

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1502 of 2017

- Sadhu Singh Thakur S/o Shri Bhonda Singh Thakur @ Bhonda Singh Aged About 52 Years Fathers Name wrongly mentioned in the impugned order Bhonda Singh) R/o Village Rohrakhurd P.S. Mungeli District Bilaspur Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Section Mungeli, District Bilaspur Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant – None.

For Respondent – Ms. Akansha Jain, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

As per R.C.S. Samant, J.

22-08-2019

1. This petition has been brought on behalf of the applicant in jail praying for correction in the judgment dated 22-09-2017 passed by Divisional Bench of this Court in CRA No.355 of 2012.
2. It is mentioned in the application that in last part of paragraph No.26 it is mentioned that “Sadhu Singh Thakur is on bail. He be taken into custody to undergo the remaining part of his sentence.” It is submitted that this observation made by the Division Bench is not correct, as the appellant was denied suspension of sentence and grant of bail and therefore he was continuing in custody. Another clerical mistake that has been pointed out is this, that father's name of the appellant has been mentioned as Bhonda Singh @ Bhonda Singh, which is incorrect. Therefore, order may be passed for correction accordingly.
3. The State counsel has no objection if correction is made in the judgment impugned.
4. On perusal of the judgment passed by the Sessions Court particularly part of containing details of detention of the appellant, it is found that the appellant was in custody from 26-04-2010 and he continued in detention till the

date of passing of judgment on 03-09-2011. The appeal was preferred before this Court on 09-04-2012 and the appellant/applicant also filed application for suspension of sentence and grant of bail, which was decided on 25-06-2012 and the application of appellant was rejected. Subsequent to which the appellant was granted temporary bail by order dated 03-05-2017 and the period of bail was from 04-05-2017 to 10-05-2017. Subsequent to which, it appears that he has surrendered, which information is recorded in the order sheet of CRA No.355 of 2012 in order dated 17-05-2017. Therefore, it shows that the appellant was in jail on the date of judgment passed by this Court on 22-09-2017. Hence, we are of this opinion that last aforesaid part of the paragraph No.26 of the judgment is erroneous statement which needs to be rectified.

5. Father's name of the appellant in CRC No.355 of 2012 is mentioned as “Bhondhu Singh @ Bhondhu Singh”, whereas, in the cause title of the judgment of Sessions Court name of father of the appellant is mentioned as “Bhonda Singh Thakur @ Bhondhu Singh”. Therefore, it is again a clerical mistake in the judgment of the appellate Court, which needs to be corrected.

6. After due consideration, we are of the view that the petition deserves to be allowed. Accordingly, the petition is allowed. It is ordered that the last part of paragraph No.26 mentioning “Sadhu Singh Thakur is on bail. He be taken into custody to undergo the remaining part of his sentence.” stands deleted. It is also ordered that name of father of the appellant mentioned in the judgment passed in CRA No.355 of 2012 be now read as Bhonda Singh Thakur @ Bhondhu Singh. Correction order is passed accordingly and the petition is disposed off.

7. Copy of this order be made part of CRA No.355 of 2012.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Sd/-

(Ram Prasanna Sharma)
Judge