

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

**RA-CW-251-2019 (O&M) in
CWP-15169-2015
Date of decision-19.02.2020**

Bal Krishan

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Harsimrat Rai, DAG, Punjab,
for the applicant/respondents.

Mr. R.K. Arora, Advocate,
for the non-applicant/petitioner.

Mr. Sanjeev Soni, Advocate,
for respondent No.3.

JITENDRA CHAUHAN, J. (Oral)

CM-18773-CWP-2019

CM application is allowed and the reply to the application for
condonation of delay is taken on record, subject to all just exceptions.

CM-8511-CWP-2019

Heard.

For the reasons recorded in the CM application, the same is
allowed and the delay of 169 days in filing the review application is
condoned.

RA-CW-251-2019

The instant application is for review of the judgment dated

12.10.2018 on the ground that some factual errors have been recorded therein.

Hon'ble the Supreme Court in “**Kamlesh Verma Vs. Mayawati and others**”, 2013 (4) SCC (Cr1) 265, has summed up the law with regard to review of the judgment when the Review will be maintainable:-

- i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.
- (iv) The words “any other reason” mean “a reason sufficient on grounds at least analogous to those specified in the rule”.

When the review will not be maintainable:-

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be

permitted to be advanced in the review petition.

It is to be noted that the impugned orders were set aside by this Court on the statement of learned State counsel upon instructions from the authorized representative present in the Court. The relevant portion of judgment dated 12.10.2018 reads thus:-

“At the outset, learned State counsel, on instructions, states that after investigation, it was found that the charge-sheet filed against the petitioner was ill-conceived and the competent authority has taken a decision to withdraw the same as no substance was found in the allegations raised against the petitioner with regard to selling lesser area of land to one M/s Tilak Ram Kisan Chand.”

Considering the above, no sufficient reason has been shown by the applicant to make out a case of review.

Dismissed.

19.02.2020

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No