

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

126

2026.PHHC.073677



**CRM-M-14217-2023 (O&M)
Date of decision : 14.05.2026**

Karan Sandhu**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. L. M. Gulati, Advocate and
Ms. Jasneet Mehra, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J.(Oral)

1. The instant petition has been filed under Section 482 of Cr.P.C. *(which corresponds to Section 528 of BNSS)* seeking issuance of direction to the learned trial Court to modify the judgement dated 06.04.2016, passed by it in case arising out of FIR No. 41 dated 06.04.2012 registered under Sections 326, 324, 323, 341, 148 and 149 IPC at Police Station B-Division, Amritsar, whereby while acquitting co-accused Babbu, Aslam and Raunki @ Gurbachan Singh from the charges framed against them, the name of the petitioner was not mentioned in the said judgment and only due to that reason, warrants of arrest had been issued against him; and also for quashing

of order dated 22.09.2022 (Annexure P-11), whereby the application filed by the petitioner for recalling the warrants of arrest and dropping the proclamation proceedings initiated against him, had been dismissed ignoring the fact that he had already been acquitted in the said case.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered at the instance of complainant Amit Kumar, who alleged that on 02.04.2012, when he along with his friend Mahesh was returning from his uncle's house near Drashida Dera, accused Babbu, Shera, Ronki, Karan and Aslam wrongfully restrained him and inflicted injuries with *kirpan* and *datar*. It was alleged that Babbu gave a kirpan blow on the head of the complainant, Aslam inflicted a *datar* blow on his left hand, and Shera caused further injuries on the complainant's leg and shoulder. Upon raising alarm, the accused allegedly fled away with their respective weapons. After investigation, challan was presented against the accused persons. The trial Court framed charges under Sections 326, 324, 323, 341, 148 and 149 IPC against the accused, to which they pleaded not guilty and claimed trial. During trial, the prosecution examined only two witnesses, namely HC Jaswinderpal Singh and complainant Amit Kumar. However, despite repeated opportunities, the prosecution failed to conclude its evidence and several material witnesses were not examined. Eventually, vide judgment dated 06.04.2016, the learned Judicial Magistrate First Class, Amritsar acquitted accused Babbu, Aslam and Raunki by granting them benefit of doubt, whereas proceedings against accused Shamsheer Singh were kept pending as he had been declared a proclaimed offender.

3. It is argued by learned counsel for the petitioner that he had

been wrongly summoned and subjected to proclamation proceedings despite the fact that he had already faced the entire trial and stood acquitted vide judgment dated 06.04.2016. It is further argued that omission of the name of the petitioner from the title of the judgment was merely a typographical/clerical mistake, on account of which the learned trial Court erroneously treated the petitioner as an absconder. The petitioner had regularly appeared before the trial Court on every date of hearing after presentation of challan, had been admitted to bail on 06.09.2012, charges had been framed against him on 22.11.2012 and he had pleaded not guilty and claimed trial.

4. It is further argued by learned counsel for the petitioner that throughout the course of trial, the petitioner remained present before the Court, duly participated in the proceedings, cross-examined prosecution witnesses and even his statement under Section 313 Cr.P.C. was recorded along with the co-accused on 11.03.2016. Learned counsel has referred to the zimni orders and proceedings to show that the petitioner never defaulted in appearance and his signatures were available on the proceedings sheets, including the final zimni order dated 06.04.2016, the date on which judgment of acquittal was pronounced. The entire record established that the petitioner had faced trial for about four years and had been acquitted along with the other co-accused, whereas only accused Shamsher Singh had been declared a proclaimed offender. Therefore, issuance of non-bailable warrants and proclamation proceedings against the petitioner in the year 2022 was wholly illegal and based upon conjectures and surmises. It was argued that once the petitioner had already been acquitted after facing trial, he could not

again be summoned to face the same proceedings.

