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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010407882026
+ **CRL.M.C. 6400/2026, CRL.M.A. 26771/2026, CRL.M.A. 26772/2026 & CRL.M.A. 26773/2026**

FIROZ

.....Petitioner

Through: Mr. Junaid Nisar and Mr. Nakul
Sharma, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Druav Pandey and Ms. Ananya
Bose, Advocates for R-1 with
Inspector Priyanka, PS Crime Branch,
Sunlight Colony.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER
01.09.2026

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1. Petitioner has assailed order dated 12.08.2026 of the learned trial court, whereby the application of the petitioner under Section 348 BNSS for recall of PW19 was dismissed.
2. Passover awaiting the arguing counsel requested by counsel for petitioner. But on account of pending heavy board, passover is not possible.
3. I am of the *prima facie* view that this petition is not maintainable, because Section 438(2) BNSS prohibits revision against interlocutory order and it is trite that unless a case of gross injustice is set up, the High Court cannot exercise inherent powers to allow backdoor entry to what is prohibited by law. In the present case, the admitted position is that PW-19,



who is sought to be recalled had been duly cross-examined at the time of his testimony before the trial court.

4. At this stage, the arguing counsel for petitioner has appeared and seeks permission to withdraw this petition.

5. As requested, the petition and the accompanying applications are dismissed as withdrawn.

GIRISH KATHPALIA, J

SEPTEMBER 1, 2026/dr