

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1722 OF 2017

Sayyed Kainat w/o.

Imran Gulam Hussain Sopariwala

.. Petitioner

V/s.

The Ministry of Foreign Affairs

& Ors.

.. Respondents

.....

Mr.Syed Shehazad Abbas Naqvi, Advocate for the Petitioner.

Mr.Anil C. Singh, ASG a/w. Mr.D.P. Singh, Advocate for Respondent No.1.

Mrs.A.S. Pai, APP for Respondent – State.

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CORAM : RANJIT MORE AND
PRAKASH D. NAIK, JJ.

DATED : OCTOBER 10, 2017.

P.C. :

Mr.Anil Singh, learned Assistant Solicitor General placed on record letter of Dr.Rajeev Ranjan, Under Secretary (Extradition) CPV Division, Ministry of External Affairs, New Delhi written to him. Paragraph nos.2, 3 and 4, read as follows:

“2 *It may please to note that the Government of Netherlands has formally submitted an extradition, request in respect of Mr.Sopariwala*

to the concerned Iraqi authorities through diplomatic channels. Though, the Government of India has no legal standing as per an extradition of Mr.Sopariwala from Iraq to Netherlands is concerned, the Indian Embassy in Baghdad has been making an all-out efforts to assist Mr.Sopariwala in getting out from this legal quandary. The case status report sent by our Embassy is enclosed.

- 3 *It may further be added that the matter has been referred to a Criminal Court in Baghdad. The date of hearing is yet to be declared. On 17 September 2017, the Indian Embassy officials also met the presiding Judge of the Criminal Court and requested to expedite the proceedings. The Presiding Judge was of the opinion that there are only two solutions to the issue viz. Mr.Sopariwala be deported to Netherlands or he be set free to return to India. The email detailing the conversation is enclosed.*
- 4 *It may be highlighted that the Government of India can in no way influence the outcome of the extradition proceedings pending before the Iraqi Court. The Indian Embassy has been providing consular assistance to Mr.Sopariwala and trying to help him in every way possible.”*

2 The said letter is taken on record and marked “X” for identification. Mr.Singh has no objection for the same. We accordingly accept the said statement.

3 In the light of the above, learned counsel for the petitioner states that at this stage the petitioner's grievance raised in the petition no more survives for consideration. Writ Petition is, accordingly, disposed of.

(PRAKASH D. NAIK, J.)

(RANJIT MORE, J.)