



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Reserved on: 08<sup>th</sup> October, 2025  
Pronounced on: 16<sup>th</sup> March, 2026*

+ **W.P.(CRL) 1188/2019, CRL.M.A. 8679/2019, CRL.M.A. 36563/2019, CRL.M.A. 36564/2019, CRL.M.A. 36565/2019, CRL.M.(BAIL) 6270/2020 & CRL.M.(BAIL) 749/2021**

**KANWARJEET SINGH BATTH**

S/o Late Shri Subeg Singh  
Through Davinder Kaur  
(Pariokar/ Mother)  
R/o H.No. 298, Akash Avenue,  
Fatehgarh Churiyan Road,  
Amritsar, Punjab

.....Petitioner

Through: Mr. Sanjay Mishra, Advocate

versus

**UNION OF INDIA**

Ministry of External Affairs, Delhi  
Through Standing Counsel,  
Union Of India,  
High Court of Delhi,

.....Respondent

Through: Mr. N.K. Matta, SPP with  
Mr. Siddharth Kaushik and Mohd.  
Faizan Khan, Advocates

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**J U D G M E N T**

**NEENA BANSAL KRISHNA, J.**

1. Writ Petition under Articles 226/227 of the Constitution of India has been filed on behalf of the **Petitioner, Kanwarjeet Singh Batth** for setting



aside/quashing the Order of learned ACMM dated 25.02.2019 whereby the extradition of Fugitive Criminal/the Petitioner (*hereinafter referred to as "Fugitive Criminal/FC"*), was recommended and Union of India was directed to send the Petitioner to the requesting State, i.e. United Kingdom for facing trial for the offence of murder.

2. *Briefly stated*, the Ministry of External Affairs, Government of India, *vide* its Letter bearing number T-413/91/2012 dated 14.07.2015 requested for extradition of the FC, *for inquiry into the allegations of commission of offence by the Petitioner/Kanwarjeet Singh Batth within the territory of UK.*

3. It is stated that there is an Extradition Treaty between Government of Republic of India and Government of UK of Great Britain and Northern Ireland, which was notified in the Official Gazette *vide* Order No. GSR 790 (E) dated 13.12.1993.

4. Allegations against the Petitioner were that he, along with Victim Opinderpal Randhawa, were amongst the group of six males who were celebrating the impending marriage of one of the members of the group, at a *Flat 85, Elliman Avenue Slough, Berkshire, England.* During the celebrations, Victim Opinderpal made a video call to his family in India and showed his family the company of people he was with. FC Kanwarjeet Singh Batth at that time, had a bottle of whisky in front of him which was visible in the video. An argument took place between the Victim and FC; other persons present in the flat intervened and separated the two.

5. As per the allegations, the Victim tried to hit the FC with a bottle, but he went to the kitchen and returned back with a knife and stabbed the Victim. This single stab injury proved to be fatal and the Victim died. The



FC thereafter, fled from the scene, before the Police and the paramedics arrived.

6. The extradition request was received from UK, which was considered by Government of India. The British High Commission also submitted a provisional Arrest Warrant, along with a *Note Verbale No. CN-964/12* dated 06.12.2012, seeking extradition of Kanwarjeet Singh Batth, who was accused of murder.

7. The Petitioner was arrested by Amritsar Police on 11.10.2014, on the warrants issued by Berkshire Court and detained in India, under *Section 41(1)(g) of the Code of Criminal Procedure, 1973*. The allegations against him are of having committed a murder in UK and thereafter, having escaped to India. After arrest by Amritsar Police, the Petitioner was sent to judicial custody on 22.10.2014.

8. As per *Section 34(b)(2) of the Extradition Act, 1962* any fugitive arrested under sub-section (1), is entitled to be discharged if no request for his Surrender or Return is received, within 60 days from the date of arrest. No document has been placed on record, to show that any request from UK Government has been received for surrender or return of the Petitioner to UK, after his detention in India. *After lapse of more than 60 days from the date of arrest of Petitioner*, the learned ACMM on 23.12.2014, discharged the Petitioner from custody, in terms of *Section 34(b)(2) Extradition Act 1962*.

9. The FC, who was first arrested on 01.11.2014 by Amritsar Police, was released by the Court, because of the failure to submit Extradition Request.



10. On **20.05.2015**, British High Commission re-submitted the request for arrest and extradition of the Petitioner along with the introductory Note No. CH/384/15 dated 05.05.2015 and the revised *Note Verbale*., from CPS (Crown Prosecution Service).

11. The request for extradition was accordingly, processed *qua* the FC for the allegation of murder, and an Order dated 14.07.2015 was issued under Section 5 Extradition Act 1962. **Complaint Case No. 04/04/2015** was filed to seek extradition of the Petitioner/FC.

12. In the Extradition proceedings before the learned ACMM, the Union of India in its evidence, summoned **CW-1, Doctor Rajeev Ranjan** who proved the documents received from the requesting State to make out a *prima facie* case. These documents were the Extradition Treaty, Ex. CW-1/1, Note Verbale dated 06.12.2012, Ex. CW-1/2 and all the other accompanying documents, Ex. CW-1/3. The Request dated 20.05.2015 for extradition received from Government of UK is Ex. CW-1/4. The spiral bound volume comprising of 113 pages of documents, accompanying the extradition request, is Ex. CW-1/5. The Domestic Arrest Warrant issued by Berkshire East Magistrate's Court is Ex. CW-1/6. The statement of Alistair Driver dated 06.03.2014 sworn before District Judge Magistrate's Court, is Ex. CW-1/7. The other documents are exhibited as Ex. CW-1/8 to CW-1/31. The witness was duly cross-examined by the Petitioner.

13. The Petitioner examined in his defence, **DW-1, Amanpreet Singh** who deposed about the FC being a distant relative. He deposed that one of their friends, Bhupinderjit Singh, got engaged and was about to leave UK, and had called for a party. He further deposed about the entire incident,



exculpating the Petitioner. No other witness was examined on behalf of the Petitioner.

**14.** The **learned ACMM**, on appreciation of the entire evidence, concluded that from the entire facts, circumstances and material in support of the Extradition Report and also the Extradition Treaty existing between UK and India, *prima facie offence of murder was made out, which is an extraditable offence. The learned ACMM, therefore, recommended to the Union of India that the fugitive criminal be extradited to the United Kingdom to stand trial for the offence of murder.*

**15.** The Petitioner/FC has sought the quashing of this *Final Order cum Inquiry Report dated 25.02.2019*. According to him, the true facts as narrated in the Writ Petition, are that they all were having a party in the Flat, when the deceased had a Skype call with his family members in which the alcohol bottle, was visible. The Petitioner/FC became upset that now his family members would think that he was drinking and his image would be tarnished in their eyes, leading to heated arguments between him and the Opinder Pal/Victim, who became aggressive and angry, though the other friends tried to intervene in the quarrel. The Victim became so angry and aggressive, that he hit the FC, with a bottle. The FC ignored it and went into the kitchen and started cutting salad to have with the drinks, when suddenly the Victim came to the door of the kitchen and started abusing the Accused.

