

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 782 of 2017

Ramakant Shukla, S/o. Late Shri Madhusudan Prasad Shukla, aged about 50 years, (Constable), R/o. Village-Gadawa, Police Station – Laur (Devtalab), Tahsil – Mauganj, District – Rewa (M.P.). Presently posted as Constable No.276 Rakshit (Arakshi Kendra) Dantewada, District – Dantewada (M.P.) now (C.G.)

---- Applicant

Versus

State of M.P. (Now Chhattisgarh), Through : Police Station – Archhi Kendra Dantewara, District – Bastar (C.G.)

-----Respondent

For Petitioner

: Mr. Vijay K. Deshmukh, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/07/2017

Heard.

1. This petition has been brought with a prayer of alteration/correction in the order dated 08.02.2008, passed by the Coordinate Bench of this Court in Criminal Appeal No.1311/1998.
2. Petitioner had preferred an appeal against the judgment dated 22.04.1998, passed by the Third Additional Sessions Judge, Bastar, in S.T. No.264/1997 in which he was convicted under Section 376 of Indian Penal Code and sentenced to undergo R.I. for 10 years along with fine of Rs.5000/-. This appeal was decided by an order dated 08.02.2008 with observation that there is no illegality or infirmity in the judgment of the trial Court and as per report of the jail authorities, the appellant has served his jail sentence completely and released on 16.04.2005. Considering this fact, the appeal was dismissed as having

become infructuous.

3. The prayer made by the petitioner is for the purpose of recalling and reviewing the order/judgment passed by the Coordinate Bench of this Court.
4. Section 362 of Cr.P.C. clearly lays down a bar that judgment/final order once passed can not be altered or reviewed except for the purpose of correction of clerical or arithmetical error. In this case, the petitioner once again wants to agitate the grounds in appeal, which has been disposed of earlier by the coordinate bench, which can not be permitted under any of the provisions of Code of Criminal Procedure. Hence this petition is without any substance and is dismissed at the motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram