

Crl. Rev. P. No. 9 of 2026

Leila @ Fajitun

.... *Petitioner*

- *Versus* -

State of Manipur and Anr.

.... *Respondents*

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

20.08.2026

[1] Present Ms. Th. Ranjeeta, learned counsel for the petitioner and Mr. H. Samarjit, learned PP assisted by Ms. I. Sharmila, learned jr. Govt. counsel on behalf of the State respondents.

[2] The matter is listed for correction of typographical mistakes in para nos. 14 and 27 in the judgment & order dated 17.08.2026 passed by this Court in Cril. Rev. P. No. 9 of 2026 with MC(Cril. Rev. P.) No. 22 of 2026. In para no. 14 (i) of the 4th line, instead of 'Section 228(2) of Cr.P.C.' it is written as 'Section 229' and in 7th line of the same para instead of 'BNSS' it is written as 'BNNS'; in para no. 27 of the 3rd line, instead of 'Sections 251/252 of BNSS', it is written as 'Sections 251/251 of BNSS'; in para 24 of the last line, instead of 'trial', it is written as 'trail'; and in para 20 of the last line the word 'has been' is repeated twice. On being found the above typographical mistakes in para nos. 14 (i), 27, 24 & 20 of the judgment & order dated 17.08.2026, the matter is listed for doing the necessary correction.

[3] 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 extend 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."

[4] 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.

[5] By correcting the typographical mistakes as mentioned above, the nature of the judgment & order will not be changed. The learned counsel appearing for the parties has also fairly agreed this proposition.

[6] In the circumstances, this Court passes the following direction

- (i) in para no. 14 of the 4th line, 'Section 229 of Cr.P.C.' should be read as 'Section 228 (2) of Cr.P.C.' and in 7th line of the same para, 'BNNS' should be read as 'BNSS';
- (ii) in para no. 27 of the 3rd line, 'Sections 251/251 of BNSS' should be read as 'Sections 251/252 of BNSS';
- (iii) in para no. 24 of the last line, 'trail' should be read as 'trial' &
- (iv) in para no. 20 of the last line, the repeated word 'has been has been' should be read as 'has been'.

[7] It is clarified that this order will be read in continuation of the earlier judgment & order dated 17.08.2026 passed by this Court in Cril. Rev. P. No. 9 of 2026 with MC(Cril. Rev. P.) No. 22 of 2026.

[8] Send a copy of this order to the (i) Special Judge (ND&PS), Manipur for information, (ii) Superintendent of Manipur Central Jail, Imphal for effecting release of the petitioner and (iii) Director, Manipur Judicial Academy in continuation of the earlier judgment & order dated 17.08.2026. Further, a copy of this order will be furnished to the learned counsel appearing for the parties.

[9] Registry is directed to upload this order along with the earlier order in the CIS (Case Information System) of Court.

JUDGE

Thoiba