



HCP(MD) No.366 of 2026

A.D.JAGADISH CHANDIRA.,J.

and
R.POORNIMA.,J.

Pursuant to the orders dated 01.07.2026, a status report has been filed by the Ministry of External Affairs. Relying on the same, Mr.K.Govindarajan, the learned Deputy Solicitor General of India made the following submissions:

- On request of the Government of India the petitioner was extradited and brought to India during the year 2012 and he was tried in CC No.65 of 2008 on the file of the Additional Chief Judicial Magistrate court, Kumbakonam and convicted and sentenced vide judgment dated 01.11.2022 to undergo rigorous imprisonment for a period of ten years and the said sentence has been completed taking into consideration the order of set off (i.e. 03.11.20211 to 31.10.2022).
- 10 other cases are pending as against the petitioner. Based on the request made by the State Government to prosecute the petitioner, a request was sent by the Government of India to the Federal Republic of Germany. The Federal Republic of Germany had denied consent in respect of four cases and consent in respect of the remaining six cases is awaited.
- The Federal Republic of Germany has sought for details with regard to the said six cases and in furtherance of the same, a communication has been addressed by the Ministry of External Affairs to the Government of Tamil



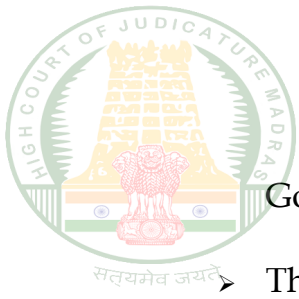
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Nadu asking for the details demonstrating the involvement of the petitioner in the said six pending cases. The Ministry of External Affairs has also urged the Government of Tamil Nadu to give the required details.

- Meanwhile, a request has also been received from the United States of America seeking to extraditing the petitioner to United States of America.
- In the event of the Federal Republic of Germany refusing to give consent in said six cases the petitioner has to be produced before the Additional Chief Judicial Magistrate Court, Patiala House for further proceedings.

2. The Fourth Respondent has filed a status report and relying on the same, Mr. Venkatesh, the learned counsel appearing for the 3rd to 5th Respondent made the following submissions

- Though the request in respect of four pending cases as against the petitioner has been denied, the request in respect of remaining six cases are still pending with the Federal Republic of Germany.
- The Ministry of External Affairs by their letter dated 19.05.2026 requested certain details regarding the present legal status of the remaining cases as against the petitioner and the reasons for his continued incarceration.
- Pursuant to the request made by the Ministry of External Affairs, an English translation of the consent request proposal were sent by the



Government of Tamil Nadu on 25.05.2026.

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- The although the 'requested state' namely Federal Republic of Germany has sought for additional documentation, till date no time limit has been fixed by the Federal Republic of Germany
- Further as per Article 19 of the Treaty between the Federal Republic of Germany and the Republic of India, the petitioner can be detained till such time the request is considered by the Federal Republic of Germany and thereby the detention of the petitioner is not illegal.

3. In reply, the learned counsel appearing for the petitioner submitted that the Union Government and the State Government are dilly-dallying amongst themselves and despite the lapse of five years from the completion of his sentence, there has been no progress in respect of the pending cases and thereby he has unnecessarily been kept lodged in detention. Since, no consent for prosecution has been obtained till date and since there is no progress whatsoever in respect of the pending cases, he would vehemently state that any detention by the the Union Government or the State Government without the consent of the Federal Republic of Germany is nothing but illegal.



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4. Hence, Mr.A.Thiruvadi Kumar, Advocate is appointed as an 'Amicus Curie' to assist the Court in taking appropriate measures amidst the deadlock situation within which the liberty of the petitioner is hanging at stake.

5. Post the matter on 22.07.2026.

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The learned counsel appearing for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 14.07.2025 and that he was tried in CC No. 01 of 2026 and was thereby convicted and sentenced to under go 10 years imprisonment. He has now completed the period of incarceration and he is in illegal custody for the past five years. The Indian Government had obtained consent to prosecute the petitioner in only in the above said case. Neither the Indian Government nor the State of Tamil Nadu has obtained consent from Germany for prosecuting him in other cases pending against him. Therefore, it is the case of the petitioner that his custody is illegal and that hence he is entitled to be extradited to Federal Republic of Germany.

