

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29148 of 2024

In
CRIMINAL REVISION No.203 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Vaishali

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Amitabh Kumar S/o Late Ramadhar Sharma R/o vill - Loma, P.O. - Loma, P.S. - Tisiauta, Distt. - Vaishali at present residing at Mohalla - Jaiswal Campus, Kalambagh Chowk, R.S.S. Gali, ward no. 29, P.S. - Kazi Mohammadpur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Sub-Divisional Magistrate, Mahua, Vaishali
3. The Officer-in-Charge, Tisiauta Police Station, Distt. - Vaishali
4. Abinash Kumar S/o Late Ramadhar Sharma R/o A3, Professor Colony, ward no. 29, Near Agharia Bazar Chowk, Musahri, Ramna, P.S. - Kazi Mohammadpur, Distt. - Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Verma, Adv., Mr. Suman Verma, Adv., Mr. Anish Kumar, Adv., Mr. Amresh Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 10-04-2024 The petitioner has preferred the instant Cr. Misc. No. 29148 of 2024, praying for recalling of the judgment/order dated 17th February, 2022, passed in Cr. Misc. No. 203 of 2022 on the ground that the opposite party is not the recorded owner in respect of the subject land and property.

2. The Mutation Case filed by the niece of the opposite party was allowed and the petitioner's name was struck down from the record of rights and this Court on the basis of some inadmissible and wrong documents held that the petitioner



is in settled possession over the subject land and business.

3. These are in short the ground for recalling the order dated 17th February, 2024 by virtue of which Cr. Misc. No. 203 of 2022 was disposed of.

4. Section 362 of the Cr.P.C. clearly states:-

“362. Court not to alter judgment.

- Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error.”

5. The points or issues raised by the learned Advocate for the petitioner of the instant Criminal Miscellaneous case are not clerical or arithmetical error. Therefore, in view of power under Section 362 of the Cr.P.C., this Court cannot accept the petition for recalling the Judgment/order.

6. For the reasons stated above, I do not have any other alternative but to dismiss the instant Criminal Miscellaneous case.

7. Accordingly, the instant Criminal Miscellaneous case is dismissed.

(Bibek Chaudhuri, J)

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