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

+ W.P.(CRL) 2156/2017

REPUBLIC OF CHILE Petitioner

Through Mr.Raghav Bansal, Adv. with
Mr.Shashwat Bansal, Adv.

versus

VERHOEVEN MARIE EMMANUELLE
& UNION OF INDIA

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **27.07.2017**

CrI.M.A. 12093/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CrI.) 2156/2017 & CrI.M.A. 12092/2017 (stay)

During the pendency of the magisterial inquiry regarding the extradition of respondent no.1, on the request of the petitioner, the respondent no.2 (Union of India through the Ministry of External Affairs, CPV Division), withdrew the extradition inquiry and the same was permitted by the learned Magistrate.

Learned counsel appearing for the petitioner has assailed the decision of the Central Government, in withdrawing the inquiry as also the order of the learned Magistrate, permitting the same. It has been submitted on behalf

of the petitioner that once, on the requisition of a foreign state, an inquiry is ordered under section 5 of the Extradition Act, 1962, it has to be concluded in terms of the provisions of section 7 of the Act.

During the inquiry under section 7 of the Extradition Act 1962, the Magistrate has to examine whether the fugitive criminal has committed any extraditable offence.

It is submitted that the inquiry could not have been aborted by the unilateral decision of respondent no.2.

Issue notice to the respondent no.2 through the Central Government Standing Counsel, on steps being taken by the petitioner within a period of one week from today, returnable on 19.09.2017.

ASHUTOSH KUMAR, J

JULY 27, 2017
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