**16.** The FC warned him to mind his behaviour and to stop abusing him, but the Victim got even more infuriated and in the heat of the moment, he turned and moved fast towards the FC, but unfortunately his foot slipped and he fell. *The Victim got injured by the salad knife accidentally, on his own and the FC was not even aware of the injury accidentally caused to the*



*Victim, since he immediately thereafter, left the house to bring the normalcy in the situation.*

**17.** As per the Police, the other friends heard the commotion caused by the slipping of the Victim and went to the kitchen, where they found him lying injured. They took him to the hospital, in an ambulance.

**18.** *The Petitioner has claimed that he was innocent and has been falsely implicated in this case, as there was no ill motive or bad intention to hurt the Victim in any way, and he had already stopped the quarrel on the intervention of the friends.*

**19.** As per the *Police Report*, the Victim had a single injury in the abdomen and he was conscious, despite which no statement or dying declaration was recorded. It is claimed that it is a matter of record that four people were arrested, on the suspicion of murder. The Police recorded the statements of all these persons taken into custody, for a day. When some of their relatives came to meet them, then all the persons in custody changed their statements under their influence, to get released from the custody.

**20.** It is asserted that at the time of incident, the victim was heavily drunk and he may have committed suicide, under the influence of alcohol.

**21.** The Petitioner was not aware of any of this happening and of mishap which had taken place in the Flat. He went to the other friends' house and stayed there for some time. Thereafter, the Petitioner came back to India and started residing with his mother and wife, at his home in Amritsar, Punjab.

**22.** The Petitioner claims that he belongs to a socially respected family and takes care of them as a responsible person. He does not have any criminal history and he has never quarreled or had any fight in the society.



23. The *mother of the Petitioner* is an old lady of about 65 years and is suffering from old age ailments. She has internal backbone injury, because of which she remains ill and needs the Petitioner to take care of her, in her old age.

24. The Petitioner is a married man, who had got married about 03 years back and because of false implication in the above case, his wife has left him; he and his mother, are now living alone. The life of the Petitioner and his mother, has become miserable.

25. The Petitioner asserts that an FIR has been registered against him on the ground of cruelty, on the complaint of his wife. He is facing a Divorce case against his wife, which is pending in the Amritsar, Punjab, India. He always remained in mental pressure of getting arrested and sentenced.

26. The *Extradition Inquiry Report* has been **challenged on the grounds** that the Extradition Application under Section 5 Extradition Act before learned ACMM, has been filed under the signatures of the Counsel, who is not an *authorized person*; it is not signed by any Officer of MEA and it is also not authenticated. CW-1 has admitted that the request Application under Section 5 Extradition Act, shall be signed by the concerned Officer and also admitted that MEA did not have any document, under which authority had been given to the Counsel, for and on behalf of the Union of India.

27. Further, CW-1 had stated that *vide Note verbale*, a request was received from MEA. He has also admitted that he cannot recollect whether he had received the original Arrest Warrants of FC, which he claimed to be a matter of record, but *there is no original Arrest Warrant on record*.



28. It is further contended that no extradition of the Petitioner is required since as per Extradition Act, the trial can take place in India and the statements of UK Officers, can be recorded through video conferencing.

29. CW-1 in his cross-examination dated 18.05.2017, stated that the request for *Provisional Arrest of FC*, Ex.CW-1/2 dated 06.12.2012 along with the enclosures, was made. He stated that only some covering Notes have been signed by the Magistrate, but not by the person making the Statement. *There is no seal of the Court affixed on the aforesaid documents. The said documents are, therefore, not admissible before the learned ACMM.*

30. It is further asserted that the enquiry before the learned ACMM, was at par with the enquiry at the stage of charge, to ascertain whether *prima facie* case is made out against the FC, on the basis of facts and documents placed before the Court. *However, the documents are self-contradictory and fail to make out a prima facie case.*

31. It is further contended that there is no evidence against the Petitioner. The Forensic Report is not incriminating since the *fingerprints on the alleged murder weapon*, i.e. the knife, *did not match with fingerprints of the FC*. There is no tenable evidence, even at this stage.

32. Furthermore, *there is no eye-witness and no forensic evidence* produced, which could *prima facie* show the commission of the alleged offence of murder of Victim Opinder Pal Singh, by the FC.

33. Moreover, the punishment for the offence under Section 302 IPC is death, *for which Extradition is not allowed.*

34. It is submitted that Ex.CW-1/3, which is *the case analysis/evidential issue*, is not signed by any officer or authorized person; even all the Exhibits



are a photocopy, which could not have been exhibited. The *Extradition Request* dated 20.05.2013, *Ex.CW-1/4*, by British High Commission at New Delhi which forwarded the request for extradition along with the enclosed documents in support of the Arrest Warrant, is only photocopy and no original documents have been submitted. *Ex.CW-1/5*, *Extradition request* containing 113 pages, is not as per the United Kingdom Extradition Laws.

**35.** The Arrest Warrant, *Ex.CW-1/6* does not bear the seal or stamp of the Court. This Arrest Warrant of first instance alleging the offence of murder and containing the information laid before CW-1 on oath/affirmation by Detective Sergeant 1513 Clarke that the Accused had committed the offence and that Constable of Thames Valley Police was sent to arrest the Accused to be produced in the Court on 15.08.2012, was issued by Judge of Peace. However, the *Statement of Sergeant 1513 Clarke*, has not been filed. Moreover, the Warrant states that the information was laid before the Court, by Detective Sergeant 1513 Clarke, which is incorrect. The Statement of *Alistair Driver*, *Ex.CW-1/7* is not supported by proper Statement.

**36.** The Warrant of Arrest itself is defective and cannot be treated as a valid warrant of arrest. There is no evidence to *prima facie* establish that the murder was committed by the FC, on 28.12.2010. The Warrant is thus, without any evidence.

**37.** The *Statement of Lucy Nash* dated 01.11.2013, *Ex.CW-1/8* was made before the District Judge on 15.11.2015, which was allegedly to be made on 29.12.2010. The Statements of the witnesses in the prescribed form MG11 (T), as per law and said Form under the British Law, have been filed, but the Statement is not signed by the Detective Constable Lucy Nash, employed in the Thames Valley Police Station.



38. She stated in her Statement that audio and Video interview of *Bhupinder Jit Singh*, the witness was recorded, who was arrested on suspicion of murder. It was stated that the entire interview was recorded audio and visually in the DVD, on 29.12.2010 to protect its integrity, in the presence of interpreter, Harminder Wadhwa and Solicitor Mr. Vij. It was also stated that Bhupinderjit Singh had read his Statement and signed, whereas the statement of Bhupinder Jit Singh, has not been produced along with the Extradition Request.

39. Furthermore, the *Statement of Lucy Nash* in Form MGII(T) CW-1/8, is of three pages instead of two pages; and the Statement of CW-1/9, *Samuel Natalie* in Form MG11 (T), is of seven pages, in the same manner. The Statements of *Imran Khan*, Police Special Constable Ex.CW-1/11; *Mr. Joanne Louise Hawkes* Ex.CW-1/12; *Ms. Rachael De-Caux*; Ex.CW-1/13; the Statement of *Christine Judith Frewer* Ex.CW-1/14; *Mr. Steven Sains* Ex.CW-1/15; *Mr. Robert Chapman*, Consultant Forensic, Ex.CW-1/16; *Mr. Pankaj Bhandari* Ex.CW-1/17; *Mr. Saran Gurpreet Singh* Ex.CW-1/21; *Mr. Benjamin William D' Avigdor Seifert* Ex.CW-1/29; and of Mr. Bhupinder Jit Singh, are not appropriately signed by witnesses or any signature witness or any stamp or seal of the Court.

