

\$~43

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1293/2017 & CrI.M.B. 799/2017, CrI.M.A. 7188/2017
RAJIV CHANDRAKANT SHAH Petitioner

Through: Mr. D.N. Ray, Mr. Deepak Gandhi,
Mr. Dhruv Gandhi & Mr. Arhum
Sayeed, Advs.

versus

UNION OF INDIA Respondent
Through: Mr. Ajay Digpaul, CGSC with Ms.
Mohita, Adv.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **15.05.2017**

Heard. Perused. It is noted that the representation of the petitioner against the inquiry report of the Magistrate, which is impugned in these proceedings, already submitted to the Central Government, is presently under consideration of the competent authority under the law. The representation, pertinent to add, is on same lines as are the grounds agitated before this Court.

Having regard to the procedure followed in *Kamlesh Babulal Aggarwal vs. Union of India, Writ Petition (Crl.) 1330/2002* decided on 1.5.2008 by division bench of this Court, it appears just and proper that the decision of the Central Government on such representation be awaited. As submitted by the learned counsel representing the respondent-Union of India, the Central Government is obliged under the law to take a decision on the matter within sixty days of submission of the inquiry report by the Magistrate. The contentions of the petitioner are thus reserved, which may

be agitated, should the Central Government hold otherwise and adverse to the interest of the petitioner, by an appropriate proceedings.

The petition is disposed of with direction to the Central Government to give opportunity to the petitioner, of two weeks, in the event of it taking a decision to extradite the petitioner, to allow him to take recourse to the appropriate remedies in law before appropriate forum, before he is actually transported out of India. This period of two weeks would begin immediately following the day the order of the Central Government is served on him.

No other directions are called for at this stage.

Copy of the order be given *dasti*.

R.K.GAUBA, J

MAY 15, 2017

nk