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

+ **CRL.A. 140/2023**

ADVOCATE MOHAMMAD YOUSUF A11 & ORS. Appellants

Through: **Mr. Mobin Akhtar, Advocate.**

versus

NATIONAL INVESTIGATING AGENCY Respondent

Through: **Mr. Rahul Tyagi, SPP (NIA) with
Mr. Vikas Walia, Mr. Sangeet Sibou,
Ms. Priya Rai, Mr. Jatin, Mr. Asshish
Chojar and Mr. T.V. Rajesh, DSP
(AIO) (NIA)**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
25.01.2024

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1. Learned counsel for the appellants argued that the custody of the all the accused was upto 17.01.2023 and thereafter the same has not been extended by the Court. He has specifically stated that he has got the copies of all the remand orders passed by the Court but there is no order of 17.01.2023 extending the judicial custody.
2. Learned counsel for the respondent has produced copy of order dated 17.01.2023 passed by learned Special Judge (NIA).
3. Perusal of the said order reveals that Mr. Mobin Akhtar, learned counsel for the present appellants was also present that date and had

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appeared before the Court albeit on behalf of the accused A-21 (Waseem Ahmad). It is noticed that in the present appeal, the said accused is also appellant No.18 and his name is mentioned as “Vaseem Ahmed (A-21) in the Memo of Parties. Vide order dated 17.01.2023, the learned Special Judge (NIA) had remanded all the accused to further judicial custody with a direction to produce them on 15.02.2023 through VC.

4. In view of the above, the present petition seems misconceived and is liable to be dismissed.

5. At this stage, learned counsel for the appellant seeks permission to withdraw the present appeal with liberty to file appropriate petition on the other grounds, if so available.

6. In view of the above, the present appeal is dismissed as withdrawn with liberty as prayed for.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

JANUARY 25, 2024
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