

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

CRM-M-17563-2019
Date of Decision:- **22.5.2019**

AMRIT PAL SINGH

... Petitioner

Versus

BALDEV SINGH AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parvez Chugh, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking expunging of observation made by learned trial Court in its order dated 25.2.2019 wherein while dismissing the complaint, it has been recorded that it is the petitioner-Amrit Pal Singh (incorrectly mentioned as Amrik Singh in the copy of order attached with this petition) from whom payment has been received, whereas in fact the petitioner was not even present on the said date as his presence had been exempted.
2. It has specifically been submitted by learned counsel for the petitioner that he has never made any payment as has been recorded

by the trial Court and he was not even present on the said date since his presence was specifically exempted on the said date by the trial Court.

3. I have heard learned counsel for the petitioner. The order dated 25.2.2019 reads as follow:-

“Today an exemption application on behalf of the accused No.4 filed. Heard. Due to reasons mentioned therein, personal appearance of the above named accused is exempted for today only.

Complainant has suffered statement that he has effected a compromise with the accused party and he has received the entire cheque amount from Amritpal Singh on behalf of the Golden Carrier Company, Amrik Singh and Darshan Singh. So, he does not want to pursue with the present complaint and the same may kindly be dismissed as withdrawn. In view of the aforesaid statement, the present complaint is dismissed as withdrawn. Accused No.4 is discharged. File be consigned to the record room.”

4. A perusal of the aforesaid order dated 25.2.2019 indicates that the presence of accused No.4 i.e. the petitioner had been exempted. Since it is a case where the petitioner instead of owing the making of payment is rather denying having made any payment the possibility of said fact having been incorrectly recorded in order dated 25.2.2019 due to inadvertence cannot be ruled out. In case, it is a

case of inadvertent clerical error in recording said fact, the said error may be rectified, under provisions of Section 362 Cr.P.C., wherein such exception has been carved out. The petition as such is disposed of with liberty to the petitioner to approach the trial Court seeking aforesaid rectification. In case any such application is filed within one month from today, the trial Court shall dispose of the same after issuing notice to other parties in accordance with law.

22.5.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No