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

+ **W.P.(CRL) 2995/2019**

GAVADE KISAN BAPU

.....Petitioner

Through: Mr. Sanjeet Kaushik, Ms. Astha
Sharma and Mr. Simranjeet Singh
Rekhi, Advocates

versus

UNION OF INDIA & ORS

.....Respondents

Through: Ms. Anjana Gosain and Ms. Nippun
Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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14.08.2024

CRL.M.A. 24187/2024

By way of the present application under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks clarification of order dated 04.04.2022 to the effect that by the said order, the court had only disposed of Crl.M.A. No.41210/2022 and not the writ petition in its entirety.

2. It is noticed that though the present application has been filed under the BNSS, since it has been filed in proceedings initiated under Code of Criminal Procedure, 1973 ('Cr.P.C.') which proceedings *were pending* before the coming into force of the BNSS, the present application is treated as one under section 482 of the Cr.P.C.
3. Mr. Sanjeet Kaushik, learned counsel appearing for the petitioner/applicant submits that a perusal of order dated 04.04.2022 would show that the court had only disposed-of Crl.M.A.



No.41210/2022; but it now transpires that the status of the writ petition is showing as disposed-of on the website of this court.

4. A perusal of order dated 04.04.2022 shows that the petitioner's contention is correct. By way of the said order, the Predecessor Bench was pleased to dispose-of only Crl.M.A. No.41210/2022; however, it appears that by reason of some confusion arising from what was recorded in order dated 31.03.2022, the writ petition itself is shown as disposed-of. This is an evident, inadvertent error.
5. The application is accordingly allowed; and it is clarified that *vide* order dated 04.04.2022 only Crl.M.A. No.41210/2022 was disposed-of and not the writ petition itself.
6. The application stands disposed-of.

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7. Pleadings in the matter are complete.
8. Re-notify for consideration on 05th December 2024.
9. In the meantime, counsel for the parties are directed to file brief synopses of their respective submissions, alongwith a list of judicial precedents they seek to rely upon, not exceeding 03 pages; with copies to the opposing counsel.
10. Let the records of the National Security Guard relating to the petitioner, including the record of GSGC proceedings, be kept available for the perusal of the court on the next date of hearing.

ANUP JAIRAM BHAMBHANI, J

AUGUST 14, 2024/SV