



2024.DELHI.2712-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 03rd April, 2024**

+ W.P.(CRL) 917/2024

RAKESH CHANDRA SAXENA

..... Petitioner

Through: Mr. Prevendra Kumar, Advocate *via*
video-conferencing.

versus

GOVT. OF N.C.T. OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.)
with Ms. Priyam Agarwal, Mr. Abhinav
Kumar Arya and Mr. Shivesh Kaushik,
Advocates with Insp Virendra Pakhara,
PS IGI Airport.
Mr. Farman Ali, SPC with Ms. Usha
Jamnal, Advocate for FRRO with
Insp. Abhimanyu and Insp. Shashank
from Legal Cell, FRRO Delhi.
Muhammad Ali Khan(AAG with Mr.
Omar Hoda, Ms. Eesha Bakshi, Mr.
Uday Bhatia, Mr. Kamran Khan and
Mr. Arjun Sharma, Advocates for R-2
& 3.**CORAM:****HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. Present petition has been filed by the petitioner seeking following
prayer:-

“(A) Issue a writ, order or direction in the nature of habeas corpus or any other writ, order or direction thereby directing the respondent no. 1 and 2 for producing the son of the petitioner namely Ashish Saxena or issue appropriate directions for providing access and legal assistance and medicine to the illegally detained son “Ashish Saxena” of the petitioner.

(B) Issue the directions to the respondent no. 1 and responded No. 2, 4 & 5 to preserve and produce the CCTV footage and all documentary record in respect of the illegally detained son of the Petitioner Ashish Saxena before this Hon'ble court.”



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2. Learned counsel appearing for respondent Nos. 2 and 3 who appears on advance notice has informed this Court that the son of the petitioner is an Indian Passport Holder of PP No. Z7367783. The son of the petitioner namely, Ashish Saxena arrived at IGI Airport Delhi via flight No. J-9409 on 13.03.2024 at around 7 a.m.
3. He further submits that on approaching the immigration counters, it was noticed by the immigration officer that such son of the petitioner was an LOC subject vide LOC No. 2024408169 (old Suspect S.No. 244338) issued at the behest of DCP/Crime Bangalore City, Karnataka with the remarks “Detain and inform originator” in connection with case FIR No. 03/2024 under Sections 73/66(C)/66(D) IT Act read with Section 465/468/471/419/420 IPC P.S. Cyber Crime Bangalore City. Accordingly, he was asked to wait in the immigration room while the originator of the LOC (o/o DCP/crime Bangalore City, Karnataka) was contacted and a FAX message was sent as well intimating about the detention of LOC subject.
4. Consequently, an officer from the office of the Originator Sub Insp. Subha Rao, No. 1212525, P.S. Crime Bangalore City, Karnataka (Mob. No. 9880861302) arrived and was handed over the above LOC subject Mr. Ashish Saxena at 19:40 hrs and he took the LOC subject with him.
5. Learned counsel for respondents further submits that the action of the Department of Bureau of Immigration were as per the LOC guidelines O.M bearing No. 25016/10/2017 IMM dated 22.02.2021 issued by Ministry of Home Affairs.
6. It is further informed by the learned counsel for respondents that the date of arrest of said son of petitioner is 14.03.2024 and the arrest intimation



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was given to Sh. Rakesh Chandra Saxena (petitioner herein) and Sh. Vishal Kumar Purohit, Advocate on their respective Mobile Nos. Ashish Saxena was produced before the learned 1st Additional Chief Metropolitan Magistrate, Bengaluru on 14.03.2024 and then an application was filed for seeking police custody of the son of petitioner on the said date.

7. The petitioner has already visited Cyber Crime Police Station, Bengaluru and has even received belongings of his son, named above on 22.03.2024. After completion of police custody period, Ashish Saxena has been remanded to judicial custody by learned Additional Chief Metropolitan Magistrate, Bengaluru and on 27.03.2024 has been sent to Bengaluru Central Jail till 09.04.2024.

8. In view of aforesaid, at the moment, there is nothing to indicate illegal detention of any kind, necessitating any indulgence by this Court.

9. The petition is accordingly, disposed of.

10. If petitioner feels that there was no occasion to have detained or arrested him or that he was not produced before the Court within 24 hours of his arrest, he would be at liberty to agitate the same before the above said Court of learned Additional Chief Metropolitan Magistrate, Bengaluru.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

APRIL 3, 2024/sw