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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 17th September, 2024***

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W.P.(CRL) 2875/2024**RAJNEESH KUMAR RATHORE**

.....Petitioner

Through: Mr. Rajeev Lochan, Adv. (M-9811486711)

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Farman Ali, SPC with Ms. Laavanya Kaushik, (GP) for R-1 to 3 (M-8744956276).

CORAM:**JUSTICE PRATHIBA M. SINGH****JUSTICE AMIT SHARMA****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed on behalf of the Petitioner- Rajneesh Kumar Rathore under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking issuance of writ of *habeas corpus* for production of his son, Devanshu Rathore, who is currently in custody, in Baku, Azerbaijan.
3. The case of the Petitioner is that his son was travelling to Baku, Azerbaijan from India on a tourist visa on 12th June, 2024. He landed in Baku, Azerbaijan on 13th June, 2024. Upon landing in Baku, Azerbaijan, he was detained by the Interpol Immigration Officers, who stated that the passport of Mr. Devanshu Rathore has been flagged by the International Criminal Police Organisation (*hereinafter, the 'Interpol'*).



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4. The brother and sister-in-law of the *detenue* then, visited the embassy in Azerbaijan and have prayed for cooperation and release of the *detenue*.
5. The case of the Petitioner is that various grievances with regard to the release of the *detenue* have been raised with the Ministry of External Affairs (*hereinafter*, 'MEA') through emails and telephonic conversations. However, there is no concrete response to the same by the MEA.
6. The prayer in this petition is for initiation of steps for extradition of the *detenue* from Azerbaijan and for further reliefs which are reproduced hereinbelow:-

"1. To immediately direct the respondent no 3 and 4 to initiate the steps for extradition of victim Devansh Rathore from Azerbaijan and issuing the writ of habeas corpus for the petitioner.

2. To direct respondent no 2 to investigate the matter as Interpol agencies are under their ambit.

3. To direct respondent no 3 to provide a compensatory claim to victim for failing to perform their duty towards nationals."

7. Learned Counsel for the Petitioner submits that the period of detention undergone by the *detenue* is contrary to the prescribed provisions of the local law "*On Extradition of Criminals*" of the Republic of Azerbaijan, which is annexed with the present petition as Annexure P-4.
8. Learned Counsel for the Respondent Nos. 1, 2 & 3, who appears on advance notice, has, however, placed on record a detailed email dated 12th September, 2024 received from MEA setting out the various steps which were taken for safeguarding the well-being and security of the *detenue*, who is an Indian citizen.
9. As per the said email, the Indian Embassy in Baku, Azerbaijan is stated



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to have received an email on 13th June, 2024 confirming the arrest of Mr. Devanshu Rathore. Upon receiving the said email relating to the arrest of the *detenue*, the embassy officials have met the brother and sister-in-law of the *detenue*. Further, an English speaking local advocate has also been engaged to pursue the case of the son of the Petitioner before the concerned Courts in Azerbaijan. The embassy had fixed a time for consular access for the brother of the Petitioner, however, he is stated to have not availed of the same.

10. On 13th August, 2024, the embassy's consular official visited the detention centre and met the *detenue*, who expressed certain concerns with regard to food and medicine in the detention centre. The embassy consular official thereafter, has taken up issues relating to medicine, food, safety and security of the *detenue* with the concerned prison authorities.

11. It is stated in the email dated 12th September, 2024 that the embassy in Baku, Azerbaijan is in regular touch with the family of Mr. Devanshu Rathore.

12. The email dated 12th September, 2024 further clarifies that bail of Mr. Devanshu Rathore has been rejected by the concerned Court in Baku, Azerbaijan. However, presently, the process for extradition of the *detenue* to Monaco, which is the country where the complaint had originated, is under progress.

13. Considering the steps, which have been undertaken by the Indian embassy, in the opinion of this Court, the only direction that can be passed at this stage is that embassy officials can continue to confirm and safeguard the well-being of the *detenue* by ensuring that proper consular access and legal assistance is provided to represent the *detenue*.

14. In addition, the learned Counsel for the Petitioner submits that the



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Petitioner's family may be permitted to present their submissions to the concerned Joint Secretary in the MEA, so that the same can be conveyed to the Indian Embassy in Baku, Azerbaijan as also to the lawyer, who is representing the *detenue* in Azerbaijan.

15. For the said purpose, let the family of the Petitioner, including the Petitioner and brother of the *detenue* alongwith the Counsel, meet the concerned Joint Secretary in the MEA on 23rd September, 2024 at 03:30 P.M.

16. Learned Counsel for the Respondent Nos. 1 to 3 shall communicate the name of the official of the MEA and the venue of the meeting to the learned Counsel for the Petitioner by 19th September, 2024.

17. No further directions are called for.

18. The present petition is disposed of in the aforesaid terms.

19. Pending applications, if any, also stand disposed of accordingly.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

SEPTEMBER 17, 2024/nk/Rks