

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Crl.A. No. 24 of 2023

Manoj Kumar Jain

.....Appellant/s

- Versus -

Mahendra Kumar Jain

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

17.12.2025

[1] Present Mr. M. Tapan Sharma, learned counsel for the appellant and Mr. Leo Rommel S, learned counsel for the respondent.

[2] Vide judgment and order dated 17.10.2025, the appeal was disposed of by this Court. However, in second line of para 29 of the judgment, inadvertently a wrong case citation has been typed in place of the correct one. However, all the contents of para 29 is correct except for the case citation mentioned therein.

[3] Today, the matter is listed for correcting mistake in recording the correct case citation. In second line of para 29 of the judgment, "**Ranjit Sarkar v. Ravi Ganesh Bhardwaj: (2025) 7 SCC 234**" is wrongly mentioned in place of correct case citation "**Krishna Janardhan Bhat vs. Dattatraya G. Hedge: (2008) 4 SCC 54**". The matter is listed only for the purpose of correcting the typographical mistake in recording the correct name of the case citation. Both learned counsel fairly admits that the case citation mentioned in para 29 is a wrong citation.

[4] It is settled law that arithmetical and clerical mistake in the judgment can be rectified under the provisions of Section 362 Cr.P.C and the same does not extent to correcting a wrong one and the jurisdiction under Section 362 Cr.P.C. (Section 403 BNSS) is restricted only to correct

the innocuous mistake in the order. In the case of **Mohammed Jakir vs. Shabana: (2018) 1 SCC 316**, the Hon'ble Supreme Court held in para 4 is reproduced hereinbelow:

“4. The High Court should not have exercised the power Under Section 362 Code of Criminal Procedure for a correction on merits. However patently erroneous the earlier order be, it can only be corrected in the process known to law and not Under Section 362 Code of Criminal Procedure. The whole purpose of Section 362 Code of Criminal Procedure is only to correct a clerical or arithmetical error. What the High Court sought to do in the impugned order is not to correct a clerical or arithmetical error; it sought to rehear the matter on merits, since, according to the learned Judge, the earlier order was patently erroneous. That is impermissible under law. Accordingly, we set aside the impugned order dated 28.04.2017.”

[5] Also, in recent case of **Vikram Bakshi & Ors. vs. R.P. Khosla & Anr.: (2025) SCC OnLine SC 1783**, para 34 and para 34A, the Hon'ble Supreme Court says that only arithmetical and clerical mistake can be corrected and also lays down certain exceptional conditions, such as Court passing judgment or order without jurisdiction, fraud by the party and mistake which cause prejudice to the party and non-serving to the necessary party are some of the exceptions.

[6] In the present case, it is only for correcting the wrong case citation by the correct one and the same does not amount to correcting any error in the judgment. In view of above, in para 29 second line in place of **“Ranjit Sarkar v. Ravi Ganesh Bhardwaj: (2025) 7 SCC 234”** should be read as **“Krishna Janardhan Bhat vs. Dattatraya G. Hedge: (2008) 4 SCC 54”**.

[7] This order will be read in continuation of the earlier judgment dated 17.10.2025 already passed by this Court.

[8] With this observation, Registry is directed to upload this order along with the main order.

JUDGE

Kh. Joshua Maring

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by KH. JOSHUA
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