ITEM NO.29 COURT NO.15 SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6624/2017

(Arising out of impugned final judgment and order dated 09-08-2017 in WPCRL No. 2899/2015 passed by the High Court of Delhi at New Delhi)

DR. OMESH CHANDER KASHYAP Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)
(FOR ADMISSION and I.R.)

Date : 22-11-2019 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Ms. Anisha Upadhyay, AOR
Mr. B.K. Shahi, Adv.
Mr. Siddhartha, Adv.
Mr. Anil Mishra, Adv.

For Respondent(s) Mr. Rajeev Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties.

The challenge in the present appeal is to the order of the Central Government dated 04.12.2015 accepting the Report of the Magistrate for extradition of the appellant.

On 15.09.2017 this Court had issued notice on the ground that the order of the Central Government dated 04.12.2015 did not reflect application of mind to the materials furnished by the appellant in his representation against the order of the Magistrate.

….2/-

Our attention has also been invited to the statutory provisions of sections 7(4) and 29 (2) of Extradition Act, 1962.

The impugned order is completely non-speaking in nature as the materials that may have been filed by the appellant before the Central Government do not appear to have been considered appropriately as evident from the following extract of the order:

> "it is observed that the averments made in the written statement/representation were also made before the Hon'ble Enquiry Magistrate, who, after examining the facts placed before him in the extradition proceedings has recommended the extradition."

The counsel for the Union of India submits that he has instructions to state that a decision has been taken not to extradite the petitioner.

Let an appropriate affidavit be filed by the Union of India.

List on 02.12.2019.

(RAJNI MUKHI)
SENIOR PERSONAL ASSISTANT

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER