

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29838 of 2018
Arising out of
Criminal Miscellaneous No.46098 of 2014

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Vikash Kumar Sharma, S/o Laxman Sharma, R/o Musapur, P.S.- Korha Distt.-
Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Monika Kumari @ Bindu Devi, W/o Vikash Kumar Sharma D/o Ram Kishun Chaurasiya, R/o Gauchhari, P.S.- Gogari, Distt.- Khagaria.
3. Vipin Kumar Chaurasia @ Mukesh Chaorasia, S/o Fuleshwar Chaurasia, R/o Gamghatta, P.S.- Gogari (Jamalpur), Distt.- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 03-01-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Though notice was issued to opposite party no. 2
under order dated 18.07.2018 but nobody has entered appearance
on her behalf.



3. The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') for the following relief:

“That this in an application for modification of order dated 04.12.2014 passed by the Hon’ble Justice Smt. Anjana Prakash in Cr. Misc. No. 46098 of 2014 to the extent of payment Rs. 750/- (Seven hundred fifty) in the present facts and circumstances of the case.”

4. The petitioner along with four others had earlier moved this Court in Criminal Misc. No. 46098 of 2014 under Section 482 of the Code seeking the following relief:

“That invoking the inherent jurisdiction of this Hon’ble Court, this application is directed for setting aside the impugned cognizance order dated 07.8.2014 passed by the learned Court of S.D.J.M. Khagaria in connection with complaint case no. 31C/2014 dated 7.01.2014 (Annexure-1) filed against five accused persons including the petitioners u/s 498A of I.P.C. and 3/4 of Dowry Prohibition Act.”

5. In the earlier case, by order dated 04.12.2014, the Court had directed the petitioner no. 1 of the said case, i.e., the present petitioner, to deposit Rs. 750/- per month in the court below. However, ultimately on 21.04.2016, the application on behalf of the present petitioner, was dismissed as withdrawn and with regard to the rest, cognizance against them was set aside.



6. In view of the aforesaid, once Criminal Misc. No. 46098 of 2014 has been dismissed as withdrawn as far as the present petitioner is concerned, the modification of any interim order in the said case is misconceived. Further, in view of bar of Section 362 of the Code, once the Court has signed the final judgment/final order disposing off the case, it cannot be altered or reviewed except to correct clerical or arithmetical error. In the present case, once the case having been dismissed as withdrawn as far as the present petitioner is concerned, all interim orders having merged in the final order, this Court is unable to interfere in the present matter in the manner such interference has been sought.

7. Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J)

Anjani/-

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