

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69320 of 2024

In
CRIMINAL MISCELLANEOUS No.25472 of 2019

Arising Out of PS. Case No.-274 Year-2017 Thana- NAUBATPUR District- Patna

Nandlal Prasad @ Nandlal Yadav S/o Late Ramdev Prasad @ Doda Yadav @
Ramdeo Prasad @ Dhorha Yadav R/o Village- Bala Thakur, PS- Naubatpur,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Yadav @ Ashoshk S/o Kanta Yadav NA
3. Birju Yadav S/o Ram Anuj Rai NA
4. Vinod Yadav S/o Ram Babu Yadav NA
5. Mithilesh Yadav S/o Subhash Yadav NA
6. Sanjay Yadav S/o Late Devendra Yadav NA
7. Bhola Yadav S/o Late Ram Anuj Yadav @ Ramanuj Yadav NA
8. Mukesh Yadav S/o Girja Yadav NA

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Madhukar Anand , Advocate
For the Opposite Parties	:	Mr. Umeshanand Pandit, APP
		Mr. Indra Deo Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-03-2026 Heard Mr. Madhukar Anand, learned counsel for the

petitioner, Mr. Umeshanad Pandit, learned A.P.P. for the State

and Mr. Indra Deo Yadav, learned counsel for Opposite Party

Nos. 2 to 8.

2. This application has been filed for modification of
the order dated 16.05.2019 passed in *Cr. Misc. No. 25472 of*
2019 whereby and whereunder, this Court has quashed the order



of cognizance dated 03.07.2018 passed by the learned Additional Chief Judicial Magistrate-II, Danapur qua Opposite Party Nos. 2 to 8.

3. Learned counsel for the petitioner submits that petitioner is informant of the present case and the order of cognizance was quashed vide order dated 16.05.2019 passed in *Cr. Misc. No. 25472 of 2019* without hearing the present petitioner or issuing notice to him. He thus seeks modification of the order dated 16.05.2019 passed in *Cr. Misc. No. 25472 of 2019*.

4. On the other hand, learned A.P.P. for the State and learned counsel for Opposite Party Nos. 2 to 8 have objected to the maintainability of this modification application and have submitted that the instant modification would amount to review of the order dated 16.05.2019 passed in *Cr. Misc. No. 25472 of 2019*, and the same cannot be done by this Hon'ble Court.

5. It is settled principal of law under Section 362 Cr.P.C., which is corresponding to Section 403 of the B.N.S.S., that a judgment once signed, cannot be altered or reviewed except to correct a clerical or arithmetical error. Section 403 of the B.N.S.S. reads as follows:-

“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. In view of the aforesaid facts and circumstances, this modification application is held as not maintainable and is, accordingly, dismissed with liberty to the petitioner to approach appropriate forum, in accordance with law, if so advised.

(Prabhat Kumar Singh, J)

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