

ITEM NO.15 Court 5 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s).321/2021

V.J. SEBASTIAN FRANCIS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 03-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Renjith B.Marar, Adv.
 Ms. Lakshmi N.Kaimal, AOR
 Mr. M. J. Santhosh, Adv.
 Ms. Surabhi Santosh, Adv.
 Mr. Arun Poomulli, Adv.
 Ms. Meera M, Adv.
 Mr. Balasubramaniam. R
 Mr. Anil Sharma, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

This writ petition is filed seeking a direction for processing the extradition/repatriation of 1st and 2nd detenuess, who are the daughter and granddaughter of the Writ Petitioner, from Republic of Afghanistan. We are informed that a representation has been preferred to extradite Sonia Sebastian @ Ayisha and her daughter Sara Rashid who surrendered to the Afghan forces on 15.11.2019.

These detenuess went to Afghanistan to join the husband of the 1st detenuess who became a Member of the

Islamic Organisation (ISIS) in Afghanistan. It is stated in the writ petition that he was killed later, pursuant to which the detenues surrendered. On 22.03.2017, the Interpol issued a Red Corner Notice in the name of the 1st detainee. After surrender, the detenues have been lodged in a prison in Afghanistan.

This writ petition has been pending in this Court since July, 2021. The learned counsel for the Petitioner submits that the representation preferred by the Petitioner for processing the extradition of the detenues has not been considered till date.

We direct the Respondent Nos.1 and 2 to consider and dispose of the request made by the Petitioner for extradition of Sonia Sebastian @ Ayisha and her daughter Sara Rashid expeditiously, preferably within a period of 8 weeks from today. In case the Petitioner is aggrieved with the order passed by the Respondent Nos.1 and 2, he is at liberty to approach the High Court by filing a Writ Petition under Article 226 of the Constitution of India. We make it clear that we have not expressed any opinion on the merits of the matter.

The Writ Petition and pending applications stand disposed of accordingly.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master