pune.	U/secs.454, 380, 34 of IPC	02.12.2014	28.07.2016 U/s.454, 380,34 IPC RI – 3 years fine Rs.5000/- i/d RI 1 year

28	Hinjwadi Police Stn CR No.295 of 2014 R.C.C. No.4541/2014 Ld. J.M.F.C., Court No.7, Pune.	U/secs.454,457,380 r/w.34 of IPC	28.10.2014	07.09.2015 U/s.454 r/w.34 IPC RI – 9 months and fine Rs.1000/- i/d SI 10 days U/s.457 r/w.34 IPC RI – 9 months and fine Rs.1000/- i/d SI 10 days 380 r/w.34 IPC RI 9 months and fine of Rs.1000/- i/d SI – 10 days
29	Hinjwadi Police Stn CR No.311 of 2014 R.C.C. No.4818/2014 Ld. J.M.F.C., Court No.7, Pune.	U/secs.454,457,380 r/w.34 of IPC	28.07.2014	07.09.2015 U/s.454 r/w.34 IPC RI – 1 year and fine Rs.1000/- i/d SI 10 days U/s.457 r/w.34 IPC RI – 1 year and fine Rs.1000/- i/d SI 10 days 380 r/w.34 IPC RI 1 year and fine of Rs.1000/- i/d SI – 10 days
30	Hinjwadi Police Stn CR No.116 of 2014 R.C.C. No.4819/2014 Ld. J.M.F.C., Court No.7, Pune.	U/secs.454,457,380 r/w.34 of IPC	28.07.2014	07.09.2015 U/s.454 r/w.34 IPC RI – 1 year and fine Rs.1000/- i/d SI 10 days U/s.457 r/w.34 IPC RI – 1 year and fine Rs.1000/- i/d SI 10 days 380 r/w.34 IPC RI 1 year and fine of Rs.1000/- i/d SI – 10 days

31	Shivaji Nagar Police Stn CR No.16 of 2015 R.C.C. No.0403531/2015 Ld. J.M.F.C., Pune.	U/secs.353 of IPC	19.05.2015	18.09.2015 U/s.353 IPC RI – 8 months
32	Kondhva Police Stn CR No.314 of 2014 R.C.C. No.91/2015 Ld. J.M.F.C., Cantonment Court, Pune.	U/secs.380 of IPC	16.09.2014	14.01.2016 U/s.380 IPC SI – period already undergone in detention
33	Wanwadi Police Stn CR No.96 of 2015 R.C.C. No.435/2015 Ld. J.M.F.C., Pune.	U/secs.454,457,380 r/w.34 of IPC	22.04.2015	17.02.2016 U/s.379 SI – 2 Yrs., U/s.454 IPC SI – 2 Yrs., U/s.457 IPC SI – 3 Yrs.,
34	Wanwadi Police Stn CR No.125 of 2014 R.C.C. No.859/2014 Ld. J.M.F.C., Cantonment Court, Pune.	U/secs.454,457,380 r/w.34 of IPC	03.11.2014	12.04.2016 U/s. 380 r/w. 34 SI – 2 Yrs., U/s.454 r/w. 34 IPC SI – 2 Yrs., U/s.457 r/w. 34 IPC SI – 3 Yrs.,

35	Wanwadi Police Stn CR No.142 of 2014 R.C.C. No.101 /2016 Ld. J.M.F.C., Lashkar, Pune.	U/secs.454,457,380 r/w.34 of IPC	15.09.2015	31.08.2016 U/s. 454, 457, 380 r/w. 34 of IPC SI – 2 Yrs.,
36	Bibwewadi Police Stn CR No.78 of 2014 R.C.C. No.4568/2014 Ld. J.M.F.C., Pune.	U/secs.454,457,380 of IPC	18.08.2014	28.07.2016 U/s.454, 457, 380 IPC RI – 2 Yrs. and fine Rs.5000/- i/d RI 6 months
37	MIDC Bhosari Police Stn CR No.112 of 2014 R.C.C. No.57/2015 Ld. J.M.F.C., Pimpri, Pune.	U/secs.454,380 r/w.34 of IPC	07.11.2014	29.08.2016 U/s.454,380 r/w.34 IPC SI – 1 year, 9 months and 22 days
38	Vimantal Police Stn CR No.112 of 2014 R.C.C. No.0400268/2015 Ld. J.M.F.C., Pune.	U/secs.454,380,411 r/w.34 of IPC	13.11.2014	09.09.2016 U/s.380 r/w.34 IPC RI – 3 yrs. and fine Rs.5000/- i/ d SI 6 months U/s.454 r/w.34 IPC RI – 3 years and fine Rs.5000/- i/d SI 6 months
39	Vimantal Police Stn CR No.191 of 2014 R.C.C. No.0400269/2019 Ld. J.M.F.C., Pune.	U/secs.454,380,411 r/w.34 of IPC	13.11.2014	09.09.2016 U/s.380 r/w.34 IPC RI – 3 yrs. and fine Rs.5000/- i/ d SI 6 months U/s.454 r/w.34 IPC RI – 3 years and fine Rs.5000/- i/d SI 6 months

