



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

CRM-M No.46367 of 2016
Reserved on:-01.04.2026
Pronounced on:-06.04.2026
Uploaded on:- 07.04.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

PRITPAL SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. B.S. Jattana, Advocate
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

MANDEEP PANNU, J.

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, praying for quashing/setting-aside of the impugned order dated 05.11.2016 passed by the learned trial Court, whereby the trial Court recalled its own acquittal order dated 30.05.2016 and summoned the petitioners again to face trial, along-with all other proceedings emanating therefrom.

2. The brief facts of the case are that FIR No.33 dated 06.06.2015 under Section 420 IPC was registered at Police Station City 2, Mansa. After investigation, report under Section 173 Cr.P.C. was initially presented against petitioner No.1 on 09.08.2015 and thereafter, a



supplementary report under Section 173 Cr.P.C. was presented against petitioner No.2. During investigation, certain other persons namely Rajkaran Singh, Manjit Singh, Sukhmander Singh and Jagdeep Singh were also joined and their statements under Section 161 Cr.P.C. were recorded. During the pendency of trial, the petitioners entered into a compromise with the complainant Baldev Singh, who appeared before the trial Court and suffered a statement to the effect that the matter had been amicably settled and he had no objection if the petitioners were acquitted. Consequently, the learned trial Court, vide order dated 30.05.2016, considering the offence to be compoundable under Section 320 Cr.P.C., acquitted the petitioners.

3. Thereafter, co-accused Kiranjit Singh was granted bail and joined the investigation, and a supplementary challan under Section 173 Cr.P.C. dated 01.08.2016 was presented against him. During the proceedings against the said co-accused, the learned APP for the State raised arguments before the trial Court, upon which the trial Court, without following due process of law, recalled its earlier final order dated 30.05.2016 whereby the petitioners had been acquitted. Subsequently, vide impugned order dated 05.11.2016, the learned trial Court summoned the petitioners again to face trial.

4. Learned counsel for the petitioners has argued that the above-said action of the learned trial Court is patently illegal, without jurisdiction and against the settled principles of law. It is contended that once the learned trial Court had passed a final order of acquittal dated 30.05.2016 and the same had been signed, the Court became functus officio and had no



power to review, recall or alter its own judgment. It is further submitted that the impugned order dated 05.11.2016, whereby the learned trial Court has recalled its earlier judgment and summoned the petitioners again to face trial, is in clear violation of the statutory bar contained under Section 362 Cr.P.C., which specifically provides that 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. Learned counsel has further placed reliance upon the judgment of the Hon'ble Supreme Court in *Hari Singh Mann versus Harbhajan Singh Bajwa, 2000 (4) RCR (Criminal) 650*, to contend that there is no provision under the Code of Criminal Procedure to review a judgment, and even the inherent powers under Section 482 Cr.P.C. cannot be invoked to do so. It has been held that once a matter is finally disposed of, the Court becomes functus officio and is disentitled to entertain any fresh prayer for the same relief unless the earlier order is set aside by a Court of competent jurisdiction in accordance with law. On the strength of the afore-said legal position, it is argued that the impugned order is wholly unsustainable in the eyes of law and is liable to be set aside.

6. On the other hand, learned counsel for the State has opposed the present petition and supported the impugned order passed by the learned trial Court. It is contended that accused Kiranjit Singh had joined the investigation in compliance of the order passed by this Hon'ble Court and thereafter, upon completion of investigation, a supplementary challan was presented against him before the learned trial Court. It is further submitted that during the course of trial, the learned Public Prosecutor



brought to the notice of the learned trial Court that apart from complainant Baldev Singh, there were four other complainants namely Raj Karan Singh, Manjit Singh, Sukhmander Singh and Jagdeep Singh, and no compromise had been effected with them. It is argued that the petitioners had entered into a compromise only with Baldev Singh and not with the remaining complainants. On this basis, it is contended that the earlier acquittal order dated 30.05.2016 was passed due to inadvertence and without considering the claims of the other complainants. Therefore, the learned trial Court, while rectifying the said error, has rightly recalled its earlier order and summoned the petitioners again to face trial vide order dated 05.11.2016, which does not call for any interference by this Hon'ble Court.

7. I have heard the respective contentions of learned counsel for the petitioners and learned State counsel and have gone through the record of the case with their able assistance.

8. The short question which arises for consideration before this Court is as to whether the learned trial Court, after having passed and signed a final order of acquittal dated 30.05.2016, was competent to recall the said order and summon the petitioners again to face trial vide impugned order dated 05.11.2016.

9. From the facts as noticed hereinabove, it is not in dispute that the petitioners were acquitted by the learned trial Court on 30.05.2016 on the basis of compromise arrived at between the petitioners and the complainant Baldev Singh, after recording his statement and upon finding the offence to be compoundable. The said order admittedly attained finality and was duly signed by the Court.



10. The subsequent action of the learned trial Court in recalling the said order and summoning the petitioners again to face trial is sought to be justified on the ground that there were other complainants who had not entered into compromise with the petitioners. However, such a course of action is clearly impermissible in law.

11. Section 362 Cr.P.C. places a complete embargo on any Court from altering or reviewing its judgment or final order once it has been signed, except to correct clerical or arithmetical errors. The language of the provision is clear, unambiguous and mandatory in nature, leaving no scope for review or recall of a final judgment by the same Court.

12. In the present case, the order dated 30.05.2016 was a final order of acquittal disposing of the case qua the petitioners. Once such an order had been passed and signed, the learned trial Court became functus officio and had no jurisdiction to recall or review the same on any ground whatsoever. The issue is no longer res integra.

13. The Hon'ble Supreme Court in *Hari Singh Mann versus Harbhajan Singh Bajwa, 2000 (4) RCR (Criminal) 650*, has categorically held that there is no provision under the Code of Criminal Procedure for review of a judgment and even the inherent powers under Section 482 Cr.P.C. cannot be invoked to circumvent the express bar contained in Section 362 Cr.P.C. It has further been held that once a matter is finally disposed of, the Court becomes functus officio and is disentitled to entertain any fresh prayer for the same relief unless the earlier order is set-aside by a Court of competent jurisdiction in accordance with law.

14. Applying the afore-said settled principle of law to the facts of



the present case, this Court is of the considered opinion that the impugned order dated 05.11.2016 passed by the learned trial Court is wholly without jurisdiction, illegal and unsustainable. The learned trial Court has clearly exceeded its jurisdiction by recalling its own final judgment of acquittal, which is expressly barred under Section 362 Cr.P.C.

15. The contention raised on behalf of the State that the earlier order was passed due to inadvertence or without considering other complainants, cannot be a ground to bypass the statutory prohibition. If at all the order dated 30.05.2016 was erroneous, the only remedy available was to challenge the same before a higher Court in accordance with law. The learned trial Court could not have assumed the power of review which is specifically barred.

16. In view of the above discussion and settled legal position, the present petition deserves to be allowed.

17. Accordingly, the present petition is allowed and the impugned order dated 05.11.2016 passed by the learned trial Court is hereby set aside.

18. All pending applications, if any, also stand disposed of.

06.04.2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No