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

+ **CRL.M.C. 2791/2024**

MAHFOOZ ALAM

.....Petitioner

Through: Mr. Ankit Karna, Adv.

versus

NATIONAL INVESTIGATION AGENCY

.....Respondent

Through: Counsel (appearance not given)

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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06.08.2024

1. The present Petition has been filed under Section 482 Cr.P.C seeking release from custody in Case RC No. 20/17 lodged at PS NIA/DLI.
2. Learned counsel appearing behalf of the petitioner submits that the petitioner has engaged a new private counsel and the previous counsel is no longer his aid.
3. The petitioner was an accused in the case bearing No. 20/2017. He was arrested on 03.02.2018 by the NIA. He gave his confessional statement under Section 164 and was granted pardon by the Court on 16.05.2018. The Charge Sheet was filed on 26.05.2018 whereas he was placed in column No. 12, in the category of the accused persons not Charge Sheeted. He being an approver moved an Application for discharge on 17.03.2019 as he was considered a prosecution witness.
4. The Application for release has been dismissed vide the Order 27.03.2019 by the Trial Court and hence the release has been sought on the



ground with the petitioner's testimony has already been recorded in the Trial Court and thus he is entitled to release for which he has placed reliance on ***Saidevan Thampi Vs State of Kerala (MANU/KE/0911/2013)***.

5. Learned counsel appearing on behalf of NIA has given the Status report which states that the petitioner has already been examined as PW-2 and his deposition has been completed. The witness has fully supported the case of the prosecution on which account no proceedings are being initiated under Section 308 Cr.P.C. The NIA has given its no objection to the release of the petitioner.

6. Submissions heard.

7. Considering that the petitioner has been granted the Status of the Approver and his testimony stands recorded in the Court and NIA also has no objection, he is directed to be released forthwith, if not required in any other case.

8. The Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 6, 2024/PT