40. Likewise, the documents, Ex.CW-1/18 to Ex.CW-1/20, and Ex.CW-1/26 to Ex.CW-1/30 and Ex.CW-1/31, Warrant of First Instant, do not bear the signatures of the witnesses or the stamp or seal of the Court.

41. **DW-1, Amanpreet Singh** had given his Statement that after bottle was thrown by the deceased, he took FC with him outside the house and asked him to go somewhere, till the matter cooled. He also admitted that he did not find FC, when he came back and further stated that there was no chance for



him, to come back. He further stated that he did not sign the Statement as he knows little English.

42. Except witness, **Mr. Pankaj Bhandari**, no one else was ready to join the trial in the United Kingdom and have not supported the case of the Prosecution. Mr. Pankaj Bhandari has also stated that he was not present at the time of incident. Likewise, Saran Gurpreet Singh did not support the case of the Prosecution. Dr. Chapman, RC Consultant Forensic also had a huge difference of opinion in giving opinion about the fingerprints of the FC matching the fingerprints on murder weapon.

43. As per *the Forensic Statement*, huge content of alcohol was found present in the blood sample of the deceased.

44. The sole relative of the FC in India, is the 65-year-old mother while his father died long back. She has filed an Affidavit before the Court showing her inability to produce other witnesses, as none is interested to come to the Court, to be a witness. All the persons were Hindi and Punjabi speaking, who had difficulty to understand the translation, without the original audio and video being produced.

45. The Order dated 14.07.2015 of the Union of India, is not as per Section 17 Extradition Act and Rule 4 Extradition Rules. The FC had requested the Court, to provide him the assistance in providing the witnesses, but despite various Orders including the Bailable Warrants except one witness, none other appeared. No purpose of Extradition, has not been fulfilled. There is no *prima facie* case made out against the FC.

46. Furthermore, in the present case, there was only one single blow and stab injury in the abdomen of the deceased, which establishes that the nature of injury was accidental and there was no motive to kill. At best, it can be



seen as a case of injury and not of murder. The deceased in fact, slipped and fell, which caused injury and he died because of delayed medical assistance. It is evident that it is a case of death due to accident/negligence/Suicide and is punishable under Section 304A of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*), for which maximum punishment is two years.

**47.** Moreover, the deceased was involved in other crimes, and his wife in the United Kingdom, had filed Criminal Cases against him. He was fed up with his life and committed suicide, despite which motivated allegations of murder, have been filed against the FC, just to get the compensation from the United Kingdom Government, as no such compensation was payable in case of suicide. Approximately Rs.1 Crore INC, has been received by the mother of the deceased and.

**48.** *Ramu Valia, Minister of Punjab* is having close link in the United Kingdom, who is pursuing the matter, being the brother-in-law of the mother of the deceased.

**49.** It is submitted that he never tried to flee from the reach of law and never hid himself during the Interim Bail and he never tried to break the Law. The FC is in custody for more than 41 months. The Applicant's case for Extradition, is still pending Order of the Ministry and the Court is yet to take a view whether the circumstances justify Extradition. Moreover, the Applicant was not been given adequate legal services.

**50.** *The Petitioner has thus, made a prayer that the Enquiry Report dated 25.02.2019 given by learned ACMM in Complaint Case bearing CC No. 04/04/2015 whereby his Extradition request of the United Kingdom has been allowed, be quashed.*



**51. Status Report has been filed on behalf of the State** wherein it is submitted that the proceedings arose from the Request received from the Government of the United Kingdom, for Extradition of the FC having committed the offence of murder. The Enquiry under Section 5 Extradition Act, was held by learned ACMM. The Petitioner was arrested in January, 2015.

**52.** Learned ACMM *vide* Order dated 25.02.2019 submitted the Report under Section 5 Extradition Act, wherein it was recommended that the Petitioner be extradited to the United Kingdom.

**53.** *W.P.(Crl.) No. 1188/2019* was filed by the Petitioner, to challenge the Report of the learned ACMM, which is still pending. He had given his written representation on 06.04.2019 against the recommendation of learned ACMM, which was considered by the Respondent, but was rejected *vide* Order dated 22.04.2019.

**54.** *W.P. (Crl.) No. 1188/2019 was amended to challenge the Order dated 22.04.2019.* The Respondent had communicated the legal challenge to the Extradition proceedings to the British High Commission and requested for the names along with the Passport particulars and travel schedule of the officials, who would escort the FC to the United Kingdom, be communicated. However, on account of pendency of this Writ Petition, no personnel for escorting the Petitioner to the United Kingdom, has been sent.

**55. The Petitioner has filed his Written Arguments** wherein he has essentially reiterated the grounds taken in his Petition.

**56. Written Arguments have been filed on behalf of the Respondent/Union of India (UOI)** wherein it has been stated that the Extradition Treaty between the Government of the Republic of India and the



Government of United Kingdom of Great Britain and Northern Ireland, has been notified in the Official Gazette *vide* Order No. GSR 790 (E) dated 13.12.1993. Article 9 of the Treaty provides for Extradition. after a thorough enquiry, a *prima facie* offence of murder was made out against the Petitioner and the Extradition request for the United Kingdom, has been allowed.

**57.** The request for Extradition was received from the United Kingdom in a spiral binding, duly sealed, which is not disputed; any documents, contained therein are deemed to be properly authenticated.

**58.** The perusal of the depositions and the documents, clearly establish that they were duly signed and authenticated, within the meaning of the Sections under the Act. The Statements of the witnesses carry Certificate of authentication by the learned Judge, which gives the name of each witness, depositions on Oath and the date and the time on which the Statements were made. The contents are true to the best of their knowledge and belief.

**59.** The Application under Section 5 Extradition Act dated 12.08.2015, was accompanied by the Order dated 14.07.2015 of Under Secretary Government of India wherein MEA, after being satisfied on the basis of material submitted by the United Kingdom, appointed SSP, Union of India, to file an Application under Section 5 Extradition Act. The Enquiry into the Extradition proceedings, was commenced and the Application is not bad in law.

**60.** Furthermore, there is no requirement in Extradition Act that the original Arrest Warrant must be attached, along with the request. Section 10(2) of the Extradition Act provides for authentication of Warrants, which are purported to have been issued or taken by the Court of Justice, outside India. The Warrant, *Ex.CW-1/6* is signed by Justice of Peace, Mr. Edward J.



Wilkins and is accompanied by a Certificate dated 12.05.2015 of Julian Gibbs, Extradition Section - Home Office, certifying that the signature on the Arrest Warrant dated 15.08.2012, is that of Mr. Edward J. Wilkins.

