

GAHC010253142024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Crl.)/1197/2024

SUSHIL KUMAR VERMA
S/O- RAMESH CHANDRA PRASAD, R/O- QTR. NO-436, NAMBARI
RAILWAYS OFFICER COLONY, NEAR GOSHALA MALIGAON, GUWAHATI-
11, PERMANENT ADDRESS- ALKAPURI, RATU ROAD, RANCHI (NEAR
TARA GUPTA BUILDING) JHARKHAND-834001

VERSUS

CENTRAL BUREAU OF INVESTIGATION
O/O HEAD OF THE BRANCH, ANTI -CORRUPTION BRANCH (OPP. BALAJI
TEMPLE) BETKUCHI, NH -37, GARCHUK-781035

Advocate for the Petitioner : MR J BORAH, MR N PATIRI, MR. K KAKOTI

Advocate for the Respondent : SC, CBI,

Linked Case : Crl.Rev.P./426/2024

SUSHIL KUMAR VERMA
S/O- RAMESH CHANDRA PRASAD
R/O- QTR. NO-436
NAMBARI RAILWAYS OFFICER COLONY
NEAR GOSHALA MALIGAON
GUWAHATI-11
PERMANENT ADDRESS- ALKAPURI
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O/O HEAD OF THE BRANCH
ANTI -CORRUPTION BRANCH (OPP. BALAJI TEMPLE) BETKUCHI
NH -37
GARCHUK-781035

Advocate for : MR J BORAH

Advocate for : SC

CBI appearing for CENTRAL BUREAU OF INVESTIGATION

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

23.04.2025

Heard Mr. R.K Mour, learned counsel for the petitioner/applicant. Also heard Mr. R.K.D Choudhury, learned Deputy SGI.

2. By filling this application, the applicant has prayed for clarification and modification of order dated 30.10.2024, passed by this Court in Criminal Revision Pet. No.426/2024 whereby this Court rejected the revision petition of the applicant by upholding the order dated 30.09.2024, passed by the learned Special Judge, Assam in connection with Misc. (CBI) Case No.26/2022 (arising out of Special Case No 05/2022). The applicant alleged that this Court rejected the petition with an inadvertent finding that the applicant booked tickets for LTC prior to taking permission of the trial court.

3. It is submitted by the learned counsel for the petitioner that the applicant sought for clarification and modification of the order dated 30.10.2024 passed

by this Court, has arisen for the reasons that the finding of this Court that the applicant booked tickets for LTC prior to taking permission of the learned trial court was never pleaded or submitted during the course of the arguments by the applicant. Neither it was contended by the respondent nor it was the finding of the learned Special Judge in its order dated 30.09.2024. Instead, it is the case of the applicant and also the observation of the learned trial court in its order dated 30.09.2024 that the approval for LTC tour from his office was obtained prior to seeking permission to leave the jurisdiction.

4. It is thus submitted that the applicant did not apply for permission to leave before the learned trial court after booking tickets for the said LTC tour. The interpretation of this Court to the extent that the applicant booked tickets for LTC tour instead of maintaining that it was the leave approval for LTC tour from his office which was obtained, substantially alters the case of the applicant and sets as an adverse precedence before the learned trial court in his future application.

5. According to the learned counsel for the applicant, in view of the aforesaid position, it is clear that there exists an error which has inadvertently crept in the order dated 30.10.2024 passed by this Court which required to be clarified and ought to be modified.

6. In response, Mr. Choudhury submits that as this Court has already rejected the revision petition of the applicant earlier, as such the subsequent modification may not be sustained.

7. Having heard the learned counsel for the parties and on perusal of the order dated 30.10.2024, it reveals that the prayer in the earlier revision petition vide No.426/2024 was rejected with an observation that the applicant booked

tickets for LTC prior to taking permission of the trial court which the learned counsel for the petitioner sought for clarification and modification.

8. Situated thus, the order dated 30.10.2024 passed by this Court either rightly or wrongly, is a final order which cannot be entertained as this Court has no such power to review its own order except any clerical mistake i.e. error apparent on the face of the record.

9. The interlocutory application is disposed of accordingly.

JUDGE

Comparing Assistant