

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.14134 of 2016

Date of Decision: 19.09.2017

Joginder Pal and others

. . . Petitioners

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, AAG Punjab
for the respondent.

Mahabir Singh Sindhu, J. (Oral)

Present petition has been filed by the petitioners namely Joginder Pal, Sona @ Kulwinder Kumar, Sohan Lal and Manohar Lal for quashing of the impugned order dated 30.03.2016 passed by learned Judicial Magistrate, First Class, Dasuya (**Annexure P-7**) vide which their application for correction of the word 'Correct' in place of 'incorrect' in the statement of all the accused recorded under Section 313 Cr.P.C has been rejected by the trial Court.

It has been pointed out by the learned counsel for the petitioners that the error was in fact clerical and seems to be inadvertent and thus immediately he has moved application for correction.

CRM-M No.14134 of 2016

On the other hand learned State counsel has vehemently opposed the contention of the learned counsel for the petitioners.

This court has gone through the impugned order dated 30.03.2016 (P-7) and the error seems to be only omission of the letters “in” to the word “incorrect” and has been typed as “correct” in answer to the question No. 7, while recording statement under Section 313 Cr. P.C. The error seems to be only a typographical mistake and which can be corrected even under Section 362 Cr.P.C as the learned trial court was also well empowered to correct the clerical error.

Since now the matter is before this court under Section 482 Cr.P.C, and as such, instead of sending back to learned trial Court, the error is corrected and it is directed that in reply to the question no.7, the word “incorrect” shall be read in the statement of accused recorded under Section 313 Cr.P.C. instead of “correct” and answer shall be read as under:-

“It is incorrect” instead of “it is correct”.

In view of the above the petition stands allowed.

[MAHABIR SINGH SINDHU]
JUDGE

September 19, 2017
sachin

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No