**61.** The mere fact that there is no Statement of Sergeant 1513 Clarke, does not vitiate the Arrest Warrant. The requirement that a Warrant should be authenticated and signed by the Judge, Magistrate or the Officer of the State, is duly satisfied in the present Extradition proceedings. The Enquiry Report covers the reasons for the *prima facie* case against the Petitioner.

**62.** In Sarabjit Rick Singh vs. UOI, (2008) 2 SCC 417, the Supreme Court of India had held that the Extradition proceedings, no witness is to be examined for establishing the allegation and the meaning of evidence has to be considered keeping in view the tenure of the Act; no formal trial is to be held. The documents, depositions furnished on record along with the Post Mortem Report and the Forensic evidence during the Enquiry, *prima facie* shows the involvement of the Petitioner, in the offence of murder. The grounds of challenge raised in the present Petition, are not tenable.

**63. Short Affidavit has been filed on behalf of the Ministry of External Affairs**, wherein the facts of the case have been reiterated and averments are on similar lines as that of the Union of India.

**Submissions heard and the record perused.**

**64.** The present Writ Petition seeks quashing of an Inquiry Report dated 25.02.2019 of the learned ACMM, recommending extradition of the Petitioner to UK for trial for the offence of murder.

**Scope of Judicial Review in Extradition Proceedings:**

**65.** At the outset, it is essential to delineate the scope of judicial review in extradition proceedings under the Extradition Act, 1962.



66. The Apex Court in Sarabjit Rick Singh vs. UOI, (2008) 2 SCC 417, has clearly laid down that extradition proceedings are not akin to a formal trial. It has laid down the parameters of an inquiry to be conducted by the Magistrate under the Extradition Act:

(i) The Magistrate has to arrive at a prima facie finding whether the offence for which extradition is sought is of a political character or is otherwise an extraditable offence or not.

(ii) No formal trial is required to be held for determining the guilt of the fugitive criminal. Only a report is required to be made.

(iii) In terms of Section 10 of the Extradition Act, exhibit and depositions as also copies thereof, duly authenticated can be received in evidence.

(iv) Strict formal proof of evidence is not required. While conducting the inquiry, the court may presume that the contents of the document would be proved.

67. In the case of Majibullah Mohammad Haneef vs. Union of India, (2023) 6 HCC (Del) 552 : 2023 SCC OnLine Del 7334, the Court made a reference to Sarabjit Rick Singh, and held as under:

“14. From a reading of the above, it can be stated that the standard of proof in an inquiry in an extradition case is not of the same level as that required in a trial. This is because the scope of the inquiry is only to come to a prima facie conclusion and not to establish the actual guilt of the FCs”.



68. From the aforesaid, it emerges that the inquiry envisaged under Section 5 of the Extradition Act has to examine the following five aspects, namely:

*(i) Whether a Request for Extradition, has been validly made, under the Extradition Act?*

*(ii) Whether the offence for which the extradition is sought is a political offence?*

*(iii) Whether the offence involved is an extraditable offence?*

*(iv) Whether the extradition request and documents received are duly authenticated?*

*(v) Whether a prima facie case exists against the FC?*

69. The present case may, thus be considered on the abovementioned parameters, while keeping in mind that the inquiry in the Extradition case, is not of the same level as that required in a trial and only it is to be considered if a *prima facie* case of guilt of the accused, is established.

**I. Validity of the Extradition Treaty and Request:**

70. The foundation of any extradition proceedings, is the existence of a *valid extradition Treaty between the requesting State (UK) and India*. In the present case, there exists an Extradition Treaty between the Government of the Republic of India and the Government of the United Kingdom of Great Britain and Northern Ireland, which was notified in the Official Gazette *vide* Order No. GSR 790(E) dated 13.12.1993. This Treaty has been duly proved



as Ex. CW-1/1. Article 9 of the Treaty provides for extradition procedures. The existence and validity of this Treaty, has not been disputed by the Petitioner.

**71.** The request for extradition was initially made *vide* Note Verbale dated 06.12.2012 seeking provisional arrest of the Petitioner. Subsequently, a formal extradition request dated 20.05.2015 along with accompanying documents, was again submitted by the British High Commission.

**72.** The Petitioner was arrested on 01.11.2014 but was released on 23.12.2014 in terms of Section 34(b)(2) of the Extradition Act, as no request for surrender was received within 60 days of arrest. However, this does not vitiate the subsequent proceedings initiated pursuant to the formal Extradition Request dated 20.05.2015, along with a revised Note Verbale.

**73.** The Extradition proceedings, were thus, duly commenced on the formal request by British High Commission, on a Request dated 20.05.2015, in accordance with the Extradition Act.

**74.** The Petitioner has further contended that the Application under Section 5 Extradition Act, is not authenticated and is not signed by any officer of the Ministry of External Affairs, but only by the Counsel/SPP.

**75.** The record shows that the Application under Section 5 dated 12.08.2015, was accompanied by an Order dated 14.07.2015 of the Under Secretary, Government of India, Ministry of External Affairs, *Ex.CW-1/31*. This Order records that the MEA, after being satisfied on the basis of material submitted by the United Kingdom, appointed the SSP of Union of India, to file an Application under Section 5 Extradition Act.

**76.** The appointment of Counsel by the authorized officer, to file the Application on behalf of UOI, is a matter of procedure. What is material at



this stage is, that the decision to initiate extradition proceedings was taken by the Competent Authority i.e. the Ministry of External Affairs. The filing of the Application through Counsel pursuant to such authorization, does not render the Application under Section 5, as invalid.

**II. Whether the offence for which the extradition is sought, is a political offence?**

**77.** *Article 5(2) of the Treaty* provides for the offences which shall not be regarded as offences of a political character, wherein Sub-Clause (e) includes the offence of murder.

**78.** The facts of this case, reflect that the alleged murder was an outcome of a brawl amongst the friends. There is nothing to suggest that the offence for which the Petitioner is charged i.e. murder, is in the nature of a political offence. Additionally, no submissions in this regard have been made on behalf of the Petitioner before this Court.

**79.** *The offence is a simple case of murder with no political overtones.*

**III. Whether the offence is an extraditable offence or not?**

**80.** Section 2(c) Extradition Act defines an “extradition offence” in relation to a foreign State as an offence provided for in the extradition Treaty with that State. It is reproduced as under:

***“Section 2 (c) “extradition offence” means—***

***(i) in relation to a foreign State, being a treaty State, an offence provided for in the extradition treaty with that State;***



(ii) *in relation to a foreign State other than a treaty State an offence punishable with imprisonment for a term which shall not be less than one year under the laws of India or of a foreign State and includes a composite offence”*

**81.** The Extradition Treaty between the Government of the Republic of India and the Government of the United Kingdom of Great Britain and Northern Ireland was notified in the Official Gazette *vide* Order No. GSR 790(E) dated 13.12.1993, *Ex. CW-1/1*. Article 2 of the Treaty defines “extradition offences” as an offence for the purposes of this Treaty is constituted by conduct which under the laws of each Contracting State is punishable by a term of imprisonment for a period of at least one year.

**82.** Thus, the fundamental requirement is that the conduct constituting the offence must be criminal under the laws of both the requesting State (United Kingdom) and the requested State (India), and must be punishable with a minimum period of imprisonment, as specified in the Treaty.

