

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74663 of 2025**

**In**  
**CRIMINAL MISCELLANEOUS No.33071 of 2025**

Arising Out of PS. Case No.-63 Year-2024 Thana- MAHILA P.S. District- Bhagalpur

1. Md. Ahsan @ Abu Ahsan @ Abu Ahsan Ansari, Male, Aged about- 51 years, Son of Khaleel, Resident of village-Chamelichak, P.S.-Habibpur, District- Bhagalpur
2. Nikhat Parveen @ Nikhat Parween, Female, Aged about- 36 years, Wife of Javed Kamal, Resident of village-Sadrudinchak, p.s.-Habibpur, District- Bhagalpur
3. Md. Imran @ Imran Son of Usman Ghani Resident of village- Sadrudinchak , p.s.-Habibpur, District- Bhagalpur
4. Javed Kamal @ Md. Javed Kamal son of Mustafa Kamal Resident of village-Chamelichak, p.s.-Habibpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Chistia Mansoor @ Chistia Mansoor Daughter of Shahbaz Mansoor Resident of Lower Nathnagar Road, Opposite H.P. Petrol Pump, Ps- Tatarpur, Dist- bhagalpur
3. Wasim Akram S/o Usman Gani R/o Village -Sadrudinchak, P.S.- Habibpur, District-Bhagalpur

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                            |
|----------------------|---|------------------------------------------------------------|
| For the Petitioner/s | : | Mrs. Diksha Kumari, Advocate<br>Mr. Alok Abhinav, Advocate |
| For the O.P. No. 2   | : | Mr. Chandan Kumar, Advocate<br>Mr. Fazle Karim, Advocate   |
| For the O.P. No. 3   | : | Mr. Nityanand Mishra, Advocate                             |
| For the State        | : | Mr. Akshay Lal Pandit, A.P.P.                              |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      31-10-2025

Heard Mrs. Diksha Kumari, learned counsel



appearing on behalf of the petitioners; Mr. Fazle Karim, learned counsel appearing on behalf of the opposite party no. 2; Mr. Nityanand Mishra, learned counsel for the opposite party no. 3 and Mr. Akshay Lal Pandit, learned A.P.P. for the State.

2. Petitioners, who are close relatives of opposite party no. 3 (husband of opposite party no. 2) seeks modification of order dated 25.09.2025 passed in Criminal Miscellaneous No. 33071 of 2025, which was filed under Section 482 Cr.P.C. for quashing of order taking cognizance dated 01.03.2025 passed in Mahila P.S. Case No. 63 of 2024 by the learned Additional Chief Judicial Magistrate, IX, Bhagalpur, whereby cognizance has been taken under Sections 85, 115(2), 352, 351(2)/3(5) of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioners submitted that the ground for modification of order dated 25.09.2025 passed in Criminal Miscellaneous No. 33071 of 2025 is based on the specific law laid down by the Apex Court in respect of misuse of Section 498 (A) of the Indian Penal Code. In this regard, learned counsel has relied on the law laid down by the Apex Court in case of *Shobhit Kumar Mittal vs. State of Uttar Pradesh & Anr., (2025) INSC 1152*, and in case of *Mange Ram Vs. State of Madhya Pradesh & Another*



***(Special Leave Petition (Criminal) No.10817 of 2024.***

4. To exercise jurisdiction under Section 528 of the BNSS, this Court finds that after the order has been pronounced and the case has been disposed of, whether, court can alter or review the same. The law in this regard has been laid down by the Apex Court recently in the case of ***Vikram Bakshi v. R.P. Khosla, (2025 INSC 1020).***

5. In the case of *Vikram Bakshi (Supra)*, dealing with the provision of Section 362 Cr.P.C., which is corresponding to Section 403 of the BNSS, has held that under Section 362 of the Cr.P.C., a judgment once signed, cannot be altered or review except to correct a clerical or arithmetical error. Section 403 of the BNSS is reproduced hereinafter:

***"403. Court not to alter judgment.***

*Save as otherwise provided by this Sanhita 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."*

6. Considering the bar contained in Section 403 of the BNSS, I am constrained to modify the order dated 25.09.2025 passed in Criminal Miscellaneous No. 33071 of 2025. The said order has attained its finality and the same cannot be altered or modified.

7. Accordingly, the present modification application



stands disposed of.

8. However, it goes without saying that the petitioner may avail appropriate remedy in accordance with law.

**(Purnendu Singh, J)**

Niraj/-

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