

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24598 of 2015

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Praveen Chandra Prasad @ Prain Chandra Prasad, son of Late Ishwar Chandra Prasad resident of Mohalla - Khushkibagh, Police Station - Sadar, District - Purnea. Petitioner

Versus

1. The State of Bihar.
2. Satish Chandra Gupta (Proprietor, M/s S. Chandra Enterprises) Son of Late Baldeo Prasad Gupta resident of Mohalla - Sipahi Tola, Chunapur Road, Police Station - K.Hat, District - Purnea. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rajendra Lal Das, Advocate
For the Opposite Party/s : Mr. A. M. P. Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 24-06-2015

The present application under Section 482 of the Code of Criminal Procedure has been filed for modification of the judgment dated 23.03.2015 passed in S.L.A. No. 9 of 2015.

By filing the present application, the petitioner seeks that the order by which leave to appeal has been refused by this Court be modified and the petitioner should be allowed to file an appeal.

The operative part of the judgment dated 23.03.2015 passed in S.L.A. No. 9 of 2015 is as under:-

“I have perused the judgment passed by the court below. The judgment passed by the court below is reasoned one. It can neither be called erroneous nor perverse. The learned Magistrate has given

sufficient and sound reasons for arriving at a conclusion that the petitioner has failed to prove his case beyond all reasonable doubts. I find no error in the judgment passed by the learned Magistrate. In that view of the matter, leave to appeal sought for by the petitioner is refused. The application is dismissed.”

In my view, the application is thoroughly misconceived. Section 362 of the Code of Criminal Procedure puts a specific bar on altering or reviewing the judgment or final order disposing of a case after the same has been signed. The only thing which is permissible in law is to correct a clerical or arithmetical error in the final judgment or order.

The prayer of the petitioner is not to correct any arithmetical or clerical error in the order but to alter the judgment by which the leave to appeal has been refused by granting leave to appeal.

The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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