**83.** *In the present case*, the offence alleged against the Petitioner is *murder*. The Arrest Warrant, *Ex. CW-1/6* issued by the Berkshire East Magistrate’s Court specifically charges the Petitioner with the offence of murder. The offence of murder is punishable in both India and UK with a punishment of more than one year imprisonment. In India, offence of murder is punishable for imprisonment for life or death, and is also liable to fine. Similarly, under UK law, murder carries a mandatory sentence of life imprisonment, minimum term to be served in prison, before parole consideration. The offence of murder is therefore, an *extraditable offence as per the extradition Treaty*.

**84.** It is pertinent to note that the Petitioner has raised a contention that the incident, can be characterized as accidental death or death due to



negligence, and that at best it is a case punishable under Section 304A IPC (causing death by negligence), which provides for maximum punishment of two years imprisonment. It is contended that there was only one single blow and stab injury, which establishes that the nature of injury was accidental, that there was no motive to kill and that the victim slipped and fell, causing the injury.

**85.** However, the said argument is not tenable. The characterization of an offence for purposes of extradition, is based on the allegations made by the requesting State, not on the defence put forward by the FC. The Arrest Warrant specifically mentions the offence of murder.

**86.** Furthermore, as discussed above, the scope of inquiry at the extradition stage, is limited to determining whether a *prima facie* case exists for the offence alleged. It is neither in the domain of the Magistrate conducting the Extradition Inquiry, nor of this Court, to evaluate competing versions of facts and determine which offence is more probable.

**87.** The learned ACMM was therefore, correct in proceeding with the Extradition Inquiry and in concluding *that the offence was extraditable*.

**IV. Whether the Extradition Request and Documents received, are duly authenticated?:**

**88.** The Petitioner has raised extensive objection regarding the *authentication of various documents* submitted in support of the extradition request. It was contended that several documents are photocopies, lack proper signatures, do not bear court seal, and are therefore, inadmissible.

***Section 10 of the Extradition Act, reads as under:***



***“Section 10. Receipt in evidence of exhibits depositions and other documents and authentication thereof.—***

*(1) In any proceedings against a fugitive criminal of a foreign State <sup>1 \* \* \*</sup> under this chapter, exhibits and depositions (whether received or taken in the presence of the person against whom they are used or not) and copies thereof and official certificates of facts and judicial documents stating facts may, if duly authenticated, be received as evidence.*

*(2) Warrants, depositions or statements on oath, which purport to have been issued or taken by any court of Justice outside India or copies thereof, certificates of, or judicial documents stating the facts of conviction before any such court shall be deemed to be duly authenticated if—*

*(a) the warrant purports to be signed by a judge, magistrate or officer of the State <sup>1 \* \* \*</sup> where the same was issued or acting in or of such State <sup>1 \* \* \*</sup>;*

*(b) the depositions of statements or copies thereof purport to be certified, under the hand of a judge, magistrate or officer of the State <sup>1 \* \* \*</sup> where the same were taken, or acting in or for such State <sup>1 \* \* \*</sup>, to be original depositions or statements or to be true copies thereof, as the case may require ;*

*(c) the certificate of, or judicial document stating the fact of, a conviction purports to be certified by a judge, magistrate or officer of the State <sup>1 \* \* \*</sup> where the conviction took place or acting in or for such State ;*

*(d) the warrants, depositions, statements, copies, certificates and judicial documents, as the case may be, are authenticated by the oath of some witness or by the official seal of a Minister of the State <sup>1 \* \* \*</sup> where the same were <sup>2 \* \* \*</sup> issued, taken or given.”*



**89.** Section 10(2) provides that a warrant purporting to have been signed by a Judge, Magistrate or officer of a foreign State, shall be admissible in evidence, *if authenticated by the oath of a witness or by being sealed with the official seal of the Minister of the foreign State.*

**90.** *In the present case*, the extradition Request was received from the UK duly sealed, in a spiral bound volume. The Respondent has specifically averred that documents contained in such sealed spiral binding, are deemed to be properly authenticated.

**91.** The Arrest Warrant, *Ex. CW-1/6* is signed by Justice of Peace, Mr. Edward J. Wilkins, and is accompanied by a Certificate dated 12.05.2015 of Julian Gibbs of the Extradition Section - Home Office, certifying that the signature on the Arrest Warrant is that of Mr. Edward J. Wilkins. This satisfies the requirement of authentication under Section 10(2) of the Act.

**92.** Furthermore, the statements of all the witnesses, carry Certificates of authentication by the learned Judge, giving the name of each witness, depositions on oath, and the date and time on which statements were made, certifying that the contents are true to the best of their knowledge and belief.

**93.** Thus, the statements/Documents have proper authentication of the learned Judge. CW-1 has proved these documents which have been exhibited during the course of inquiry. The mere fact that some covering notes were signed by the Magistrate, but not by the person making the statement, does not vitiate the authentication when the substantive statements, are duly authenticated.

**94.** The contention of the Petitioner that the Documents relied upon by the learned ACMM, were not duly authenticated, is without merit.



**V. Whether a prima facie case exists against the FC?**

**95.** Before delving into the facts and circumstances of the present case, it is imperative to note that the threshold for establishing a *prima facie* case in Extradition proceedings, is significantly lower than the standard of proof beyond reasonable doubt, required for conviction in a criminal trial.

**96.** The purpose of this limited Enquiry, is to prevent abuse of the extradition process by ensuring that extradition is not sought on frivolous or baseless allegations, while at the same time ensuring that the Enquiry does not become a mini-trial, that defeats the very purpose of extradition.

**Sequence of Events:**

**97.** The incident occurred on 28.12.2010 at *Flat 85, Elliman Avenue, Slough, Berkshire, England*. According to the material on record, the Petitioner, Kanwarjeet Singh Bath along with the Victim, Opinderpal Randhawa were amongst a group of six males, present at the house during the incident.

**98.** The material on record includes the statements of the police personnel, the eye-witnesses, forensic experts and paramedics, all which have been duly authenticated in accordance with Section 10 Extradition Act, and constitute as admissible evidence.

**99.** The case of the Prosecution, as it emerges from the statement of three eye witnesses namely, *Pankaj Bhandari, Gurpreet Singh Saran and Bhupinderjit Singh* and also the defence witness, *Amanpreet Singh*, is that witness, Bhupinderjit Singh was to get married on 16.01.2011 in India and was to leave for UK for India on 30.12.2010. On 28.12.2010, a party was



organized for him, by his friends, to celebrate his wedding and leaving the country. Approximately, at about 3:30 PM, Opinderpal Randhawa (Victim), Kanwarjeet Singh Batth (Petitioner), Amanpreet Singh, Pankaj Bhandari and Gurpreet Singh Saran assembled in the flat. Opinderpal Randhawa (Victim) made a call and talked to Bhupinderjit's father, Sardar Daljit Singh in India on the mobile phone. He also talked to his own father, on landline. Gurpreet Singh Saran also spoke to Sardar Daljit Singh and told him that all of them were very happy for Bhupinderjit's wedding and were enjoying the party.