5. It is further argued that the learned trial Court wrongly dismissed the petitioner's application seeking recall of warrants and stoppage of proclamation proceedings by holding that correction of the judgment did not fall within the ambit of Section 362 of Cr.P.C. According to the petitioner, the omission of his name in the judgment was only a clerical/typographical error liable to be corrected and the learned trial Court failed to appreciate the documentary material, including the zimni orders and statement under Section 313 Cr.P.C., which clearly proved the petitioner's participation in the trial and his acquittal. Therefore, it is urged that the impugned order dated 22.09.2022 dismissing the petitioner's application and the consequent proclamation proceedings be quashed and directions be issued to the learned trial Court to suitably modify/correct the judgment dated 06.04.2016 by incorporating the petitioner's name in the judgment of acquittal.

6. Learned State counsel has not disputed the factual assertions.

7. This Court has heard the submissions made by learned counsel for the parties, besides going through the material placed on record.

8. A careful perusal of the record reveals that the petitioner had, in fact, faced the entire trial proceedings arising out of FIR No. 41 dated 06.04.2012 registered under Sections 326, 324, 323, 341, 148 and 149 IPC at Police Station B-Division, Amritsar. The record further demonstrates that after presentation of challan, the petitioner was admitted to bail on 06.09.2012 and charges were framed against him along with the co-accused vide order dated 22.11.2012, to which he pleaded not guilty and claimed

trial. The zimni orders placed on record clearly show that the petitioner continued to appear before the learned trial Court on each and every date of hearing and actively participated in the proceedings. Even the statement of the petitioner under Section 313 Cr.P.C. was recorded on 11.03.2016 along with the co-accused, which completely belies the subsequent assumption drawn by the learned trial Court that the status of the petitioner was unclear. This Court further finds that the final zimni order dated 06.04.2016 also bears the signatures of the petitioner and records the presence of the accused persons, while specifically noticing that only accused Shamsher Singh had been declared a proclaimed offender. Thus, the judicial record itself clearly establishes that the petitioner was not absconding and had remained present throughout the trial till pronouncement of judgment. Merely because the name of the petitioner was inadvertently omitted from the title portion of the judgment dated 06.04.2016, the same could not have led to the conclusion that the trial qua the petitioner remained pending. The omission appears to be nothing more than a clerical/typographical mistake, especially when the entire proceedings preceding the judgment consistently reflected the petitioner's participation in trial along with the co-accused who ultimately stood acquitted.

9. The approach adopted by the learned trial Court in subsequently issuing non-bailable warrants and initiating proclamation proceedings against the petitioner suffers from patent illegality. Once the petitioner had already undergone trial for almost four years and stood acquitted along with the co-accused, he could not have been compelled to face the ordeal of criminal proceedings all over again merely on account of an inadvertent

omission in the judgment. It is well settled that criminal law cannot be permitted to operate in a manner so as to defeat substantive justice on the basis of a manifest clerical error apparent on the face of the record. The reasoning assigned by the learned trial Court while dismissing the application of the petitioner vide impugned order dated 22.09.2022 is also unsustainable. The learned trial Court failed to appreciate that the petitioner was not seeking review of the judgment on merits, which is barred under Section 362 Cr.P.C., but was only seeking correction of an accidental omission apparent from the judicial record itself. The distinction between review of a judgment and correction of a clerical or accidental error has been completely overlooked by the learned trial Court. When the entire record conclusively demonstrated that the petitioner had participated in the trial and had been treated throughout as one of the accused facing trial till the stage of pronouncement of judgment, refusal to correct such an obvious omission resulted in grave miscarriage of justice. There is nothing on record to indicate that the petitioner had ever absented himself from the proceedings or that the trial against him had been separated at any stage. Rather, the material available on record unequivocally supports the stand taken by the petitioner.

10. In view of the aforesaid facts and circumstances, the present petition is allowed and the impugned order dated 22.09.2022 passed by the learned Judicial Magistrate 1st Class, Amritsar is hereby quashed. The consequential non-bailable warrants and order dated 22.09.2022, whereby the petitioner had been declared a proclaimed person are also set aside. The learned trial Court is directed to carry out necessary correction/modification

in the title and last paragraph of the judgment dated 06.04.2016 so as to appropriately reflect the name of the petitioner as one of the accused who had faced trial and stood acquitted in the said case.

14.05.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No