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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 937/2024, CRL.M.A. 21473/2024, CRL.M.A.
21474/2024
JITENDER SINGHPetitioner
Through: Counsel (appearance not given).

versus

SEEMA CHAUDHARYRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
24.07.2024

Though the present revision petition has been filed under the provisions of the Code of Criminal Procedure 1973 ('Cr.P.C.'), in the opinion of this court, on a plain reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "... ..disposed of, continued, held or made..." in accordance with the Cr.P.C. only in cases where ***such proceedings***, viz. "... ..any appeal, application, trial, inquiry or investigation..." , were already ***pending*** immediately before the date on which the BNSS came into force, i.e. 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings by changing the governing law during the pendency of such proceedings.

2. Since the present petition has been *filed after 01.07.2024*, in the opinion of this court, the present petition ought to have been filed



under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 438 of the BNSS.

3. By way of the present criminal revision petition filed under section 397 of the Code of Criminal Procedure 1973, the petitioner impugns order dated 08.05.2024 made by the learned Family Court awarding interim maintenance in favour of respondent No. 1.
4. After making some submissions, learned counsel appearing for the petitioner seeks leave to withdraw the present petition, with liberty to pursue any other legal remedies as may be available to him, in accordance with law.
5. The petition is disposed-of as withdrawn, with liberty as prayed-for; without making observations on the merits of the matter.
6. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 24, 2024/ak