

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

CRIMINAL APPLICATION (APPP) NO.1701 OF 2022

IN

CRIMINAL APPLICATION (APL) NO.129 OF 2021

(Dhiraj s/o Bhimrao Manwar & ors. Vs. State of Mah. and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Raj. D. Wakode, Advocate for the applicants.
Shri M.J. Khan, A.PP for non-applicant No.1/State.
Shri Ateeb Syed, Advocate for non-applicant No.2.

CORAM:- ROHIT B. DEO & URMILA JOSHI-PHALKE, JJ.
DATED :- OCTOBER 20, 2022.

Heard.

2. This application is filed for speaking to minutes under Chapter XI Rule 2 of the Bombay High Court Appellate Side Rules, 1960.

3. Present application is filed by the learned Counsel for the applicants contending that he had filed the Criminal Application (APL) No.129/2021 to quash the First Information Report No.400/2020 for the offences alleged under Sections 498-A, 377, 406 and 506 read with Section 34 of the Indian Penal Code.

4. This Court quashed the FIR bearing No.400/2020 for the offences alleged under Sections 498-A, 377, 406 and 506 read with Section 34 of the Indian Penal Code registered with police station Arvi, District Wardha vide its judgment dated 14/10/2022. The judgment was uploaded however it reveals that the

Section 377 of the Indian Penal Code is remained to be mentioned in paragraph Nos.2 and 3 as well as in the operative portion of the judgment. The learned Counsel for the applicants has prayed for correction by inserting Section 377 Indian Penal Code in paragraph Nos.2 and 3 and clause (b) of the operative portion of the judgment.

5. Heard learned Counsel for the parties and perused the judgment.

6. It is apparent that inadvertently Section 377 of the Indian Penal Code is remained to be mentioned in paragraph Nos.2 and 3 while quashing the FIR and also in the operative portion of the judgment.

7. Being it is the accidental omission and inadvertently it remained to be mentioned, therefore, application deserves to be allowed to correct paragraph Nos.2 and 3 and operative portion of the judgment.

8. Therefore, the criminal application is allowed.

9. Section 377 of the Indian Penal Code is to be inserted in paragraph Nos.2 and 3 and clause (b) of the operative portion of the judgment by correcting the same.

10. The corrected judgment is to be uploaded accordingly.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B. DEO,J.)

**Divya*