

11.03.2026
Court No.25
D/L No.25
S. Gayen

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 16260 of 2025

Ashok Guha
Versus
Union of India & Ors.

Ms. Anju Manat
Ms. Anita Panjay

...for the Petitioner

Ms. Sonal Sinha
Mr. Sandipan Das

...for the State

Mr. Arindam Das
Mr. Snehasish Ghosh
Mr. Deeptangshu Kar

...for the Private Respondent

Mr. Rajdeep Mazumder, Ld. DSGI
Ms. Arushi Rathore

...for the Union of India

1. The petitioner has filed the present writ application praying for an order directing the police authorities and the Ministry to assist the Nigerian Police to apprehend the respondent No.6/private respondent and to send the private respondent at Nigeria to face the trial pending before the Nigeria Court.
2. The case of the petitioner is that the private respondent was working in the company of the petitioner at Nigeria and when the petitioner came to know that the private respondent has misappropriated the amount of the petitioner's company, the petitioner has made a complaint to the Nigeria Police. Accordingly, the

Nigeria Police has registered a case and the private respondent was arrested and subsequently he released on bail.

3. It is the contention of the petitioner that after released on bail from the Nigeria Court, the private respondent being the Indian National came to India and residing at Kolkata and he is investing the misappropriated amount by purchasing the several properties and distributed the same to his several relatives at Kolkata, West Bengal. Learned counsel for the petitioner submits that the petitioner has made several representations to the police authorities including to the Ministry for taking appropriate steps for arresting and sending the private respondent to Nigeria so that he can face the trial pending before the Nigerian Court but none of the authorities have taken any steps in spite of receipt of several representations of the petitioner.
4. Learned counsel appearing for the Union of India has submitted the report which communicated by the Ministry of Home Affairs to the learned counsel for the Union of India wherein it is categorically mentioned that there is no Extradition Treaty between the Republic of India and the Federal Republic of Nigeria. In the said communication, it was also mentioned that as per the records available with the Ministry of External Affairs, no formal extradition request has been

received from the Nigerian Authorities in respect of the private respondent. In the report it is also mentioned that the Ministry of External Affairs shall continue to act in accordance with extant legal framework and international obligations, as and when any formal request is received through the appropriate diplomatic channels.

5. Learned counsel appearing for the State submits that as the private respondent has not committed any offence in India and there is no case is registered in Kolkata and no request has been received by the local police for arrest of the private respondent, it is not possible for the State Authority for taking any action against the private respondent.
6. Considering the submissions made by the respective parties, this Court finds that on the complaint of the petitioner the Nigerian Police has initiated a case against the private respondent and the private respondent was arrested. Subsequently he was released on bail and came to India being an Indian National.
7. Considering the above, this Court finds that there is no Extradition Treaty between India and Nigeria and no formal extradition request has been received from the Nigerian Authorities in respect of the private respondent. This Court finds that in the present writ

application no order can be passed as per prayer made by the learned counsel for the petitioner.

8. It is made clear that if any request is received by the Ministry through the appropriate diplomatic channels, the authorities shall take appropriate steps in accordance with law.
9. Accordingly, WPA 16260 of 2025 is dismissed.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
11. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)