40	Vimantal Police Stn CR No.115 of 2014 R.C.C. No.0400270/2015 Ld. J.M.F.C., Pune.	U/secs.454, 457, 380, r/w.34 of IPC	13.11.2014	09.09.2016 U/s.380 r/w.34 IPC RI – 3 yrs. and fine Rs.5000/- i/ d SI 6 months U/s.457 r/w.34 IPC RI – 3 years and fine Rs.5000/- i/d SI 6 months
41	Vimantal Police Stn CR No.139 of 2014 R.C.C. No.0400272/2015 Ld. J.M.F.C., Pune.	U/secs. 454, 457, 380, r/w.34 of IPC	13.11.2014	09.09.2016 U/s.380 r/w.34 IPC RI – 3 yrs. and fine Rs.5000/- i/ d SI 6 months U/s.457 r/w.34 IPC RI – 3 years and fine Rs.5000/- i/d SI 6 months.

3. It appears, that on arrest in one case, the petitioner came to be arrested in the other cases, on transfer warrant. As noted above, the petitioner has pleaded guilty in all the 41 cases and has been sentenced to imprisonment and payment of fine, as stated aforesaid. Although, some of the cases were pending before the same Court, there is no direction that the sentences to either run concurrently/consecutively.

4. Section 427(1) Cr.PC provides that when a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment or imprisonment for life, such imprisonment or imprisonment for life shall commence at the expiration of the imprisonment to which he has been previously sentenced, unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence. In other words, Section sub-section (1) of Section 427 confers a discretion on the Court to direct that the subsequent sentence following a conviction shall run concurrently with the previous one. The Apex Court in the case of *Mohd Zahid v/s State through NCB*¹, whilst interpreting the said provision and after considering the precedents, has held in para 17 as under :-

“17. Thus from the aforesaid decisions of this Court, the principles of law that emerge are as under:

17.1. If a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment, such subsequent term of imprisonment would normally commence at the expiration of the imprisonment to which he was previously sentenced.

1 (2022) 12 SCC 426

17.2. Ordinarily the subsequent sentence would commence at the expiration of the first term of imprisonment unless the court directs the subsequent sentence to run concurrently with the previous sentence.

17.3. The general rule is that where there are different transactions, different crime numbers and cases have been decided by the different judgments, concurrent sentence cannot be awarded under Section 427 CrPC.

17.4 Under Section 427(1) CrPC the court has the power and discretion to issue a direction that all the subsequent sentences run concurrently with the previous sentence, however discretion has to be exercised judiciously depending upon the nature of the offence or the offences committed and the facts in situation. However, there must be a specific direction or order by the court that the subsequent sentence to run concurrently with the previous sentence.”

5. Thus, it is evident that the Court has the power and discretion under Section 427(1) of Cr.PC, to issue a direction that all the subsequent sentences run concurrently with the previous sentence. However, the said discretion has to be exercised judiciously depending upon the nature of the offence or the offences committed and the facts of the case. Admittedly, in none of the cases as reflected in the chart aforesaid, though some of the cases were tried by the same Court and arose from the same police station, there is no specific direction or order by the said Court, that the subsequent sentences to run

concurrently with the previous sentence. There is no specific direction issued by the trial Court, before whom there were more than one case pending, in terms of Section 427(1) Cr.PC allowing the subsequent sentences to run concurrently.

6. We find that the Courts before whom there was more than one case pending before them, had failed to exercise their discretion. It appears that the petitioner was not defended by any advocate nor does it appear that he was offered any legal aid by the trial Court. It appears that the petitioner was only 21 years and his family members were dependent on him. It appears that the petitioner pleaded guilty with a belief that he would be released on undergone sentence. It is the petitioner's case, that he had prayed for leniency on the premise that he belonged to a poor family and that his family was dependent on him, however, whilst handing over the sentence and whilst imposing fine, the prayer of the petitioner was not taken into consideration. None of the Courts have considered these factors. Infact, 3 cases, out of the 41 cases, are of 2008, 2010 and 2011. If

according to the prosecution, he was about 21 years of age in 2014, he most certainly, was a juvenile in conflict with law, in 2008, 2010 and may be even in 2011. None of the Courts even dwelled into the dates, presumably because, the petitioner pleaded guilty in the said 3 cases, in 2016.

