

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1328 of 2016

Arising Out of PS. Case No.-04 Year- 2016 Thana –Piri Bazarr District- LAKHISARAI

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Suresh Kora, S/o Karmu Kora, resident of Village- Lathia, Bhairo Tola, P.S.- Piri Bazar, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Police, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Lakhisarai.
4. Addl. Superintendent of Police (Prosecution), Munger.
5. The Sub Divisional Police Officer, Lakhisarai.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Vivekanand Prasad Singh, Advocate.
Mr. Mukesh Kumar, Advocate.
Mr. Bijay Kumar Pandey, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL JUDGMENT

Date: 08-02-2017

By filing the present criminal writ application, the petitioner is, in fact, seeking review of the order passed by this Court on 20.09.2016 whereby, the writ application for grant of compulsive bail in terms of Section 167(2) of the Code of Criminal Procedure was declined.

I find that another writ application for review of the order is not maintainable, as only clerical or arithmetical error can be ordered to be corrected in terms of Section 362 of the Code of Criminal Procedure.

Learned counsel for the petitioner relies upon a



Supreme Court Judgment reported as (2013) 8 SCC 320 (Kamlesh Verma v. Mayawati) to contend that the review is maintainable in a criminal proceeding for the reason that there is an error apparent on record.

I do not find that the said judgment is anyway applicable to the facts of the present case. The reported case deals with review of the order passed by the Hon'ble Supreme Court reported as (2012) 8 SCC 106 (Ms. Mayawati v. Union of India & Ors.). The power of the Hon'ble Supreme Court to correct the mistake is wider than the power of review conferred upon the High Court, as the Hon'ble Supreme Court is the final court. In respect of an order passed by the Hon'ble Supreme Court, in fact not only the review is maintainable but also curative application can also be filed. But in respect of criminal matters before the High Court, the remedy has to be found within the four corners of the Code of Criminal Procedure.

Since there is no provision for review, in the criminal writ application governed by the Code of Criminal Procedure, therefore, I find that the present writ application is not maintainable.

Still further, learned counsel for the petitioner wishes to reargue the matter and contended that the judgment referred to by this Court is not applicable to the facts of the present case. Whether



the judgment is applicable or not cannot be examined in a second writ application. The petitioner has to find his remedy elsewhere. The petitioner cannot seek review of an order passed by this court by filing a writ application.

Consequently, the present writ application is dismissed.

(Hemant Gupta, ACJ)

Mishra/-

AFR/NAFR	A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