2. Mr.Govindaraj, learned Deputy Solicitor General of India has filed a status report. He submitted that the Ministry of External Affairs has received a proposal from the State of Tamil Nadu for obtaining consent of the Federal Republic of Germany with regard to prosecuting the petitioner in the ten pending cases. Out of the said ten cases, the Federal Republic of Germany has rejected the proposal in respect of four pending cases as against the petitioner and the consent for prosecution in respect of the six pending cases. He further submitted that a communication has also been sent by the Ministry of External Affairs whereby the Tamil Nadu Government has been informed of the Federal Republic of Germany's request for translation of the documents demonstrating the involvement of the



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petitioner in the said six pending cases. Through the said communication, the Ministry of External Affairs has also urged the Tamil Nadu Government to provide the translation as requested by the Federal Republic of Germany.

3. At this juncture, the learned counsel appearing for the petitioner would submit that since no consent for prosecution has been obtained till date, the said six pending cases are in stalemate situation and that therefore due to the said deadlock the petitioner has been kept in illegal custody in India without there being any consent for prosecution from the Federal Republic of Germany. He would urge that even if he ought to be prosecuted from the offence would have to be returned to the Federal Republic of Germany and once again extradited for the purpose of the prosecution in the six pending cases.

4. Opposing the same, the learned Deputy Solicitor General of India submitted that even if there was no consent for prosecution of the six pending cases, the petitioner can not be set at liberty or returned to the Federal Republic of Germany as he must be produced before the Additional Chief Judicial Magistrate Court, Patiala House in order to initiate the extradition proceedings under Section 5 of the Extradition Act, 1962. He would further submit that the United States of America has also sought to extradite the petitioner, and that therefore, it would be incumbent upon the decision of the Additional Chief Judicial Magistrate Court,



Patiala as to whether the petitioner would be returned to the Federal Republic of Germany or would be extradited to the United States of America.

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5. Mr.Venkatesh, the learned counsel appearing for the fourth respondent submitted that the Ministry of External Affairs in their letter dated 19.05.2026 had requested certain details regarding the present legal status of the remaining cases and in compliance with the request made by the Ministry, the English translations of the consent request proposal for the six pending cases were sent to the Government of Tamil Nadu on 25.06.2026. The fourth respondent has forwarded the communication to the Government of Tamil Nadu and that the same is yet to be acted upon by the Government of Tamil Nadu. He would further submit that the Petitioner may not be correct to claim that he must be returned to Federal Republic of Germany as Article 13 r/w. Article 19 of the Treaty between the Federal Republic of Germany and the Republic of India on Extradition permits the withholding of the petitioner for the time limit as may be fixed by the Federal Republic of Germany for complying with their request for additional documentation.

6. Hence, the respondents are directed to give details of communications sent and the replies received so far in respect of the petitioner, his extradition and his pending cases.



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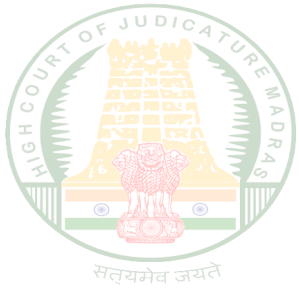
7. Since, it has been urged before us that the Article 13 r/w. Article 19 of the Treaty between the Federal Republic of Germany and the Republic of India on Extradition would require the Federal Republic of Germany to provide a time limit for complying with their request for providing additional documents and that in the instant case they have not resorted to do so. Therefore, it remains in question whether the petitioner can be withheld in custody until a time limit is fixed and the same expires. Therefore, this Court feels that it would be appropriate to hear the stance of the Federal Republic of Germany in respect of the time limit for the furnishing of the additional documents sought and consequent withholding of the petitioner thereof.

8. Hence, Mr.A.Thiruvadi Kumar, Advocate is appointed as Amicus curie to assist the Court in taking appropriate measures to obtain information from the Federal Republic of Germany in regards their stance in respect of the matters as detailed above.

9. Post on 22.07.2026.

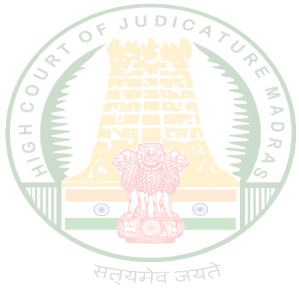
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