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RP-2454-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 7th OF JANUARY, 2026REVIEW PETITION No. 2454 of 2025*RAJKUMAR BUDHRANI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Vishal Daniel - Advocate for petitioner.

Shri Prabhanshu Shukla - Govt. Advocate for respondent No.1/State.

*Shri Sanjay Agrawal - Senior Advocate with Ms. Ankita Singh Parihar
and Shri Shubham Manchani - Advocate for respondent No.2.*

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ORDER

This petition is filed seeking review of the order dated 19.05.2025 passed by a coordinate Bench of this Court in Misc. Criminal Case No. 5667 of 2025, by which the FIR registered against the petitioner vide Crime No.62 of 2025 at Police Station Omti, District Jabalpur for the offence punishable under Sections 420, 467, 468, 471 of IPC was quashed.

2. The petitioner seeks review of the aforesaid order on various grounds, inter alia, alleging that the FIR in question was quashed by the Court while overlooking the report of the State Examiner of Questioned Documents, Govt. of Madhya Pradesh.

3. The counsel appearing for respondent No.2 has raised an objection with respect to maintainability of present review petition against the order



passed in the miscellaneous criminal case filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 read with Section 482 of CrPC seeking quashment of FIR. It is argued that no review petition can be entertained against the order passed by this Court exercising powers under Section 482 of CrPC/528 of BNSS in terms of Section 362 of CrPC which is equivalent to Section 403 of BNSS. It maintains the principle that the Court becomes *functus officio* after signing a judgment. Once the judgment or order is passed by the criminal courts, the review of such judgment or order can only be made for correction of a clerical or arithmetical error that might have committed while passing such judgment or order but as soon as the judgment or order is signed and passed, the Court becomes *functus officio* and looking to the specific bar under Section 362 of CrPC/403 of BNSS, the Court cannot be allowed to step beyond or circumvent an explicit bar. To buttress the submissions, he has placed reliance upon the judgment passed by the Hon'ble Supreme Court in the case of Vikram Bakshi vs R.P. Khosla reported in 2025 SCC Online SC 1783 as well as in the case of Parvez Shahjahan vs State of U.P. reported in 2023:AHC:192301.

4. The counsel appearing for petitioner has argued that against final order dated 19.05.2025 passed in MCrC No. 5667 of 2025, the petitioner preferred a petition before the Hon'ble Supreme Court being Special Leave to Appeal (Crl.) No. 11356 of 2025 (Rajkumar Budhrani vs State of M.P. and another) pointing out the fact that the arguments of petitioner were heard by the coordinate Bench of this Court on 15.04.2025 and due to non-availability of the counsel for petitioner (complainant/respondent No.2



therein), the matter was directed to be listed on 22.04.2025 for arguments and the same was heard and reserved. Thereafter, on 19.05.2025, the order under review was pronounced. It is his case that he has informed the Court that during pendency of the petition, the investigation agency was in receipt of the report from the State Examiner of Questioned Documents, Govt. of Madhya Pradesh and the same is of material significance in the matter as it pertains to fabricated signatures of petitioner (complainant/respondent No.2 in MCrC No. 5667 of 2025) on the questioned documents. Thereafter, on 23.04.2025, State counsel whose presence is marked sent a requisition through the Superintendent of Police Jabalpur to the Station House Officer Omti, District Jabalpur directing for the presentation of the handwriting expert's report on the very next day i.e. 24.04.2025. The said document was handed over to the Court while the matter remained reserved for orders. It is further submitted that in the said SLP, notices were issued to the State of Madhya Pradesh as well as the respondent No.2 herein. The State Government was pleased to file a counter affidavit before the Hon'ble Supreme Court in which it is pleaded that the signatures of petitioner herein were forged on the questioned documents and in Paragraph No. 14 of their reply, they have relied upon the report of the State Examiner for Questioned Documents, Govt. of M.P., thus, fortifying the submissions tendered on merits and regarding the expert's report. It is submitted that without considering the said report, the FIR should not have been quashed by this Court.

5. The counsel for petitioner has further contended that on 28.11.2025,



the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 11356 of 2025 has granted liberty to the petitioner to seek review of the judgment impugned passed by this Court and the SLP was withdrawn with the aforesaid liberty. In view whereof, the present review petition is preferred. It is further submitted that the judgment relied upon by the respondent's counsel [Vikram Bakshi's case (supra)] curves out certain exceptions for filing of review petition. One of such exceptions is - "A mistake on the part of court caused prejudice to a party".

6. It is submitted that prejudice is being caused to the petitioner who is complainant in the criminal case as the FIR in question was quashed even without considering the report of handwriting expert which goes in favour of the petitioner. The expert report clearly points out that the petitioner's signatures were forged and fabricated on the questioned documents. As all the grounds were raised before the Hon'ble Supreme Court in the aforesaid SLP and the same was withdrawn with a liberty to the petitioner to file review petition, it is argued that the review petition is maintainable in such exceptional circumstances.