**100.** After talking to Bhupinderjit's father, he handed Bhupinderjit the phone and made a video Skype call on his laptop and talked to his mother and brother, in India. There was a bottle of whisky, which was visible on the Skype call. Apparently, a screen photo was taken by either the mother or the brother of the Victim, which was noticed by the Petitioner/Kanwarjeet Singh Batth. He got upset that this picture may be seen by his family members in India and may create an embarrassment for him.

**101.** He consequently confronted Opinderpal and questioned him, if any photo has been clicked. Opinderpal then called his mother back, who confirmed that a photo had been taken. Opinderpal got upset that Kanwarjeet had questioned his mother. This led to an altercation between Opinderpal and the Petitioner, in which Opinderpal threw the alcohol bottled at Kanwarjeet, though it smashed against the wall. Heated arguments took place between them and there was also some kind of assault. They were separated by the other persons/witnesses present in the room.

**102.** Till this time, there is no dispute or controversy and the backdrop of the incident of what transpired till then, is consistently deposed by the eye-



witnesses, namely, *Pankaj Bhandari, Gurpreet Singh Saran, Bhupinderjit Singh* and the defence witness, *DW-1, Amanpreet Singh*.

**103.** According to the eye-witnesses, namely, Pankaj Bhandari, Gurpreet Singh Saran, Bhupinderjit Singh, the matter got pacified and the Petitioner went to the kitchen for cutting the salad to eat with drinks. After some time, it was found that Opinderpal had a single stab injury in his abdomen and was almost fainting.

**104.** *The incident which is the subject matter of the present Petition, happened thereafter.* According to the Prosecution, on account of this brawl which took place between Opinderpal (Victim) and Kanwarjeet Singh (Petitioner), the Petitioner went into the kitchen and brought a knife and stabbed the Victim in his abdomen with the knife. *Now, in order to establish, prima facie, that the stabbing had been done by the Petitioner, the Prosecution has relied on three eye-witnesses.*

**105.** The first witness is ***Pankaj Bhandari, who was present in the Flat at the time of the incident. In his statement, Ex. CW-1/16,*** he stated that he was in the bathroom when he heard fight like noises of his friends, which seemed like an aggressive fight like atmosphere. While in the bathroom, he heard ‘*Stop fight*’ ‘*Stop them*’. He believed that that those were Bhupinder’s voice. When he came out from Bathroom, he had glanced through the room and saw Opinder sitting on a sofa.

**106.** He further stated that he saw *Gurpreet* standing outside the room and heard him asking for an ambulance. Gurpreet told him that Opinder has been hurt. He could not see *Kanwarjeet, in the house. Thereafter, he saw that Opinder, Aman and Bhupinder were standing alongside, but did not see Kanwar (FC), at this time.* During that time, Kanwarjeet had called him on



his mobile and asked if the Ambulance had arrived, but Kanwarjeet had not told him about his whereabouts and since that day, they haven't met.

**107.** From the testimony of this witness, Pankaj Bhandari, it emerges that while he was a witness to the brawl and the fight between Opinderpal and the Petitioner, but as per his statement, *he did not see the actual incident of stabbing, as he was inside the bathroom at the relevant time.* His testimony, even if accepted *in toto*, does not help the Prosecution's case, as he as per his statement, did not see the actual incident of stabbing.

**108.** *Gurpreet Singh Saran was the second eye-witness, who in his statement, Ex. CW-1/17* deposed that an argument started between Opinder and Kanwarjeet Singh, **but he did not see what exactly had happened.** He stated that he had turned his back and after sometime he heard somebody, telling Opinder, *"No Opinder don't hurt Kanwarjeet Singh, don't hit Kanwarjeet Singh with the bottle".*

**109.** He saw that Opinderpal was holding the whiskey bottle, and he was ready to hit Kanwarjeet, who was lying on the sofa with Gurpreet. Amanpreet Singh was also there with Kanwajeet Singh and Bhupinderjit Singh. Bhupinderjit was standing near the cupboard with Pankaj Bhandari. He further explained that as Opinderpal came near to him and tried to hit, Gurpreet got up and tried to hold his arms from both sides, to stop him from hitting the Petitioner, with the bottle. Opinderpal suddenly pushed Gurpreet with all his force and energy and Gurpreet was pushed aside and *he hit Kanwarjeet with the bottle, but he did not exactly remember, if it was his face or head.*

**110.** *Gurpreet Singh Saran,* stated further that he just walked away from the room and went outside the house and stood there. Then after around 45



seconds or a minute, when somebody from inside called him, he rushed inside and saw blood coming from the Opinderpal/Victims's Tee shirt.

**111.** He further stated that before the police officer came, **Kanwarjeet was in the room.** He was saying to Opinderpal, *'I am your brother, be with me, nothing's going to happen, I love you so much' ... I saw Kanwarjeet Singh with a swollen face, below his eye, it was swollen and bleeding... After that I did not see Kanwarjeet. I do not know where he has gone.'*

**112.** *Gurpreet Singh Saran, was the person who called the Ambulance.* He stated that he called the ambulance and informed them that an incident of stab in the stomach had taken place in a fight and that everything was under control. In the meanwhile, Police officers came. The lady officer told them to get Opinderpal (Victim) off the sofa and lay him in the recovery position. Opinderpal (Victim) was accordingly, laid by him and Bhupinderjit Singh on the floor.

**113.** Pertinently, according to this witness, he had stepped out of the Flat, after the matter was pacified, and came inside when called by someone and then he found the Victim in the injured condition. His statement shows that he was not present at the time of alleged incident of stabbing and did not depose about the manner in which the victim got stabbed/injured.

**114.** From the testimony of Gurpreet Singh Saran also, it **emerges** that he had not seen the actual incident happening. He had merely seen Kanwarjeet telling the Victim that nothing would happen to him but beyond that there is not a whisper about the actual incident of stabbing. Even if his entire statement is accepted, it does not help the Prosecution's case, as he did not see the actual incident.



**115.** The third eye-witness, *Bhupinderjit Singh*, in his *Statement Ex. CW-1/29* deposed that the Petitioner said to the Victim that the Victim's mother has taken his photo, to which the Victim's brother said that he took the Petitioner's photo. The Victim then became upset and angry as to why Kanwarjeet had accused his mother of taking a picture. This got escalated and Victim raised his hand on Petitioner. They tried to separate them, but the Petitioner and the Victim started swearing and hitting at each other. During the fight, everything was smashed, including the glass bottles. *At this point, he deposed that he did not see any weapon with either of them*, but remember that he saw that both of them were trying to grab the bottle of whisky. Opinderpal got hold of the bottle and tried to hit Kanwarjeet with it, but the bottle hit against the wall and smashed into pieces.

