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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 254/2025 & CRL.M.As. 2162/2025, 2163/2025**
MAJIBULLAH MOHAMMAD HANEEFPetitioner

Through: Mr. Bahar U. Barqi, Advocate.

versus

UNION OF INDIARespondent
Through: Mr. Rohan Jaitley, CGSC with Mr.
Hussain Taqvi, G.P., Mr. Dev Pratap
Shahi, Mr. Varun Pratap and Mr.
Yogya Bhatia, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
24.01.2025

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1. The present petition has been filed by the Petitioner through his mother. The Petitioner an Indian citizen, has been extradited to the Sultanate of Oman, in relation to proceedings initiated by the Sultanate of Oman for the offence of murder alleged to be committed by the Petitioner at Bidiyah, Sultanate of Oman. In terms of the above, the Ministry of External Affairs *vide* order bearing No. T-413/64/2019 dated 23rd October, 2019 under Section 5 of the Extradition Act, 1962 initiated extradition proceedings against the Petitioner, which culminated in an Enquiry bearing no. CC No. 501/2020 conducted by the ACMM, Patiala House Court, New Delhi. These proceedings resulted in passing of the order dated 12th November, 2021 whereby the ACMM recommended Union of India to extradite the Petitioner



to Sultanate of Oman for facing trial for the offence under Article 302A of the Sultanate.

2. The Petitioner had earlier filed a writ petition [W.P. (CrI) 275/2022], before this Court assailing the aforementioned order passed by the ACMM. The said challenge was rejected by the Court by a detailed order dated 24th November, 2023. As a result, the Petitioner is now facing trial in Sultanate of Oman for the alleged offence of murder.

3. In the above background, through the present petition, the Petitioner invokes the writ jurisdiction of this Court seeking the following prayers:

- “i) pass appropriate writs orders and/or directions directing the Respondent to get updated of the condition of the petitioner at Oman and intimate the same to the family members of the Petitioner; and*
- ii) pass appropriate writs orders and/or directions directing the Respondent to communicate through diplomatic channels to the government of Oman and its police officials ensuring not to pressurize the Petitioner for any kind of confession in any manner whatsoever and let the law prevail in its complete honesty.”*

4. Mr. Rohan Jaitley, CGSC appearing for the Respondent, states on instructions that all necessary assistance, to the extent possible, in accordance with law, have been provided to the Petitioner's family. He specifically informs the Court as to the following aspects:

- “1. That Majibullah Mohammed Haneef, Petitioner's was extradited from India to Oman on 24 January 2024 on charges of brutal murder of a five-member Omani family.*
- 2. That the Indian Embassy officials in Muscat, Oman have been in regular contact with Petitioner's son. The officials have attended all the eight hearings in the Hon'ble Court in Muscat, which have taken place since his extradition and monitored the court proceedings closely.*
- 3. That the Government of the Sultanate of Oman has appointed a lawyer (Mr. Waleed Al Zadjali) for Petitioner's son, who has been*



representing him in the court proceedings in Oman. The lawyer is well versed in Hindi and English. Further, a Hindi Arabic Interpreter has also been provided by the Omani Authorities, who assists Petitioner's son to understand all proceedings during the hearing and helps him translate Petitioner's son's submissions in court.

4. *That the Indian Embassy in Oman has maintained regular contact with Petitioner's son. After the court hearings, Embassy officials have met Petitioner's son and discussed his concerns and checked if there were any issues being faced by him in the jail. Separately, Indian Embassy officials have also met him during the monthly jail visits to ensure his well-being and provide essentials to him. In all these interactions with the Indian Embassy officials, Petitioner's son has never raised the issue of being pressurized by Omani authorities to confess.*

5. *That the 8th court hearing took place on January 22, 2025. During this hearing, Petitioner's son was asked specifically about any form of coercion he is facing at the hands of jail authorities, which he clearly denied.*

6. *That the Indian Embassy in Oman has also facilitated a telephonic communication between Petitioner and her son in October 2024. Thereafter, Indian Embassy has been informed that the Petitioner and her son are regularly speaking since October 2024.*

7. *That the Indian Embassy has also been in close contact with the jail authorities to address medical complaints raised by Petitioner's son. In addition, other concerns like transfer from solitary confinement, food related concerns and any other issue have been taken up by the Indian Embassy and resolved in cooperation with the Omani authorities on priority.*

8. *That the Indian Embassy has undertaken all necessary interventions to ensure well-being of the Petitioner's son in Oman and the Hon'ble Court may be pleased to dismiss the said petition."*

5. In light of the foregoing, in the opinion of the Court, since Government of India is providing all the necessary assistance to the family of the Petitioner to ensure well-being of the Petitioner's son in Oman, no further directions are necessary at this stage.

6. In fact, counsel for Petitioner, also states that the present petition is



not an adversarial litigation and makes a request that in case, in the future, any member of the family of the Petitioner, would need any assistance to visit the Sultanate of Oman in order to safeguard the rights of the Petitioner in the ongoing trial, the Government of India may be directed to provide the necessary assistance. In response, Mr. Jaitley states that, having regard to the law of the Sultanate of Oman as well as the International Extradition Treaty between the two countries, such request shall be considered to the extent possible and decide in accordance with law.

7. In light of the foregoing, the present petition is disposed of along with pending applications.

SANJEEV NARULA, J

JANUARY 24, 2025

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