7. The sentencing policy of criminal jurisprudence mandates Courts to pass such sentences as would meet its primary twin objects of deterrence and re-formation. The deterrent effect of a sentence is to prevent the commission of a similar offence by the convict by confining him to jail and to prevent the prospective offenders from committing such a crime. Infact, compensation some times can be said to have such a deterrent effect. However, the same would depend upon the facts of each case. The sentence of imprisonment should also have a reformative aim, inasmuch as, it should not demoralize the offender and infact, the offender should be given an opportunity depending on the nature of offence to improve himself. Thus, any sentence imposed by any Courts must maintain a proper balance

between the deterrent and reformative objects of a sentencing policy and must ensure that the said object is sufficiently met.

8. As noted from the chart reproduced hereinabove, if the petitioner is permitted to undergo imprisonment in all the aforesaid cases, he would be compelled to undergo imprisonment of approximately 83 years 3 months and 5 days, and since he is not in a position to pay the fine, for non-payment of the fine amount, he would require to undergo imprisonment of further 10 years 1 month and 26 days i.e. a total of 93 years 5 months, his entire life, with no hope whatsoever, to even come out of jail. A sentence, more than what a life convict would have to undergo for murder. If permitted, this would certainly lead to travesty of justice. Being alive to this reality, we cannot permit this miscarriage of justice.

9. In this context and having regard to the peculiar facts, it is apposite to quote the words of Earl Warren *'It is the spirit and not the form of law, that keeps justice alive.'* The petitioner was about 21

years old at the relevant time when he was booked in the aforesaid 38 offences and in 3 cases, a juvenile in conflict with law. All, except 3 offences pertain to the period 2014 to 2015. As noted above, it appears that the petitioner could not afford to engage a lawyer having regard to his financial condition and hence pleaded guilty in all the 41 cases. Infact, even the present petition is filed through jail. Since, the cases were tried by different Courts, we are unable to invoke Section 427(1) Cr.PC. However, at the same time, we cannot be oblivious, to the fact, that there will be serious miscarriage of justice, if we fail to interfere and exercise our discretion, in writ jurisdiction as well as under our inherent powers, in the peculiar facts of this case. Courts exist to do justice, and this is one such case, that begs our interference.

10. As rightly said by William Scott Downey, '*Law without justice is a wound without a cure*'. Hence, in exercise of our writ and inherent jurisdiction, we deem it appropriate to put right the clock, to prevent miscarriage of justice, failing which the petitioner

would remain incarcerated for more than 90 years, in 41 cases (total), for committing 'theft', with no prospect of coming out of jail anytime in the future. The actual period of imprisonment undergone by the petitioner is more than 9 years and without remission more than 11 years. The petitioner was 21 years old and is now about 30 years of age.

11. We have perused a few of the FIRs to satisfy our conscience, with respect to the nature of offences alleged to have been committed by the petitioner. It appears that the said FIRs have been lodged against unknown person/persons. The material in some of the cases, if trial had commenced may have probably ended into petitioner's acquittal, for want of evidence. It was the bounden duty of the learned Magistrates to have atleast perused the papers before awarding the sentences, more particularly, when the petitioner had pleaded guilty, so as to ensure that the sentences awarded were commensurate with the evidence on record against the petitioner. The learned Judge has also failed to consider, that the petitioner/accused

was a juvenile in conflict with law, in cases of 2008, 2010 and may be even in 2011, as it is the prosecution's case, that the petitioner was 21 years of age in 2014.

12. It is well settled that when there is grave error of law apparent on the face of record or there is a miscarriage of justice, resulting from the orders passed by the Courts below or when it is necessary for enforcing fundamental or legal rights or to meet the ends of justice, the Court can certainly entertain a petition of this nature.

13. Section 482 Cr.PC can be invoked to render complete justice. It can be exercised to give effect to an order under Cr.PC;f to prevent abuse of the process of the Court; and, to secure the ends of justice. In short, Section 482 Cr.PC is a reminder to High Courts, that they are not merely Courts of law, but also Courts of justice and as such possess inherent powers to remove injustice. The petitioner, in the facts, has no other effective alternative remedy to redress his grievance/injustice, that will be caused to him. Inherent jurisdiction is

to be exercised ex debito justitiae to do real and substantial justice for which alone, Courts exist.

14. Hence, in the peculiar facts, we exercise our writ jurisdiction, as well as, inherent powers and allow the petition, lest, there is travesty of justice. Hence, we pass the following order:

ORDER

i) The petitioner be released forthwith, on undergone sentence, in all the 41 cases reproduced hereinabove, unless required in any other case.

15. Petition is allowed and disposed of in above terms. Rule is made absolute in the aforesaid terms.

All concerned to act on the authenticated copy of this judgment.

GAURI GODSE, J.

REVATI MOHITE DERE, J.