



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**902 REVIEW APPLICATION NO. 01 OF 2024
IN
CRIMINAL APPLICATION NO. 1819 OF 2020**

**Mr. Kishorilal Ishwardas Bablani
VERSUS
Deepa Mohan Sharma And Others**

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Advocate for Applicant :- Mr. P. G. Godhamgaonkar.

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**CORAM : S. G. CHAPALGAONKAR, J.
Dated : March 06, 2024**

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PER COURT :-

1. The applicant seeks review of the order dated 8.1.2024 passed by this Court under section 482 of the Criminal Procedure Code in Criminal Application No.1819 of 2020, by which this Court quashed the complaint and order dated 6.1.2020, issuing the process against accused in Criminal M.A. No.2728 of 2018.

2. Mr. P.G. Godhamgaonkar, learned advocate appearing for the applicant submits that, the Judicial Magistrate First Class, Aurangabad had issued process against accused by observing prima facie case regarding commission of offence. However, this Court has wrongly observed that the issue is subjudice before the Courts at Hyderabad in the matrimonial proceedings i.e. the proceedings for the nullity of marriage and divorce. He would further submit that the observations made by this Court are perverse and contrary to law. Further, in paragraph no.13 of the Judgment, the Court

has wrongly observed that the complaint do not disclose as to how the documents have been fabricated. In fact, such documents were used by the accused persons to obtain passport and preparation of academic certificates.

3. Mr. Godhamgaonkar, would further submit that although, there are no powers, enabling review of the orders passed by the Criminal Courts, the order under review is passed by this Court invoking jurisdiction under section 482 of the Criminal Procedure Code, which is plenary in nature and inheres in High Court. Therefore, this Court can exercise such jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by the Court. In support of his submissions, he relies upon the judgment of the Supreme Court in case of **Shivdeo Singh and others Vs. State of Punjab and others reported in AIR 1963 Supreme Court 1909.**

4. Having considered the submissions advanced and after going through the grounds of review as stated in the petition, it can be gathered that the petitioner is raising challenge to the findings arrived by this Court in the judgment dated 8.1.2024. It is sought to be contended that this Court has committed error apparent on face of record while recording that offence is not made out from the contents of the complaint. Apparently, such ground can not be the subject matter of review. It is further contended that observations of this Court are perverse and contrary to the law.

5. The Criminal Procedure Code nowhere prescribes any power of review. The jurisdiction of review is the creation of statute and unless there is specific provision enabling judicial authority to review its own order, such powers cannot be assumed. However, even assuming that this Court inheres plenary jurisdiction to review its own orders, the scope of such review would be limited to correct grave and palpable errors. However, looking to the submissions and grounds of review, apparently the applicant is aggrieved by the findings recorded by this Court, such challenge cannot be the subject matter of review. Resultantly, there is no merit in the application. Review Application stands rejected.

(S. G. CHAPALGAONKAR, J.)

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aaa/-