

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 65 of 2018**

1. Smt. Suman Dheer W/o Shri Balraj Kumar Dheer Aged About 72 Years (Founder Director of Gyan Ganga Education Institute Private Limited), R/o MIG- 19, Indrawati Colony, Raipur, District- Raipur, Chhattisgarh..... (Accused Persons)
2. Sarvesh Dheer S/o Shri Balraj Kumar Dheer Aged About 44 Years (Shareholder of Director of Gyan Ganga Education Institute Private Limited), R/o MIG-19, Indrawati Colony, Raipur, District- Raipur, Chhattisgarh
3. Balraj Kumar Dheer S/o Shri Satya Prakash Dheer Aged About 76 Years (Retired Executive Engineer), R/o MIG- 19, Indrawati Colony, Raipur, District- Raipur, Chhattisgarh

---- Petitioners**Versus**

1. Sachin Shandilya S/o Late Shri U.K. Shandilya Aged About 47 Years R/oS- 25 Rajeev Nagar, Police Station Mowa, Civil And Revenue District- Raipur, Chhattisgarh.....(Petitioner No. 1.In W.P.(Cr.) No. 270/18),
2. T. R. Dewangan S/o Late Dindyal Dewangan Aged About 54 Years (Manager Of Gyan Ganga Education Institute Private Limited), R/o Gyan Ganga Education Institute Private Limited, Nardaha, Police Station Vidhan Sabha, Raipur, District- Raipur, Chhattisgarh.....(Petitioner No. 2 In W.P. (Cr.) No. 270/2018)
3. The State of Chhattisgarh Through- Its Principal Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.....(Respondent No. 1 In W.P. (Cr.) No. 270/2018)
4. The Superintendent of Police Raipur District- Raipur, Chhattisgarh..... (Respondent No. 2 In W.P. (Cr.) No. 270/2018)
5. The Station House Officer P.S. Vidhan Sabha, Raipur, District- Raipur, Chhattisgarh.....(Respondent No. 3 In W.P. (Cr.) No. 270/2018)

---- Respondents

For Petitioners	:	Shri Roop Naik, Advocate
For Respondents No.1 &2:	:	Shri Sunil Pillai, Advocate
For Respondent/State	:	Shri Sangharsh Pandey, dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

26/07/2018

1. The present petition is for review of the order dated 08.05.2018 whereby the earlier petition filed by the respondent Sachin Shandilya bearing WPCR No.270/2018 was disposed of with a direction to the concerned SHO to complete the investigation in accordance with law laid down by the Supreme Court in the case of **Ram Lal Narang Vs. State (Delhi Administration) {(1979) 2 SCC 322}** to complete the investigation at the earliest and file final report/khatma/ or charge sheet, as the case may be before the competent criminal Court.
2. Learned counsel for the petitioners submits that the respondents in WPCR 270/2018 has suppressed the fact as the FIR which was registered is subject of challenge in the another writ petition wherein the reply has been filed by the State. He therefore submits that the order dated 08.05.2018 passed in WPCR No.270/2018, which has caused prejudice to the petitioner may be set aside.
3. Learned counsel for the respondents opposes the argument and submits that only the direction passed in WPCR No.270/2018 was to the effect to complete the investigation as despite the registration of the FIR, no proceeding was drawn by the State. Therefore, apparently no order touching the merit of the case was discussed except it was ordered that investigation may be concluded at the earliest. Therefore, the petitioners cannot be claimed to have caused prejudice by such order.
4. Perusal of the order shows that all the substantial facts and law were considered while petition was heard and the petitioners were heard and the prayer made and after hearing, the orders were passed.
5. The prayer made in the review petition appears to be misconceived. The

petitioners have not pointed out any manifest error on the face of record and he has not brought to the notice of this Court any new facts which could not be produced earlier.

6. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. It appears that the appellant by filing this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law. It is also well settled that under the garb of review petition, the appellant should not be permitted to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.
7. Further Hon'ble the Apex Court in ***State of West Bengal and others Vs. Kamal Sengupta and another (2008) 8 SCC 612*** held in para 22 that mistake or error apparent signifies an error which is evident *per se* from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC.
8. Therefore, in view of the above settled proposition of law, no grounds for review is available to the petitioners against the impugned order.
9. In a result, the review petition is without any substance, the same deserves to be and is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge