

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

CRM-M-37064-2019

Date of Decision 17.09.2019

Nirmal Singh

...Petitioner

Versus

M/s Rama Krishna Finance

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.G.S.Sidhu, Advocate for the petitioner.

ANIL KSHETARPAL, J.

Challenge is to the order passed by the learned Judicial Magistrate, restoring the complaint under Section 138 of the Negotiable Instrument Act, 1881 on the ground that due to clerical error, the present petition was disposed of on the basis of settlement, whereas the settlement was in some other case.

Learned counsel for the petitioner assails the order passed by the Judicial Magistrate on the ground that under Section 362 Cr.P.C., the court had no power to recall the order passed by the court, permitting withdrawal of the complaint.

Section 362 Cr.P.C. no doubt bars the jurisdiction of the Court to entertain any review application or alter any judgment. However, there is a saving provision which provides that a clerical or arithmetical error can be corrected.

Learned counsel for the petitioner thereafter submitted that such error is not clerical.

This Court has considered the submission, however, finds no

substance therein. It is not the case of the accused petitioner that there was a compromise or settlement in the present case. Obviously, the error in recording the settlement in the present case was due to clerical error. Hence, no ground is made out to interfere.

Dismissed.

17.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No