



\$~13

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

+ **CRL.A. 879/2024**

WASIM AKRAM MALIK (PRESENTLY IN JC)Appellant

Through: Mr. Mehmood Pracha, Mr. Jatin Bhatt
and Ms. Nujhat Naseem, Advs.

versus

NATIONAL INVESTIGATION AGENCY (NIA)Respondent

Through: Ms. Shilpa Singh, SPP, NIA with Ms.
Priyam Agrawal, Adv. with Dy.S.P.
Sanjeev Kumar, CIO.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DHARMESH SHARMA

ORDER

% **18.02.2025**

1. This hearing has been done through hybrid mode.
2. This is an appeal under Section 21 of the National Investigation Agency Act, 2008 (hereinafter “NIA Act”) challenging the impugned order dated 5th June, 2024 passed by the Id. ASJ-03, Patiala House Courts, New Delhi in **RC No. 09/2011/NIA/DLI**, by which the Appellant’s application for seeking ‘E-Mulakat’ facility through video conferencing with his family has been disposed of.
3. At the outset, Ms. Shilpa Singh, Id. SSP for NIA has raised an objection as to the maintainability of this appeal under Section 21 of the NIA Act. It is argued that the impugned order is an interlocutory order and thus, an appeal against the same is barred under Section 21 of the NIA Act. As per the Id. SPP, the Appellant may seek his remedy under the writ jurisdiction of this Court. Accordingly, without going into the said objections and considering



the order passed by the Special NIA Court, this appeal is being treated as a writ petition.

4. The Id. Trial Court has observed that providing *E-Mulakat* facility is a part of the day-to-day functioning of the jail administration and the Court would not be empowered to exercise its appellate powers to direct the jail administration in this regard. The Id. Trial Court also records that the jail authorities have sought a response from the NIA in terms of the subsisting Delhi Prison Rules, 2018 and the circulars thereto.

5. The objection of Id. Counsel for the Appellant is that the NIA's 'no objection' cannot be sought in such a matter.

6. Be that as it may, Id. SPP for the NIA has submitted that if the details of the persons, along with their respective mobile numbers, with whom the Appellant wishes to have the '*E-Mulakat*' are furnished to the NIA, the NIA has no objection if the said facility is extended to the Appellant in accordance with the Delhi Prison Rules, 2018.

7. The Appellant also has no objection if the technical infrastructure is provided, in terms of the settled procedure, for the video conferencing/ *E-Mulakat* facility and the conversation is recorded and preserved by the concerned Jail authority.

8. Accordingly, let the names and the numbers of the family members of the Appellant be provided to the concerned Jail Superintendent within one week.

9. The concerned Jail Superintendent shall verify the identity of the persons and their telephone numbers if required through the NIA and permit the *E-Mulakat* facility to the Appellant. The said verification shall take place within a period of one week from the date on which the names are provided



to the concerned Jail Superintendent.

10. The *E-Mulakat* facility shall be permitted for the Petitioner as per the Delhi Prison Rules, 2018 by 1st March, 2025 and thereafter.

11. The Appeal is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

DHARMESH SHARMA, J

FEBRUARY 18, 2025

dj/ms