7. Heard learned counsels for the parties and perused the record.

8. The only question which arises for consideration is : "whether the review petition is maintainable against the final order passed in the criminal proceedings, once the Court becomes *functus officio* after a judgment or final order is signed, in terms of Section 362 of CrPC/403 of BNSS.

9. The Hon'ble Supreme Court in the case of Vikram Bakshi (supra) had an occasion to deal with the similar situation. It is held as follows :

34. A careful consideration of the statutory provisions and the



aforesaid decisions of this Court clarify the now-well-settled position of jurisprudence of Section 362 of CrPC which when summarize would be that the criminal courts, as envisaged under the CrPC, are barred from altering or review their own judgments except for the exceptions which are explicitly provided by the statute, namely, correction of a clerical or an arithmetical error that might have been committed or the said power is provided under any other law for the time being in force. As the courts become functus officio the very moment a judgment or an order is signed, the bar of Section 362 CrPC becomes applicable, this, despite the powers provided under Section 482 CrPC which, this veil cannot allow the courts to step beyond or circumvent an explicit bar. It also stands clarified that it is only in situations wherein an application for recall of an order or judgment seeking a “procedural review” that the bar would not apply and not a substantive review” where the bar as contained in Section “362 CrPC is attracted. Numerous decisions of this Court have also elaborated that the bar under said provision is to be applied stricto sensu.

34A. Having said that, the following exceptional circumstances may be identified, wherein a criminal court is empowered to alter or review its own judgment or a final order under Section 362 CrPC :

- a. Such power is expressly conferred upon court by CrPC or any other law for the time being in force or;*
- b. The court passing such a judgment or order lacked inherent jurisdiction to do so or;*
- c. A fraud or collusion is being played on court to obtain such judgment or order or;*
- d. A mistake on the part of court caused prejudice to a party or;*
- e. Fact relating to non-serving of necessary party or death leading to estate being non-represented, not brought to notice of court while passing such judgment or order.*

It needs to be reiterated that all these exceptions are only exercisable for seeking a recall or review of an order or judgment, if a ground that is raised was not available or existent at the time of original proceedings before the Court. Mere fact that the said ground, although available, was not raised or pressed during the concerned proceedings, does not provide for an exemption to the parties to assert it as a ground. Moreover, the said power cannot be invoked as a means to circumvent the finality of the judicial process or mistakes and/or errors in the decision which are attributable to a conscious omission by the parties.

10. If the aforesaid observations made by the Hon’ble Supreme Court are taken note of, then it is apparently clear that power of review in criminal cases can be exercised only in exceptional circumstances.

11. In the present case, the petitioner is complainant in the matter. At the time when the matter is reserved for orders, the document i.e. report of handwriting expert was placed before the Court for consideration; however,



the said report was not taken note of by the Court while passing the final order under review and a detailed order has been pronounced. It is his case that the report of handwriting expert clearly shows that signatures of petitioner and his brother were forged. The report of State Examiner of Questioned Documents, Govt. of M.P. Bhopal dated 10.03.2025 reads as follows :

Above mentioned differences in the writing characteristics are beyond the range of natural variations and cannot be due to intended disguise. These differences cannot reasonably be accounted for as being due to changed writing circumstances or condition of the writer.

Differences mentioned above are significant and sufficient and when considered collectively prove the opinion of different authorship.

12. The said report is a material document which was required to be considered by the Court while dealing with the criminal case seeking quashment of FIR as the report goes to the root of the case. The Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 11356 of 2025 filed by the petitioner has granted liberty to him to file a review petition before this Court vide order dated 28.11.2025. The extracts of the order of Hon'ble Supreme Court read as under :

"Learned senior counsel appearing for the petitioner seeks permission to withdraw the special leave petition reserving liberty to seek review of the impugned judgment.

2. Permission is granted.

3. The special leave petition is dismissed as withdrawn with the liberty as sought for.

4 Should the petitioner still aggrieved, it shall be open for him to approach this Court.

5. All contentions are left open."

13. In view of the liberty extended by the Hon'ble Supreme Court to the petitioner, the present review petition has been filed.



14. When the facts of the present case are considered in the light of the principles enunciated by the Hon'ble Supreme Court with reference to paragraph 34A of the judgment in Vikram Bakshi's case (supra), the petitioner has made a case for review in the matter, as the mistake on the part of the Court has caused prejudice to the petitioner by not considering the expert report submitted before the Court which has a critical significance in the matter.

15. In view whereof, as there is no consideration of the report from the State Examiner of Questioned Documents, Govt. of Madhya Pradesh, Bhopal by the Court while passing the order dated 19.05.2025, this Court deems it appropriate to recall the said order dated 19.05.2025 passed in MCrC No. 5667 of 2025.

16. In the result, the review petition is **allowed**. The order dated 19.05.2025 passed in MCrC No. 5667 of 2025 is recalled. MCrC No. 5667 of 2025 is restored to be heard on merits.

Let it be listed for hearing on merits before the appropriate Bench as per roster.

(VISHAL MISHRA)
JUDGE