



\$~78

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

+ **CRL.M.C. 7858/2024 & CRL.M.A. 29974/2024**

HAMIDULLAH BHAT

.....Petitioner

Through: Mr. Siddharth Aggarwal, Senior
Advocate and Mr. Adit S Pujari, Mr.
Chaitanya, Mr. Zeeshan Thomas and
Ms. Manika Vohra, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Counsel (appearance not given).

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

04.10.2024

CRL.M.A. 29975/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 7858/2024

By way of the present petition filed under section 528 of the
Bhartiya Nagrik Suraksha Sanhita, 2023 ('BNSS'), the petitioner
impugns order dated 30.09.2024, whereby the learned Special Judge
(PC Act), Rouse Avenue Court Complex, New Delhi has been pleased
to dismiss an application filed by the petitioner under section 313(1)
of the Code of Criminal Procedure, 1973 ('Cr.P.C.') which had
sought deletion of certain questions in the 'draft questionnaire'
drawn-up for recording the petitioner's statement under section 313
Cr.P.C.



2. After making some submissions, Mr. Siddharth Aggarwal, learned senior counsel and Mr. Adit S. Pujari, learned counsel appearing for the petitioner, seek leave to withdraw the present petition, with liberty to file an appropriate application under section 311 Cr.P.C. seeking to recall PW-13 and PW-18 for further cross-examination.
3. In the circumstances, the petitioner is permitted to withdraw the present petition, with liberty to file an appropriate application under section 311 Cr.P.C. for the purpose referred to above, leaving it to the learned Special Judge to decide the same, in accordance with law.
4. It is made clear that this court has not expressed any opinion on the merits of the issue raised by the petitioner.
5. The learned Special Judge is also directed to consider any application filed by the petitioner under section 311 Cr.P.C. *afresh* and *without reference to the prayers in the application filed under section 313 Cr.P.C.* that has been dismissed by way of order dated 30.09.2024.
6. The petition is disposed-of as withdrawn, in the above terms.
7. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 4, 2024

SS