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

+ **W.P.(CRL) 1609/2015**

RATAN CHELLAPPA GANGANI

..... Petitioner

Through: **Mr.Tanveer Ahmed, Advocate.**

versus

CENTRAL BUREAU OF INVESTIGATION & ORS.... Respondents

Through: **Mr.Sanjeev Bhandari, Special PP for
CBI/R-1.**

**Mr.Sanjeev Narula, CGSC for R-2
and R-3.**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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21.01.2016

Crl.M.A. No.11044/2015

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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1. The petitioner has invoked the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India with the following prayers:-
 - (a) to issue directions to the respondents No.1 to 3 to place on record the documents pertaining to receipt of request for extradition of the petitioner to UAE or otherwise, including but not limited to the red corner notice that may have been issued.
 - (b) to quash the entire extradition process and proceedings emanating

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from lodging of the communication dated 06.05.2014 and other documents related to extradition of the petitioner to UAE for alleged dishonour of cheque including but not limited to the red corner notice issued against him.

2. Response to the petition has been filed by UOI/R-2 which contains letter dated 01.09.2015 to the following effect :-

“T 413/71/2015

Dated: September 1, 2015

*Shri Sanjeev Narula,
Central Government Standing Counsel,
Chamber No.463, Delhi High Court,
New Delhi-110003*

Sir,

This has reference to your letter dated August 11, 2015 requesting this Ministry to provide comments on the Writ Petition (Criminal) No. 1609 of 2015 filed by rattan Chellappa Gangani against the Central Bureau of Investigation and others. The Ministry of External Affairs is the 2nd respondent in the said Writ Petition.

2. This is to inform you that the Ministry of External Affairs has not any received extradition or other request in respect of Shri Ratan Chellappa Gangani.

3. Though there exists an Extradition Treaty between the Republic of India and the United Arab Emirates, and Article 5 of the Treaty obligates Parties to extradite or prosecute, the next course of action can only be decided on the basis of the request as and when received from the UAE authorities.

4. In view of the above, the Hon'ble Court may be apprised about the current position. Before filing a written reply in the Hon'ble Court, if considered necessary, grateful if draft reply is provided at the earliest for approval of the Ministry.

5. This issues with the approval of Joint Secretary (CPV).

Yours faithfully,

Sd/-

Consultant-Extradition”

4. Attention of learned counsel for the petitioner has been drawn to the above response filed by UOI/R-2 wherein it is specifically mentioned that the Ministry of External Affairs has not received extradition request or any other request in respect of Sh.Ratan Chellappa Gangani and that though there exists an Extradition Treaty between the Republic of India and the United Arab Emirates, and Article 5 of the Treaty obligates Parties to extradite or prosecute, the next course of action can only be decided on the basis of the request as and when received from the UAE Authorities.

5. After going through the response, the learned counsel for the petitioner has submitted that to protect the life and liberty of the petitioner and to avoid multiplicity of the proceedings, CBI may be directed to supply the documents referred to by CBI in the status report. Learned counsel for the petitioner has further submitted that request has already been made to CBI for providing necessary documents regarding extradition but the same has not been supplied till date.

6. Respondent No.1/CBI has placed on record the copy of the request made to CBI for location of Ratan Chellappa Gangani (Page No.36), which reads as under:-

“Subject : Location of Ratan Chellappa Gangani

With reference to the subject cited above, please be informed that the below mentioned subject is wanted by UAE authorities for charge of uttering unfunded cheques. The details of the subject are as under:-

Subject's Name : Ratan Chellappa Gangani
Passport No. : A6883275 (PISON enclosed)
Address : Ward No.15, Near First Bus Stop
Jaitala,
Nagpur, M.S.

In view of the above, it is requested to discretely check/search/locate (not to arrest) the above person at the address mentioned above and result thereof be sent to this office at the earliest for onward transmission to NCB-Abu Dhabi.”

7. Mr.Sanjeev Bhandari, learned Special PP for CBI has submitted that in view of the limited request referred to above, needful was done. Hence, there is no question of supplying any document to the petitioner.

8. Since in the request made to CBI, there was specific direction not to arrest the subject but only to locate him, the submissions made by learned counsel for the petitioner that it is the question of his life and liberty, needs to be rejected and no directions is required to be issued by this Court in exercise of writ jurisdiction for supplying the copies of the documents referred to by CBI in its reply.

9. The writ petition is accordingly dismissed.

Crl.M.A. No.11043/2015 (Stay)

Dismissed as infructuous.

PRATIBHA RANI, J.

JANUARY 21, 2016

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