**116.** He further deposed, *"Kanwarjeet then left the bedroom and went to the kitchen, he was very angry and Opinderpal was like going after him, Kanwarjeet then came back to my bedroom entrance and I don't know in which of his hand but he had a knife in one of his hand. I did not see that where he got this knife from or where is the knife now. It was black in colour and the blade was white or silver. The whole knife was one inch longer than the CD's case. At this point, Opinderpal was not holding anything ... I was at the back of the room and was standing by the side of the cupboard and could not see clearly what happened next. I could see that Opinderpal and Kanwarjit were facing each other by the other side of the cupboard, then I saw that Opinderpal moved slightly on the side and I could see him. Initially, I didn't realised if something was wrong, but Opinderpal became tired and then I saw a little bit blood on his T-shirt by the stomach"*



*area. After that I don't know where Kanwarjeet went to as I could see that my friend was ill."*

**117.** It was only **Bhupinder** who deposed in detail about the incident. His testimony establishes that (a) *the Petitioner left the bedroom and went to the kitchen; (b) he was "very angry" when he did so; (c) the Victim was "like going after him" suggesting pursuit or continued confrontation; (d) the Petitioner returned from the kitchen area to the bedroom entrance; (e) when he returned, he had a knife in his hand; (f) the knife was black-handled with a white or silver blade; (g) at this point, the Victim was not holding anything.*

**118.** However, critically, Bhupinderjit Singh admits that he was standing at the back of the room by the side of the cupboard and "could not see clearly what happened next". He states that the two men were facing each other on the other side of the cupboard, obstructing his view. *He only noticed subsequently that the Victim had blood on his T-shirt in the stomach area, but did not witness how the injury was caused.*

**119.** Thus, while Bhupinderjit Singh's testimony establishes that the Petitioner was holding a knife and that shortly thereafter the Victim was found to have a stab wound, but asserts that he could not see Opinderpal and Kanwarjeet Singh at that time from the place where he was standing and did not witness the actual incident of stabbing, allegedly done by Kanwarjeet Singh.

**120.** The critical link - *that the Petitioner actually stabbed the Victim with the knife still remains a matter of inference and conjecture, with no direct evidence.* In the absence of any witness who actually saw the Petitioner stab



the Victim, the Prosecution's case rests entirely on circumstantial evidence and the proximity of events.

**121.** From the testimony of the three eye-witnesses on which the Prosecution's case rests, it cannot be said that any one of them supported the Prosecution's case in regard to the actual stabbing of Opinderpal by Kanwarjeet Singh. Even if their testimony *in toto* is accepted, it is not sufficient even *prima facie* to establish a case of murder against the Petitioner.

**122.** *DW-1 Amanpreet Singh, though examined by the Petitioner*, was also present at the time of the incident. He, in his Statement, *Ex.DW-1/X1*, explained about the precursor events, about which there is no challenge. He further deposed that on account of picture taken by the mother/brother of the victim, during the skype call, which irked the petitioner, he confronted Opinderpal that his mother had taken his picture and she would defame his name in India. Hearing this, Opinderpal started fighting with Kanwarjeet Singh.

**123.** Opinderpal knocked Kanwarjeet Singh with his fist, on his face. The other friends tried to intervene, to separate both of them. Amanpreet moved Kanwarjeet away from Opinderpal, to a corner. At the same time, other friends caught hold of Opinderpal. However, *Opinderpal picked the empty bottle of whisky and threw it towards Kanwarjeet Singh*. The bottle hit the heating radiator, affixed on the wall.

**124.** *DW-1, in order to make peace, took Kanwarjeet Singh outside the house. DW-1 asked him to go somewhere so that he could get cooled down, while Opinderpal could calm down in the house.* At this time,



Amanpreet received a telephonic call which lasted around 5-7 minutes, after which he returned to the Flat, where the party was being held.

**125.** *DW-1 saw Gurpreet Singh asking Opinderpal to be seated on the sofa. Upon inquiry from Gurpreet about the condition of Opinderpal, Amanpreet was informed that he had received injuries.* Gurpreet thereafter, called the ambulance. The concerned officials of the Ambulance directed Gurpreet to ensure that Opinderpal does not faint, by making him lay on his stomach. He went out of the house again to lookout for the Ambulance, which arrived after 5-7 minutes.

**126.** Thus, *what emerges* from the statement of DW-1 as well, is that he also was unable to state as to who had stabbed the victim.

**127.** The Petitioner's own version attempts to provide an alternative explanation. He claims that he asked the victim to stop abusing him, but "*the Victim got even more infuriated and in the heat of the moment, he turned and moved fast towards the FC, but unfortunately his foot slipped and he fell. The Victim got injured by the salad knife accidentally on his own.*"

**128.** *This version may appear improbable, it cannot be conclusively ruled out in the absence of any eye-witness who actually saw what transpired between the two men.*

**129.** At the *prima facie* stage in extradition proceedings, while the standard of proof is lower than that required for conviction, there must still exist credible material which, if believed, would establish the commission of the offence. *The question is whether the materials on record, taken at their highest, establish that the Petitioner stabbed the Victim with the intent of murder.*



**130.** *In the present case*, not even one single witness actually saw the Petitioner stab the Victim. The consistent account that emerges from the testimony of all three witnesses, is that the Victim sustained a wound to his stomach area that was bleeding; that he was in pain, and that emergency services were called. All three witnesses state that the Petitioner was not present, when the injury was discovered. None of these witnesses saw the act of stabbing itself, which is most germane to the charge of murder.

*The Medical and Forensic Evidence:*

***The Prosecution had also relied on medical evidence.***

**131.** *Christian Judith Frewer, Ambulance Technician, in his Statement Ex. CW-1/13*, deposed that at 18:33 hours, they were made aware of a call that informed them that someone had been assaulted. The incident number was 082228/12/10. They made their way to the scene of incident but the control room had told them to hold off until the police were at the scene. He said that he arrived at the scene that 18:59 hours when the police were there. As they drove down, Elliman Avenue, they located the scene and two Asian males came running over to the Ambulance and telling them to hurry up. He stated that he had to turn the Ambulance around, and then they went to the scene of the incident.

**132.** He stated that they shortly arrived at the hospital where the injured male, was handed over to the doctor and nurse at A&E. at the property, although they were there for less than 10 minutes in total, he deposed that the Males did not say anything out of the ordinary to them and they appeared to be worried. He also described the two Males who had come up to the van, when they had first arrived at the scene.



**133.** *Stephen Sains, Paramedic, in his statement CW-1/14, was on duty along with Christian Judith. He deposed that at 18:31 hours, they were called to go to the scene of incident, but were told to wait by the Control Centre. He stated that they walk to the scene, which has a room to the left as they go through the front door. There was a police sergeant there and also two Asian males. The patient was flat on his back on the floor. He stated that he knew this male to be called the Victim, Opinder Singh Randhawa. He got these details from one of the two Asian males over there. He also passed Steven a piece of paper with the date of birth, which was 08.07.87. He stated that the Male was very agitated with his conscious level being at 11, when the normal is 15.*

**134.** *Stephen Sains further stated that the Victim's shirt was lifted up and he could see a small phone which was to his belly button, small incision and there was either body fats or bowels showing through. He dressed the wound and his colleague fetched the trolley from the ambulance. He stated that he noticed there was some broken glass on the floor but he could not tell what this glass came from. There was also vomit, on the table in the room.*

**135.** *He further stated that one of the Asian males whose name he could not remember, told him that the patient had been drinking all day and had fallen on some glass. When his colleague returned, they loaded the Male in the ambulance and stayed with him, while his colleagues drove. He stated that the patient went into cardiac arrest, on the way to the hospital. However, they continued working on him until the hospital staff took over.*

**136.** *Joanne Louise Hawkes, Ex. CW-1/11, Nursing sister deposed that she was on her shift duty on 28.12.2010, at 07:00 hours at the Wexham Park Hospital, Berkshire. At about 19:30 hours an Asian male, the victim with an*



“abdomen” wound, was brought into the trauma bay as he was in cardiac arrest. The victim was *pronounced dead*, at 19:52 hours. At 20:04 hours, she seized his clothes and put them in a brown paper bag, for the police.

