

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL (STAMP) NO.13344 OF 2022
WITH
INTERIM APPLICATION NO.2691 OF 2022

Areeb Ejaz Majeed	Appellant
versus	
National Investigation Agency and another	Respondents

Mr.Areeb Ejaz Majeed, Appellant in person, present.
Mrs.M.H.Mhatre, APP for Respondent no.2 State.
Mr.Sandesh Patil with Mr.Chintan Shah, Special P.P. for Respondent no.1 NIA.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 24th January 2023

PC :

1. Appellant has preferred present appeal under Section 21 of National Investigation Agency Act, 2008 ('NIA Act') against impugned Order dated 4th March 2022 passed below Exhibit-680 in NIA Special Case No.1 of 2015.

2. At the outset Mr.Patil, learned APP appearing for NIA raised preliminary objection and submitted that, present order being an interlocutory order, a substantive appeal u/s.21 of the NIA Act is not be maintainable. He submitted that, impugned Order herein does not decide final rights of either of the parties and trial on the said case is still in progress. The impugned order was passed on an application of the appellant for de-exhibiting document No.D-15 from the record and for not permitting to lead evidence of PW-14 in

that behalf. Therefore, present appeal is not maintainable.

3. Section 21(1) of NIA Act reads as under :-

“21. Appeals .-

(1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.”

Admittedly the impugned order is neither a judgment, sentence or order, as mentioned in sub-Section (1) in that behalf and is an interlocutory order.

4. In view thereof, we permit the appellant to convert present Appeal into a Writ Petition under Article 227 of Constitution of India read with Section 482 of Cr.P.C, to challenge the impugned Order herein.

5. Necessary amendment be carried out within a period of one week from the date of uploading of present Order on the official website of the High Court.

6. In view of the above, Interim Application No.2691 of 2022 for condonation of delay is not required and is accordingly disposed off.

7. After the amendment is carried out, the Appellant is granted liberty to circulate the petition before appropriate Bench.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)