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

+ **CRL.M.C. 4037/2026**

KAPIL WADHWAN

.....Petitioner

Through: Mr. Vijay Aggarwal, Mr. Yash Agrawal, Mr. Vishal Gourav, Mr. Pankush Goyal, Ms. Muskan Aggarwal, Ms. Barkha Rastogi, Advocates (through VC)

versus

CENTRAL BUREAU OF INVESTIGATION & ORS.

.....Respondents

Through: Mr. Anupam S. Sharma, SPP with Ms. Harpreet Kalsi, Mr. Vashish Rao, Ms. Amisha P Dash, Mr. Abhiyant Singh and Mr. Symantak Modgill, Advs for CBI

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.05.2026

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CRL.M.A. 16366/2026 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 4037/2026 & CRL.M.A. 16365/2026

3. The present matter has been received on urgent mentioning and is being taken up for hearing in the post lunch session.
4. By virtue of the present petition under *Section 482* of the Code of Criminal Procedure, 1973 (Cr.P.C) read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioner seeks the



following reliefs:-

“a. Set aside/ quash the Impugned Order dated 13.05.2026 passed by the Ld. Special Judge (PC Act) (CBI)-08, Rouse Avenue District Court, New Delhi in IA Nos. 265/26, 271/26, 272/26 and 273/26 in CC No.61/2022 titled “CBI Vs. Kapil Wadhawan & Ors.”; AND

b. Direct the Ld. Special Judge to consider the applications filed by the said Respondent Nos. 2 to 5 under Section 343 r/w 344 BNSS afresh, in accordance with law, after affording the Petitioner an opportunity of being heard, and after considering the additional submissions and objections that have been filed/ may be filed by the Petitioner; and

Pass any other orders or directions as this Hon'ble Court may deem fit and proper in the interest of justice.”

5. Learned counsel for the petitioner has been heard at length. Primarily, he seeks to allege that the petitioner herein, being a co-accused in the present FIR, has not been granted an opportunity/ permission to be heard in an application filed by the co-accused persons for turning an approver and since the impugned order has observed that “... ..*this court is of the opinion that on an application filed under section 306 Cr. P.C (343 BNSS) co-accused persons have no right to be heard on the merit of the application at either stage of the case.”*

6. He, relying upon the judgment passed by the Division Bench of this Court in ***State vs. Sunil Batra Alias Bobby: 1978 SCC OnLine Del 36***, submits that the learned Special Judge (PC Act) (CBI)-08, Rouse Avenue Court, New Delhi was duty bound to hear the petitioner herein, especially, at the time of adjudicating the application filed by the co-accused persons under ***Section 306/307*** of the Code of Criminal Procedure, 1973 (***Cr.P.C***).

7. Issue notice. Learned SPP for the CBI accepts notice.



8. He seeks, and is granted time to file the Status Report, if needed, at least *one week* prior to the next date of hearing. He submits that the findings rendered in the impugned order need no interference, and then relying upon *State (supra)* submits that the findings therein are in fact running contrary to the case tried to be set up by the learned counsel for the petitioner.

9. Upon the petitioner taking requisite steps within a period of *one week*, issue notice to the respondent nos.2 to 5 by all permissible modes, returnable on 09.09.2026.

10. Keeping in view the nature of the facts and disputes involved, the private parties are hereby called upon to file their respective written synopsis instead of reply/ rejoinder not exceeding *five pages*, giving a chronological list of dates and events and relevant documents, if any, alongwith duly highlighted judgments setting out the propositions of law therein, they wish to rely upon at least *one week* prior to the next date of hearing.

11. Renotify on 09.09.2026.

SAURABH BANERJEE, J

MAY 20, 2026/So