

THE FINAL FILTER: UNDERSTANDING REVIEW JURISDICTION IN THE SUPREME COURT OF INDIA

A technical overview of the Supreme Court's power to rectify patent errors and prevent miscarriage of justice, based on Articles 137, 141, and 145.

CONSTITUTIONAL FRAMEWORK

ARTICLE 137: THE SUBSTANTIVE POWER

Grants Supreme Court power to review any judgment or order, creating exception to functus officio doctrine.

ARTICLE 141 & 145: REGULATION AND BINDING NATURE

Art. 141 makes rulings binding. Art. 146 allows Court to frame procedural rules to prevent unbridled exercise.

SELF-CORRECTING HIERARCHY

Court maintains sola authority to revisit its precedent, ensuring mechanism exists to undo damage from manifest error.

THE "ERROR APPARENT" STANDARD



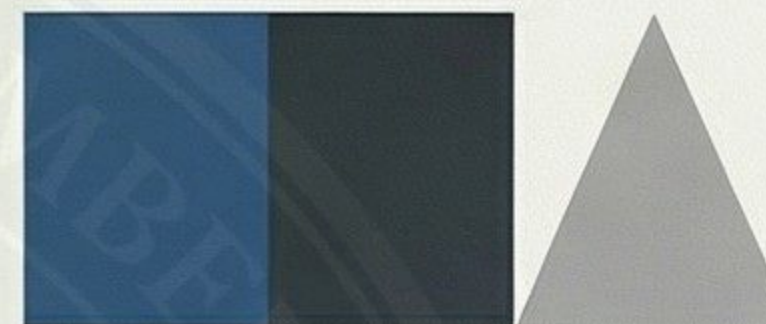
THE "FIRST BLUSH" TEST

Error must be patent and manifest, striking the court immediately without complex reasoning.



PATENT ERROR

Correction of clear mistakes of fact or law apparent on the record.



ERRONEOUS DECISION

Review cannot challenge a conclusion petitioner believes is "wrong"; that is an appeal matter.



QUALIFYING GROUNDS FOR REVIEW

Examples: failure to notice statutory provision, basing decision on non-existent evidence, missing binding precedent.

PROCEDURAL GUARDRAILS



30-DAY FILING WINDOW

Petitions must be filed within 30 days; Court discourages "bench-hunting" delays.



CHAMBER CIRCULATION MECHANISM

Typically decided by Same Bench in chambers without oral arguments to filter frivolous repeat performances.



DEATH PENALTY EXCEPTION

Following Mohd. Arif (2014), death penalty cases granted limited 30-minute oral hearing for maximum procedural fairness.

COMPARATIVE LEGAL REMEDIES

MECHANISM	SOURCE OF POWER	JURISDICTION	PRIMARY OBJECTIVE
Review	Article 137	Same Court	Correction of patent errors or discovery of new evidence.
Appeal	Sec 96-100 CPC	Superior Court	Re-examination of law/facts to correct erroneous decisions.
Revision	Sec 115 CPC	High Court	Supervisory check to correct jurisdictional errors.
Curative	Article 142	Same Court	The "last resort" for gross miscarriage of justice (e.g., <i>biss</i>).

MODERN JURISPRUDENCE (2025-2026)



MALLEESWARI v. K. SUGUNA (2025)

Review jurisdiction exceeded if court attempts to re-appreciate evidence or "case and counter-case" arguments.



ANTI-ABUSE MEASURES

To deter "disguised reviews" filed as clarification applications. Court imposes exemplary costs (e.g., Rs. 10,00,000 in *Gyanashyam Mishra*).



NO AUTOMATIC STAY

As of *Ierar Ahmad Khan* (2026), filing review does not stay original order; non-compliance subject to contempt jurisdiction.