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

+ **CRL.M.C. 1243/2026**

JIMOH @ TIJANI @ MUSIBAU OLATUNJI

.....Petitioner

Through: Mr. Anoop Kumar Gupta and Mr.
Rohan Gupta, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for the State
along with SI Praveen Kumar.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **24.03.2026**

CRL.M.A. 8952/2026

1. By way of the present application, the petitioner seeks early hearing of the present petition.
2. For the reasons mentioned in the application, the date is preponed and the petition is taken up for hearing today itself. The next date fixed, i.e., 13.05.2026, stands cancelled.
3. Application stands disposed of.

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4. By way of this petition, the petitioner is seeking permission to travel abroad, i.e., to Ibadan, Oyo State, Nigeria for a period of 60 days, i.e., 17.03.2026 to 16.05.2026, for the purpose of burial, performing firdaus, and other post-death ceremonies of his late mother – which permission was



denied to him by the learned Trial Court *vide* order dated 21.01.2026 – in case arising out of FIR bearing no. 1551/2014, registered at Police Station Malviya Nagar, Delhi for offence under Sections 420/406/467/468/471/34 of the Indian Penal Code, 1860 (hereafter ‘IPC’).

5. The learned counsel appearing for the petitioner submits that the petitioner’s mother had expired on 15.05.2023 at Ibadan, Oyo State, Nigeria, and in this regard, the death certificate issued by the competent authority has been placed on record. It is stated that owing to financial hardship arising from the COVID-19 pandemic, the petitioner was unable to travel earlier to his native place. It is further submitted that the mortal remains of the petitioner’s mother have since been preserved in a mortuary at Ibadan, and the family has now scheduled the burial ceremony on 27.03.2026, along with the performance of *firdaus* and other last rites. The learned counsel submits that, being the son of the deceased, the petitioner is under a legal, moral, and religious obligation to be present and participate in the burial and related ceremonies, which are mandatory as per their customs and practices. It is also contended that the petitioner is required to undertake various post-death formalities, including succession-related matters, banking and property documentation, and other allied legal processes, all of which necessitate his personal presence in Nigeria. On these grounds, the petitioner seeks permission to travel abroad for a limited period of 60 days, i.e., from 17.03.2026 to 16.05.2026.

6. The learned APP for the State opposes the present petition and submits that the allegations against the petitioner pertain to his involvement in a fraudulent scheme wherein Apple products worth ₹16,29,200/- were purchased using counterfeit/cloned credit cards, resulting in wrongful loss to



the complainant company. It is stated that the petitioner, a citizen of the Republic of Nigeria, was arrested during investigation, and charges under Sections 420/406/467/468/471/34 of IPC have already been framed against him, and the case is at the stage of recording prosecution evidence. It is contended that there exists no bilateral extradition treaty between India and Nigeria and thus, there is a serious apprehension that the petitioner, if permitted to travel abroad, may not return to face trial.

7. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the case file.

8. The allegations against the petitioner are that he was involved in a fraudulent transaction wherein goods worth ₹16,29,200/- were purchased using counterfeit/cloned credit cards, causing wrongful loss to the complainant. Charges under Sections 420/406/467/468/471/34 of IPC have already been framed against him, and the petitioner is presently facing trial.

9. Though the factum of the unfortunate demise of the petitioner's mother is not disputed, it is also not in dispute that the petitioner is a foreign national, i.e., a citizen of Nigeria, and there exists no bilateral extradition treaty between India and Nigeria.

10. In such circumstances, if the petitioner is permitted to travel abroad, there is a substantial likelihood that his presence for the purposes of trial may not be secured.

11. Accordingly, this Court is not inclined to grant the relief sought by the petitioner.

12. The present petition is, accordingly, dismissed.

13. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.



14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 24, 2026/A
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