

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.261 OF 2016
(FOR REVIEW)
CRIMINAL APPLICATION NO.481 OF 2015
IN
CRIMINAL WRIT PETITION NO.1523 OF 2015**

Sampat Babaso Kale

... Petitioner

Vs.

The State of Maharashtra

... Respondent

Ms.Sarojini Upadhyaya for the Applicant
Mrs.A.S. Pai, APP, for Respondent State

**CORAM: SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, JJ.**

DATE: JUNE 27, 2016

P.C.:

1. Heard both sides.
2. The applicant in the present application had preferred Criminal Application No.481 of 2015 in Criminal Writ Petition No.1523 of 2015. In the said application, the applicant had prayed for parole. The said application came to be rejected by this Court by order dated 2.2.2016. Criminal application No.481 of 2015 was preferred in criminal Writ Petition No.1523 of 2015. By order dated 30.6.2015, the said Writ Petition was disposed of. In the order dated 30.6.2015, it is reflected that the order of rejection of the application of the petitioner for parole is appealable, hence,

the petitioner should prefer an appeal and the appeal to be decided expeditiously. Pursuant thereto, the petitioner preferred appeal. The appeal came to be rejected, hence, the petitioner preferred Criminal Application No.481 of 2015. As stated earlier, the said application came to be rejected. Now, the petitioner is praying that the order dated 2.2.2016 rejecting his Criminal Application No.481 of 2015 be reviewed.

3. There is no provision in criminal law regarding review of the matter. when the same is finally disposed of except to correct a clerical or arithmetical error, which is clear from section 362 of the Code of Criminal Procedure. It is not the case of the applicant that there is a clerical or arithmetical error in the order dated 2.2.2016. In such case, we cannot review the order dated 2.2.2016, hence, the application is rejected.

4. Office to communicate this order to the applicant who is Yerawada Central Prison.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)