

Surinder Singh Vs. the State

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Court : Delhi

Decided On : Aug-11-1981

Reported in : 1981CriLJ1778; 20(1981)DLT372

Judge : G.R. Luthra, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 362

Appeal No. : Criminal Miscellaneous Appeal Nos. 1050 and 1051 of 1981 and Criminal Revision Appeal No. 47 of 1981

Appellant : Surinder Singh

Respondent : The State

Advocate for Pet/Ap. : Surinder Singh, Adv

Judgement :

G.R. Luthra, J.

(1) The petitioner was convicted in respect of an offence punishable under Section 27 of the Arms Act and sentenced to undergo rigorous imprisonment for seven years by a Metropolitan Magistrate. The petitioner filed an appeal which was entrusted to Shri Joginder Nath, Additional Sessions Judge, Delhi. He believed the prosecution version but found that the offence fell under section 25 of the Arms Act. Accordingly, he altered the conviction from Section 27 to Section 25 and

reduced the sentence to two years. Petitioner filed a revision petition being registered as No. 47/81, which was dismissed by me on March 19, 1981.

(2) Petitioner filed an application (registered as Crl. Misc. No. 1050/ 81) through Jail for review of my judgment dated March 19, 1981. At one place he has described that judgment of Shri M.L. Jain, J., but at other places he has described the said judgment to have been delivered by me. Actually it was I who decided the revision petition.

(3) The other application registered as Crl. Mis. 1051/81 is for expediting decision of Crl. Misc. 1050 of 1981.

(4) The aforesaid review petition is barred by Section 362 of the Code of Criminal Procedure which reads as under :-

S. 362 'Save as otherwise provided by this Code 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.'

In view of the aforesaid provision, no criminal Court including High Court has jurisdiction at all to alter, amend or review its judgment and it was held so in Naresh and others v. State of U.P. : 1981 CriLJ1044 . It is clearly laid down in the said judgment of the Supreme Court that in view of Section 362 of the Code of Criminal Procedure High Court has no jurisdiction to alter, amend or review any judgment.

(5) Further it was held in State of Rajasthan v. Gurcharandas Chadha : 1979 CriLJ1416 and State of Orissa v. Ram Chander Agarwala etc. : 1979 CriLJ33 that a judgment of High Court could not be amended or reviewed in exercise of inherent powers also.

(6) Hence, I dismiss the review petition being Crl. -M. No. 1050/81 which accordingly stands disposed off. Cr. M. No. 1051/51 also stands decided and disposed off because its purpose of getting decision of Cr. M. No. 1050 of 1981 expedited stands achieved.

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