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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3624/2022 & CRL.M.A.15214/2022**

VIKRANT SHRIDHARRAO DESHMUKH Petitioner

Through: Mr. Vikram Chaudhari, Sr. Adv. with
Mr. Raktim Gogi, Mr. Rishi Sehgal,
Ms. Arveen Sehkon, Mr. Kartikeya
Singh, Ms. Jigyasa & Mr. S. Vinod,
Advs.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Anupam S. Sharma SPP for CBI
with Mr. Kartik Kaushal, Mr.
Prakarsh Airan, Ms. Harpreet Kalsi,
Mr. Abhishek Batra & Mr.
Ripudaman Sharma, Advs.

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Date of Decision: 20th February, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Mr. Vikram Chaudhari, learned Senior Counsel for the petitioner states that he may be granted permission to withdraw the present petition with liberty to move an application for cancellation of the NBWs before the learned Special Judge. Ld. Senior Counsel submits

that he shall move such application within seven days. Learned Senior Counsel submits that however, till that time some protection may be granted to the petitioner regarding execution of NBWs.

2. Shri Anupam Shrama, learned Special Counsel for CBI opposes the same. Shri Anupam Sharma states that in fact anticipatory bail application of the petitioner has already been rejected by this Court. Shri Anupam Sharma has further stated that in the SLP filed against the order of this Court rejecting the anticipatory bail of the petitioner, no relief was given by the Hon'ble Supreme Shri Anupam Sharma states that now learned senior counsel is seeking a relief indirectly which he could not get directly.
3. Shri Anupam Sharma also states that the investigating agency will still have a right to arrest if the NBWs are recalled by the learned Special Judge. This assertion has been controverted by learned Senior Counsel for the petitioner.
4. I have considered the submissions. Section 70(2) of the Code of Criminal Procedure (Cr.P.C.) specifically provides that the court issuing the warrants has jurisdiction to cancel the same. In view of the submissions made by learned senior counsel let an application for cancellation of NBWs be moved before the learned Special Judge. Learned Special Judge shall consider the same as per law without being influenced by the factum of the filing of present petition and its withdrawal. It is also made specifically clear that this Court has not gone into the merits of the case and no expression made herein shall tantamount to be an impression on the merits of the case. Learned

Special Judge shall decide the issue of cancellation of NBWs being moved by the petitioner independently.

5. Learned Special Judge is directed to dispose of the application of cancellation of NBWs within 7 days of the filing thus for two weeks i.e. till 06.03.2023, the NBWs issued against the petitioner shall not be executed.
6. In view of the above, the present petition along with pending application is disposed of.

DINESH KUMAR SHARMA, J

FEBRUARY 20, 2023

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