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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 6/2026**

SYED ALI NIWAS ALIAS FAHEEM KHAN ALIAS SIRAJ IN JC

.....Appellant

Through: Md. Mobin Akhtar and Mr. Syed
Saad, Adv.

versus

NATION INVESTIGATING AGENCYRespondent

Through: Mr. Rahul Tyagi SPP NIA with Mr.
Jatin Khatri and Mr. Aniket Kumar
Singh, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **09.01.2026**

1. This hearing has been done through hybrid mode.

CRL.M.A. 141/2026 (for exemption)

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

CRL.A. 6/2026

3. The present appeal has been filed by the Appellant under Section 21 of the National Investigation Agency, Act 2008 read with Section 482 of the Code of Criminal Procedure, 1973 against the impugned judgment dated 23rd July, 2024 and order on sentence dated 31st August, 2024, passed by Id. Special Judge (NIA), ASJ-03, Patiala House Courts, New Delhi in **Sessions Case No. 132/2020**, arising out of **FIR No. 5/2020** registered at P.S. Special Cell, Delhi. *Vide* the impugned order, the Appellant has been convicted under Section 186/353/307 of Indian Penal Code, 1860 and 25/27 of the



Arms Act, 1959.

4. Insofar as the impugned order on sentence is concerned, the Appellant has been convicted for seven years rigorous imprisonment in the following terms:

<i>Accused</i>	<i>Section</i>	<i>Period of Imprisonment</i>	<i>Fine</i>
<i>Khaja Moideen @ Khaja Mohideen @ Khwaja Moideen @ Jalal @ Kasim Khan</i>	<i>307 IPC 186 IPC 353 IPC 25/27 Arms Act</i>	<i>07 years RI 03 months SI 02 months SI 05 months SI</i>	<i>Rs. 7500/- Nil Nil Nil</i>
<i>Syed Ali Niwas @ Faheem Khan @ Siraj</i>	<i>307 IPC 186 IPC 353 IPC 25/27 Arms Act</i>	<i>07 years RI 03 months SI 02 months SI 05 months SI</i>	<i>Rs. 7500/- Nil Nil Nil</i>

5. Admit.

6. Issue Notice. Mr. Rahul Tyagi, Id. SPP, who is present in Court, accepts notice in this matter.

7. The Registry is directed to requisition the TCR and prepare the appeal paperbook with proper indexing, pagination and bookmarks expeditiously and provide digitized copies thereof to Id. Counsels appearing on behalf of the parties, upon request. Let the TCR be tagged along with this appeal by the next date of hearing.

CRL.M.A. 142/2026 (for condonation of delay) & CRL.M.A. 143/2026 (for suspension of sentence)

8. The present applications have been filed by the Appellant under Section 5 of the Limitation Act, 1963 read with Section 528 of BNSS, 2023



seeking condonation of delay in filing the appeal and under Section 430 read with Section 528 of BNSS, 2023 seeking suspension of sentence during pendency of appeal and release of Appellant on Bail during pendency of the instant appeal.

9. It is noticed that the appeal is belated and there is a delay of 354 days in filing the present appeal.

10. Issue Notice. Mr. Rahul Tyagi, Id. SPP, who is present in Court, accepts notice in this matter.

11. Let a reply/status report be filed by the next date of hearing.

12. Let the latest nominal roll along with any other relevant material in respect of the Appellant be placed on record by the concerned Jail Superintendent, by the next date of hearing.

13. If there are any criminal antecedents of the Appellant, the same shall also be placed on record by the Appellant as also by Id. Counsel for the NIA.

14. Copy of the order be communicated to the concerned Jail Superintendent for necessary information and compliance.

15. List the matter for consideration of the applications on 18th February, 2026.

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 9, 2026/neha/b/sm