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

+ **W.P.(CRL) 2189/2015**

RACHEL AOMAR

..... Petitioner

Through Mr. Sameer Chandra with Mr. Wiqar
Ahmed, Mr. Kapil Kumar and Mr.
Sandeep Tyagi, Advocates

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through Mr. Rahul Mehra, Standing Counsel(Crl)
with Mr. Amrit Singh, Advocate for
State.

Ms. Neelima Tripathi with Ms. Aastha
Jain, Advocates for respondents no.2 and
4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **03.11.2015**

Petitioner has prayed for issuance of a writ of *habeas corpus* calling upon the respondents to forthwith produce Mr. Tochukwu Andrew Ajemba(hereinafter referred to as 'detenue'). According to the petitioner, the detenue has been illegally detained by the respondents. It is submitted that the detenue is a Nigerian national and husband of the petitioner. His visa was extended on 08.10.2013 and thereafter on 09.10.2014. On 02.09.2015, he got married to the present petitioner. However, he has applied for extending of visa which was going to expire on 28.09.2015.

It is submitted that the detention of the husband of the petitioner is illegal and she is not aware of his whereabouts. Notice was issued in this matter.

Ms. Tripathi, learned counsel for respondents no.2 and 4 submits that husband of the petitioner has not been detained but his movements have been restricted as per Section 3(ii) (e) of The Foreigners Act, 1946 on the ground that

initially he had entered India on a Business Visa in the year 2010, thereafter, he entered India again in the year 2012 on a Business Visa which was converted to a

Signature Not Verified

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By:AMULYA

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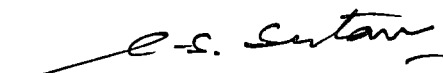
Spouse Visa as he married an Indian national. Subsequently, the husband of the petitioner divorced his first wife on 16.04.2015, however, no information was provided to FRRO only to remarry the petitioner herein on 02.09.2015.

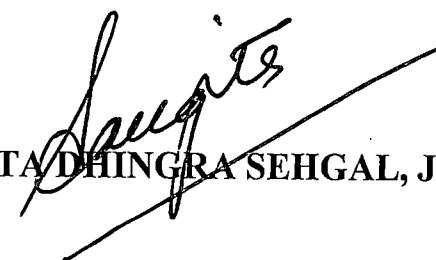
Learned counsel for respondents no.2 and 4 submits that the movements of the husband of the petitioner and his activities are required to be investigated as national interest is involved and accordingly, the order has been passed.

Today, learned counsel for the respondents has handed over in Court a copy of order dated 21.10.2015 by which the detainee is to be deported out of the country. Learned counsel for the petitioner submits that in case the visa is not renewed, the petitioner would himself leave the country.

In view of the detention order so passed, no further orders are required to be passed in this petition. Leave granted to the petitioner to avail such remedy as available in accordance with law to challenge the said order.

The writ petition stands disposed of.


G.S.SISTANI, J


SANGITA DHINGRA SEHGAL, J

NOVEMBER 03, 2015
pst