**137. Rachael De-Caux**, Accident and Emergency registered medical practitioner, in her Statement *Ex. CW-1/12*, stated that *she* was employed as special Registrar in the Emergency Department of Wexham Park Hospital, Berkshire. She had examined the victim at 19:30 hours, on 28.12.2010. He was a 23-year-old man and the history surrounding his injuries, was difficult to obtain. She stated that allegedly, he had been drinking and fell on to a piece of glass leading to an abdominal wound. The Ambulance crew informed them that he was combative on their arrival and on movement of the patient to the Ambulance, he suffered a pulseless electrical activity arrest (PEA). Thereafter, he vomited profusely in the Ambulance and arrived in the Emergency Department in cardiac arrest. She further stated that she had no knowledge of his prior medical history or any medication. He was intubated, received blood, fluid resuscitations and five cycles of cardiac resuscitation. Throughout this time and despite drug intervention, he remained in PEA arrest.

**138.** Examination of the Victim’s chest revealed no injuries and good air entry with intubation and ventilation. His abdomen examination revealed a 1.5 cm abdominal wall supra-umbically (above belly button) with peritoneum (abdominal membrane), visible and a small amount of ooze and bleeding.

**139.** She stated that duty surgeons were present at the Trauma Call Centre. A fast scan did not show any pericardial effusion i.e. no collection of fluid around the heart. This scan was performed by Dr. Manojit Chaudhary,



specialist, registrar, A&E. Blood gas is performed at the time show that this was unlikely to be a survivable cardiac arrest and with no clear reversible course, the trauma team in full agreement decided at the time of death was 1952 hours. She further stated that the death was referred to the coroner as of unknown cause for the cardiac arrest and for further investigation.

**140. *These paramedics***, who reached the spot with the Ambulance, also support that the Victim had one stab wound on his abdomen and he died, on his way to the hospital, but in no way support the incident of stabbing itself.

**141.** Critically, Stephen Sains noted, *“one of the Asian males whose name he could not remember told him that the patient had been drinking all day and had fallen on some glass.”* This corroborates Bhupinderjit Singh’s admission (Ex. CW-1/29) that when police arrived, the witnesses told the police that he fell over.

***The other set of evidence is the forensic evidence.***

**142. Robert Chapman, CW-1/15, Consultant Forensic** deposed, *“It is believed a call was made to the ambulance service indicating a fight had taken place and that someone had been punched in the stomach. A cut was also noted to the stomach. There was a possibility that the deceased had fallen onto glass on the floor. He was conveyed to hospital but died shortly thereafter. A puncture wound was noted to the abdomen. It is believed the deceased had been in a flat with friends and all had been drinking heavily. There was some shattered glass at the location but this was only small fragments. Review of the scene photographs indicated small fragments of glass lying on top of a sofa against a radiator and on the sofa itself. There was no obvious blood loss at the scene. I understand a knife had been found in a bathroom cabinet.”*



143. The following were the *conclusions* given by Robert Chapman:

1. *Opinder Randhawa was a young man who showed no evidence of natural disease to cause or contribute to death.*
2. *Death had resulted from a single stab wound to the upper part of the abdomen passing horizontally backwards through the abdominal wall, through the supporting tissues of the small bowel to strike the abdominal aorta. This is the major arterial blood vessel supplying the lower part of the body with blood. An injury to this vessel had caused considerable haemorrhage into the abdomen. A wound of this type would be expected to bleed immediately and profusely into the soft tissues around the aorta and into the abdominal cavity. It would be associated with rapid collapse following infliction.*
3. *The appearances of the stab wound passing through the skin, small bowel tissues, the aorta and the lumbar spine were typical of a knife with a single sharpened edge. A blow with a knife would have required moderate force on a three-point scale of mild, moderate and severe assuming the knife had a sharply pointed tip.*
4. *No cutting type defensive injuries were present.*
5. *A bruise was present on the left hand over the major knuckle of the left index finger. This could have been received by the deceased delivering a clenched fist blow against a firm surface.*
6. *There were no other significant injuries. There was some bruising in the back consistent with fall or collapse against a firm surface.*
7. *In my opinion death resulted from:*
  - la. *Haemorrhage*
  - 1b. *Stab wound to the abdomen.*



**144.** The definitive medical evidence comes from the Post-Mortem Examination conducted by Robert Chapman, *Ex. CW-1/15*, Consultant Forensic Pathologist. The Medico-Legal formulation that the immediate cause of death (1a) *was hemorrhage (massive internal bleeding), which was caused by (1b) the stab wound to the abdomen, leaves no scope for any ambiguity or alternative explanation - death resulted directly and solely from the stab wound.* The presence of broken glass at the scene (from the whiskey bottle that struck the Petitioner) may have provided a convenient false explanation, but the forensic pathologist's examination eliminated glass as the cause of the fatal wound.

**145.** A critical lacuna in the Prosecution's case is the ***absence of forensic evidence linking the Petitioner to the alleged murder weapon.*** While Robert Chapman, *Ex. CW-1/15* notes that "*a knife had been found in a bathroom cabinet*", there is no evidence establishing that this knife was the weapon that caused the fatal injury, nor is there any forensic evidence linking this knife to the Petitioner.

**146.** The Petitioner has especially contended and this remains unrebutted on record, that his fingerprints did not match the fingerprints on the alleged murder weapon. No DNA evidence is established nor fingerprint evidence on the alleged weapon of offence, has been produced linking the Petitioner to the weapon. The forensic Pathologist describes the type of weapon, but does not connect it to the Petitioner. In the absence of forensic evidence linking the Petitioner to the weapon, the Prosecution's case rests entirely on the circumstantial evidence of the Petitioner being seen with a knife.



**147.** Even if the entire evidence as produced on behalf of the Prosecution is accepted, then too even a *prima facie* case is not made out against the Petitioner.

**148.** The learned ACMM was therefore, not correct in concluding that the medical evidence, together with other evidence on record, established a *prima facie* case of murder, warranting the Petitioner's extradition to the UK for trial.

**Conclusion:**

**149.** In light of the aforesaid observations, the Extradition Inquiry Report dated 25.02.2019 passed by the Learned ACMM, New Delhi in Complaint Case No. 04/04/2015, is hereby, **quashed**.

**150.** The Writ Petition is, accordingly, allowed.

**151.** The Petitioner be released forthwith, if not required in judicial custody in any other case. A copy of the Order be communicated to the concerned Jail Superintendent.

**152.** The Petition is disposed of along with pending Application(s), if any.

**(NEENA BANSAL KRISHNA)  
JUDGE**

**MARCH 16, 2026**

*N/RS*