

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.58 OF 2020

Mr. Peter @ Petr Shalaginov,
S/o Mr. Artem Shalaginov,
Age 28 years,
Russian National,
Permanent R/o 28/1/406 street Narodnogo
Opolchenya, Moscow
Presently lodged at
Detention Centre for foreigners,
Mapusa Goa

... Petitioner

Versus

1. State of Goa,
as represented by
Chief Secretary,
Govt. of Goa,
Panaji Goa.
2. The Supdt. of FRRO,
Police Headquarters,
Panjim Goa.
3. Union of India,
through the Secretary,
Ministry of Home Affairs,
North Block,
Central Secretariat,
New Delhi – 110001
4. The Police Inspector,
Pernem Police Station,
Pernem Goa

5. The Officer-in-charge,
Dabolim Airport Police Station,
Dabolim Airport,
Dabolim Goa,

6. The Immigration Branch,
Goa Police,
Dabolim Airport,
Dabolim Goa.

... Respondents

Ms. C. Collasso and Mr. K. Poulekar, Advocates for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. P. Faldessai, Additional Public Prosecutor for Respondent Nos.1, 2, 5 and 6.

Mr. S. R. Rivonkar, Senior Advocate - Public Prosecutor with Mr. G. Nagvenkar, Additional Public Prosecutor for Respondent No. 4.

Mr. Pravin Faldessai, Assistant Solicitor General for Respondent No. 3.

Coram:- M. S. SONAK &

SMT. M. S. JAWALKAR, JJ.

Reserved on :- 3rd July, 2020

Pronounced on: 10th July, 2020

Judgment (Per M. S. Sonak,J)

Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith with the consent and at the request of the learned counsel for the parties. Even otherwise, it was earlier made clear that this petition will be disposed of finally at the stage of admission.

3. The challenge in this petition is to the order dated 21st

January, 2020 made by the Superintendent of Police, Foreigners Regional Registration Office (FRRO), Panaji Goa, requiring the Petitioner to reside at the detention centre at Mapusa. The impugned order states that it shall remain valid for a period of one month from the date of issue. However, there is no dispute that the validity of the impugned order has been extended from time to time. Some of the extension orders have been placed on record by the Respondents alongwith their returns.

4. Ms. Collasso however submitted that such extension orders were never served upon the Petitioner. From the returns filed, we are unable to accept this statement. In any case, we accept the request made by Ms. Collasso that even the extended orders upto date, be deemed as challenged in this petition itself. This is on account of COVID-19 situation, which will render carrying out of formal amendment difficult.

5. Ms. Collasso has raised virtually identical challenges as were raised to similar orders in LD-VC-CRI-7-2020 and LD-VC-CRI-8-2020. In fact, this petition was also tagged alongwith the said two petitions. All the three petitions were heard extensively on 3rd July, 2020. Only because Ms. Collasso raised certain additional contentions peculiar to the Petitioner in the present petition, this petition is being disposed of by a separate judgment and order.

6. As regards the identical contentions however, we adopt our

reasonings in the judgment and order disposing of LD-VC-CRI-7-2020 and LD-VC-CRI-8-2020 and on same basis reject the contentions.

7. Ms. Collasso however contended that there is a request for extradition from the Russian Authorities, in so far as the Petitioner is concerned. She points out that the Petitioner is a Russian national and even he is quite desirous to return to Russia. She submits that even the Russian consulate is interested in ensuring that the Petitioner returns to Russia. She submits that the Petitioner is not wanted in respect of any crime in India. For all these reasons, she submits that there is no good reason to issue the impugned order against the Petitioner and in any case, the suitable direction may be issued to Respondent No.3 to take steps to facilitate the Petitioner's return to Russia.

8. According to us, even assuming what is submitted by Ms. Collasso may be correct, that by itself, is no ground to fault the impugned order. Besides, from the returns filed by the Respondents, it transpires that the extradition process was commenced earlier but since it could not be completed within specified period, the same lapsed and the Petitioner, who was then held in custody, was released.

9. The returns also indicate that there is a Look Out Circular No.2014404318 (Old suspect No.436181) and a Red Corner Notice No. A-1826/3/2014, originated by AD/NCB Central Bureau of Investigation, International Police, Cooperation Unit, National Central

Bureau – India Interpol at New Delhi in respect of the Petitioner.

10. The returns also indicate that the Respondents have received an email from the Consul, Russian Consulate enclosing a copy of letter dated 27th January, 2020 addressed to MEA New Delhi requesting to relocate the Petitioner from Goa to Delhi in order to facilitate the Embassy to issue temporary travel document to the Petitioner and thereby finalize the extradition process. The Embassy has also requested to inform the date of such relocation to Delhi so that the escorting officials will be arranged to arrive from Russian Federation in order to escort the Petitioner to Russia.

11. The record also indicates that the process of extradition is being monitored by the Extradition Court based in New Delhi. We are informed that in fact the Petitioner was to be produced before the Extradition Court in New Delhi but such production was not possible on account of COVID-19 situation. The learned Advocate General pointed out that relocation at this stage or even the production of the Petitioner before the Extradition Court in New Delhi at this stage was not only contrary to the interest of the Petitioner but would also put the lives and well being of the escorting police officials from Goa to severe risk.

12. The learned Advocate General however stated that as soon as the situation improves, necessary steps will be taken to produce the

Petitioner before the Extradition Court at New Delhi consistent with the request received by the State Authorities from the Central Authorities as well as the consulate of Russia. The learned Advocate General however submitted that all these issues have not been pleaded in the petition and in any case, do not affect the validity of the impugned order.

13. We also feel that there are no proper pleadings in the petition on the aspect of extradition or the issues connected therewith. In any case, at least *prima facie*, we are satisfied that the Respondents are not averse to taking steps in the matter of extradition but the process has not progressed at the satisfactory pace only on account of COVID-19 situation. We accept the statement made by the learned Advocate General that as soon as the situation improves, necessary steps will be taken to produce the Petitioner in the Extradition Court at New Delhi.

14. Thus by accepting the aforesaid statement and requiring the Respondents to act accordingly, we dispose of this petition. The challenge to the impugned order, however fails and is hereby rejected.

15. Rule in this petition is disposed of in the aforesaid terms. There shall be no order as to costs.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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