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

+ **CRL.A. 358/2022**

ASIYA ANDRABI

.....Appellant

Through: Mr Satish Tamta, Sr. Advocate with
Mr. Dhruv Tamta, Ms. Nisha
Narayannan, Mr. Shariq Iqbal and
Mr. Anant S Pandey, Advocates(Mob.
No. 9990924005).

versus

NATIONAL INVESTIGATION AGENCY

.....Respondent

Through: Mr. Akshai Malik, SPP with Mr.
Akshay Sehgal and Mr. Khawar
Saleem, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **30.09.2024**

1. This hearing has been done through hybrid mode.
2. The present appeal under Section 21 of the National Investigation Agency Act, 2008 has been filed challenging the impugned judgment dated 2nd May, 2022 by which the appeal being **CA No. 241/2019** filed by the Appellant under Section 25(6) of the Unlawful Activities (Prevention) Act ('UAPA Act') has been dismissed by the Special Judge, NIA Court.
3. The said **CA No. 241/2019** was filed challenging the order dated 5th September, 2019 passed by the designated authority, i.e., CTCR Division of Ministry of Home Affairs, Government of India, by which the order dated 9th July, 2019 passed by the concerned Investigating Officer, NIA whereby, the seizure/attachment of house being *House Zair No. 34/1, 35/1 Iqbal Colony, 90 Feet Road, Soura, PO Naushera, P.S. Sourya, Srinagar (J&K)*, was



affirmed.

4. The grounds on which the attachment has taken place is that the same was used for activities of a proscribed organisation *i.e.*, ‘*Dukhtaran-e-Millat*’ (DeM), which has been upheld by the judgment dated 2nd May, 2022 passed by the Special Judge, NIA.

5. A perusal of the impugned order would show that the Special Judge has merely confirmed the attachment order - the effect of which would be that the said property cannot be released to the Appellant or its owner, and the said attachment is to be maintained until the final orders are passed by the Special NIA Court in the concerned proceedings.

6. At this stage, this Court is of the opinion that the mere passing of the attachment order is meant for safeguarding of the property and to ensure that it is not sold or utilised in any manner for the unlawful activities.

7. In view of the said position, this Court is not inclined to entertain the present appeal at this stage.

8. Needless to add, if any order of forfeiture/sale is passed by the said Special Court the rights of the Appellant to avail her legal rights in accordance with law are left open.

9. This Court has not dealt with the issue of maintainability of the present appeal in view of the above order which is passed.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

SEPTEMBER 30, 2024

Kr/nk