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

+ CRL.M.C. 173/2023

KUNDAN SINGH

..... Petitioner

Through: Mr. Sulaiman Mohd. Khan, Ms.
Taiba Khan, Mr. Bhanu Malhotra and
Mr. Shubham Arora, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION (CBI) Respondent

Through: Mr. Rajesh Kumar, SPP with Ms.
Mishika Pandita, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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12.01.2023

CRL.M.A. No.739/2023 (Exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 173/2023 & CRL.M.A.740/2023

By way of the present petition filed under section 482 of Code of Criminal Procedure 1973 ('Cr.P.C. '), the petitioner who is under-trial in case FIR No. RC No. 6A/2002/CBI/SUI-V/SIC-II/ND seeks setting-aside of order dated 16.12.2022 made by the learned Special Judge dismissing the petitioner's application under section 311 Cr.P.C. to recall PW-9 and PW-23 for cross-examination.



2. Learned counsel appearing for the petitioner has made some preliminary submissions in the matter.
3. However in the course of submissions, learned SPP for the CBI submits that the CBI has itself also moved a petition bearing CRL.M.C. No. 4058/2017 for recall of certain witnesses, which petition has been partly heard by a predecessor Bench and is listed next on 08.02.02023.
4. Accordingly, list this petition along with CRL.M.C No. 4058/2017 on 08th February 2023.
5. In the peculiar circumstance, where both the accused and the CBI have sought recall of certain witnesses by separate petitions, further proceedings before the learned Special Judge shall remain stayed, till the next date of hearing before this court.

ANUP JAIRAM BHAMBHANI, J

JANUARY 12, 2023/ak