

State of H.P. Vs. Raj Kumar a/w connected matters

Cr. Appeal No. 405/2019

a/w Cr. Appeal No. 215/2021 & 482/2022

17.07.2024

Present: Mr. I.N. Mehta, Senior Additional Advocate General with Ms. Sharmila Patial, Mr. Navlesh Verma, Additional Advocates General and Mr. Raj Negi, Deputy Advocates General, for the appellant(s), in all the appeals.

Mr. Lokender Paul Thakur, Senior Panel Counsel, for the Union of India.

On 26.06.2024, this Court passed the

following order:-

“Learned Additional Advocate General has placed on record communication dated 28.02.2024 addressed by the Ministry of Home Affairs to the Chief Secretary to the Government of Himachal Pradesh, wherein in para-3 it has been specifically stated that “there is extradition treaty in force between the Government of India and the Government of Nepal”.

Learned Senior Panel Counsel for Union of India is directed to place on record copy of said treaty for the perusal of the Court.

List on 17.07.2024.”

Today, learned Senior Panel Counsel for the respondent-Union of India has placed on record copy of order issued by the Ministry of External Affairs on 22.02.1963, which is taken on record.

The aforesaid order makes reference to the Treaty of Extradition between the Government of India and the Government of Nepal, 1953.

We may observe here that in other cases where the citizens of Nepal have been sought to be extradited, it has been the specific stand of the State Government that there is no treaty for the said purpose.

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In such circumstances, we direct the Ministry of Home Affairs, H.P., to file an affidavit to this effect and also give details of the person(s), if any, extradited under the said treaty. Let the needful be done within three weeks.

List on **7th August, 2024.**

(Tarlok Singh Chauhan)
Judge

(Sushil Kukreja)
Judge

17th July, 2024
(raman)