



WEB COPY



CrI.O.P.No.13509 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

|                     |             |
|---------------------|-------------|
| Order Reserved on   | :12.06.2024 |
| Order Pronounced on | :19.06.2024 |

Coram:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

**Criminal Original Petition No.13509 of 2024**

Mrs.Regina Fatima Marie Saint Jacques .. Petitioner

/versus/

1.The Inspector of Police,  
Odiansalai Police Station,  
Puducherry.

2.Huqo Dexine .. Respondents

Prayer: Criminal Original Petition has been filed Section 482 of Cr.P.C., praying to direct the respondent to execute the Non Bailable Warrant pending from 27.03.2019 as against the 1<sup>st</sup> accused (Huqo Dexine) in the above said P.R.C.No.29 of 2024 in Crime No.101 of 2017 on the file of the Chief Judicial Magistrate, Puducherry.

For Petitioner :Mr.G.Prabhakar  
For Respondents :Mr.K.S.Mohan Dass  
P.P.(Puducherry)

-----



Crl.O.P.No.13509 of 2024

WEB COPY

## ORDER

The petitioner herein is the defacto complainant in Crime No.101 of 2017, dated 22-06-2017 investigated by the Odiansalai Police Station, Puducherry.

2. The case was registered for the offence under Sections 420, 468, 120(B), 92, 2949b), 324, 506(ii) I.P.C r/w 34 I.P.C in Crime No.101 of 2017, against 7 known persons and few other unknown persons. On completion of investigation, Final Report has been filed against 16 persons. Out of which, 7 where shown as absconding accused. As against the secured accused, the case has been committed to the Court of Sessions and pending before III Additional District Judge, Puducherry in S.C.No.21/2019. As against the absconding accused, P.R.C.No.23 of 2019 pending on the file of the Judicial Magistrate No.2, Puducherry. The Non Bailable Warrant issued against the absconding accused resulted in securing few accused and still three of them A1(Huqo Dexine), A9(Ali Jinaah @ Samsudeen) and A10(Thiyagarajan)) are at large.



Crl.O.P.No.13509 of 2024

WEB COPY

3. The defacto complainant being aggrieved by failure on the part of investigating agency in executing the Non Bailable Warrant as against A1, A9 and A10, had filed the present petition for direction to execute the Non Bailable Warrant, particularly against the first accused, who is the prime accused in this case a French national is very much available and visiting India frequently and staying at Puducherry. In this petition, it is specifically prayed to direct the police for extraditing the said A1 with the help of the Ministry of External Affairs and Indian embassy at France. The petitioner apprehends that if A1 is not secured and tried, the case against others will be weakened.

4. The respondent police has filed the counter admitting that the petitioner, a French resident having several property around Puducherry and TamilNadu. His father was brutally murdered by land grabbers and on hearing the death of her father, the petitioner came to India and secured all her property and gave it under the custody of known persons and went back to France. In her absence, the first accused and others entered into a conspiracy and taken possession of the land and also



Crl.O.P.No.13509 of 2024

created false documents. The complaint registered in Crime No.101 of 2017 culminated in filing of the final report showing 7 of the accused as absconding. The case against the accused, who are all secured by the police committed to the Sessions Court and pending before the III Additional District Judge, Puducherry in S.C.No.21 of 2019. Whereas the case against the absconding accused remains in P.R.C stage. Presently, four of them are secured and three accused (A1,A9 and A10) are yet to be secured. The spilt up case against them is pending before the Judicial Magistrate No.II, Puducherry in P.R.C.No. 23 of 2019.

5. The learned Public Prosecutor for Puducherry states that the VAO Report has been received which indicates about the residential address of A1 at France. Based on that details, Look Out Circular(LOC) will be issued through France Embassy and be proceeded further.

6. The Learned Counsel appearing for the petitioner submitted that the respondent police has not so far taken steps to declare A1 as a proclaimed offender and has not taken any steps to extradite him from



Crl.O.P.No.13509 of 2024

WEB COPY

France. Relying upon the judgment of this Court in *R.Ranjeetha v. The Additional Director General of Police/Liaison Officer(Crime) in Crl.O.P.No.20427 of 2015, dated 29.01.2016*, the Learned Counsel appearing for the petitioner pleaded that the respondent police should ensure the execution of NBW, pending against the absconding accused as per the provisions of the Extradition Act.

7. The learned Public Prosecutor represented for the State of Puducherry undertakes to take necessary action to bring the absconding accused to India and proceed in accordance with law.

8. In the counter filed by the Inspector of Police attached to Odiansalai Police Station, he has given an undertaking that look out circular will be send through France Embassy for extradition at once.



Crl.O.P.No.13509 of 2024

WEB COPY

9. In the light of the above undertaking, **this Criminal Original Petition is allowed.** The respondent police shall execute the warrant within a period of four months from the date of receipt of a copy of this order.

19.06.2024

Index:yes/no

Neutral Citation:yes/no  
ari

To:

- 1.The Chief Judicial Magistrate, Puducherry.
- 2.The Inspector of Police, Odiansalai Police Station, Puducherry.
- 3.The Public Prosecutor, High Court, Pondicherry.



WEB COPY



CrI.O.P.No.13509 of 2024

DR.G.JAYACHANDRAN,J.

ari

delivery Order made in  
CrI.O.P.No.13509 of 2024

19.06.2024