

**FIR No.213/17
P.S. Crime Branch
u/s 21/29 NDPS Act &
Sec.14 of Foreigners Act
State Vs Hargovind Singh & Anr.**

22.05.2019 (02:20 PM)

Present: Mr. Pravesh Ranga, Ld. Addl. Public Prosecutor for State.

Proxy counsel for applicant/accused Ikenna Okoye(in short accused) qua his second pending application seeking direction to Superintendent of Tihar Jail to take this accused to Nigerian High Commission, New Delhi for issuance of new passport. Reply of IO/ASI Jai Singh to this application has already been received. Arguments on this application have already been heard on the last date of hearing and today this application is fixed for passing order.

It has been submitted on behalf of this accused that his passport has been lost and he intends to get issued a new passport from Nigerian Embassy, New Delhi, and for this reason, a direction be issued to Superintendent, Tihar Jail, Delhi, to take him to Nigerian Embassy, New Delhi, in J/C.

Per contra, the present application has been vehemently opposed on behalf of State stating that being a Nigerian national, the accused was unable to produce any legal/ valid documents to stay in India, at the time of his arrest and therefore, Sec.14 of Foreigners Act was also added in this case against him besides other offence(s) under NDPS Act; that in case the old passport of this accused was really lost, he ought to have mentioned, in this application, the necessary details qua the old passport i.e. its number, period of validity, date of lost, either exact or approximate, the police report lodged qua loss of such passport, its photocopy etc. and that all these particulars are lacking in this application; that this application is vague and uncertain in material particulars. I perused the judicial record minutely for this purpose.

In the considered opinion of this court also, no details of the old passport of the accused have been mentioned in the present application, to the above effect, which appear necessary for getting a new passport issued in favour of this accused, in case his old passport has really been lost. In the further considered opinion of this court, this court cannot allow the accused to get prepared a new passport in such mechanical manner. Accordingly, the present application is found to be devoid of any merits and hence, it is hereby dismissed. Anything written here need not be treated to affect the further trial of this case on merits.

As prayed for, copy of this order be given dasti to Ld. Counsel for accused, within two days from today, if so approached for this purpose, and one copy of this order be sent to Superintendent of jail concerned for information of this accused.

With this order, now to come up on due date i.e. 01.06.2019 for purpose fixed.

**(Dr. SHAHABUDDIN)
Special Judge(NDPS)
West/Delhi/22.05.2019.**