

C. A. T. Bench, JAIPUR

Date of Order	O.A. No. 692/92	Orders
26.7.94	<p>Mr. P.D. Khanna - Counsel for the applicant.</p> <p>Mr. K.N. Shrimal - Counsel for the respondents.</p> <p>Heard the learned counsel for the parties.</p> <p>2. The learned counsel for the applicant submits that he wants to withdraw the petition, with a liberty to file a fresh petition as he wants to move an application before the Hon'ble High Court because there is no reference about the punishment awarded U/S 148 I.P.C.</p> <p>3. The prayer is allowed. The application is dismissed, with a liberty to file a fresh petition.</p> <p style="text-align: center;">(O.P. SHARMA) Administrative Member</p> <p style="text-align: center;">(D.L. MEHTA) Vice-Chairman</p> <p>Before the signatures, Mr. P.D. Khanna reconsidered the matter and submitted that the orders may be passed on merits, and he should be allowed to recall the earlier prayer. The earlier prayer is recalled as the same has not been signed.</p> <p>2. In the Judgment of the Hon'ble High Court, there is a specific reference that the applicant was convicted and sentenced to undergo imprisonment for one year U/S 148 IPC. There is a reference that the applicant has been acquitted U/S 302 read with Section 149 IPC but there is no reference that the applicant has been acquitted U/S 148 IPC. Unless the applicant moves an application for the correction of Judgment U/S 482 or he takes any action for the correction of the Judgment, it shall be deemed that the conviction U/S 148 IPC has been maintained and he has not been acquitted U/S 148 IPC.</p> <p>3. In such circumstances, we do not find force in the application and the same is dismissed, with a liberty to file a fresh application.</p>	

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(O.P. SHARMA)
Administrative Member

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(D.L. MEHTA)
Vice-Chairman