

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL WRIT PETITION NO.4086 OF 2016**

Shehzad Hemani.] ... Petitioner

Versus

State of Maharashtra & Ors.] ... Respondents

Mr. A. H. Ponda a/w Mr. Yusuf Iqbal Yusuf a/w Mr. Neville M. & Mr. Varun Shah i/b Y & A Legal for Petitioner.

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

Mr. H. S. Venegaonkar for Respondent No.2.

Mr. Krishnan, Deputy Superintendent of Police, C.B.I., Interpol, New Delhi, present.

**CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE :- 13 JUNE, 2017

P. C. :-

1. Not on board. Upon production, taken on board.
2. Mr. Venegaonkar appearing for respondent no.2, on instructions of Mr. Krishnan, Deputy Superintendent of Police, C.B.I., Interpol, New Delhi, who is present in Court, makes a statement that the extradition request concerning the petitioner was examined by the Ministry of External Affairs, Government of India. By a letter dated

05/05/2017, the said request was rejected, *inter alia*, on the ground that the subject being the father and the natural guardian of child Insiya, could not be charged with the offence of kidnapping of Insiya and hence held that the dual criminality is not satisfied in this case. The statement is accepted. Mr. Venegaonkar also makes a statement that the petitioner shall not be arrested and no coercive steps would be taken against him and his minor daughter Insiya in pursuance of the said extradition request of Netherlands. He, accordingly, placed on record the letter dated 05/05/2017. The said letter is taken on record and marked 'X' for identification.

3. In the light of the above, Mr. Ponda, learned Counsel for petitioner, fairly states that the grievance raised in the petition no more survives for consideration.

4. The petition is accordingly disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)