

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPP) NO. 1418 OF 2022

IN

CRIMINAL APPLICATION (APL) NO. 767 OF 2020

(Shailesh Akhai Gami and ors..vs..State, thr PSO, PS, Sitabuldi, Nagpur and ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

None for applicants/original petitioners.

Mr. M.K. Pathan, APP for non-applicant/respondent 1/State.

Ms. S.N. Maniyar, counsel for non-applicants/respondents 2 to 4.

CORAM: ROHIT B. DEO AND AMIT B. BORKAR, JJ.

DATE: 23.09.2022

By this application, prayer for recall of order dated 20.4.2021 in Criminal Application (APL) 767 of 2020 has been made.

2. Only ground for recall of the order is non-fulfillment of conditions of memorandum of understanding which was the basis of compromise entered into between the parties and on the basis of said compromise, the order under review was passed.

3. Undisputedly, source of power to recall order is under section 362 of the Code of Criminal Procedure which enables the Court to recall order only in case of arithmetical or clerical error.

4. From the averments in the application and the oral arguments, a case of arithmetical or clerical error has not been made out. In the result, no case for review the order dated 20.4.2021 is made out.

5. The application is dismissed.

(AMIT B. BORKAR, J.)

(ROHIT B. DEO, J.)

Belkhede