

[TITLE PAGE OF THE REQUEST- EXTRADITION DOSSIER]

BEFORE THE HON'BLE COURT OF

IN

..... CASE NO..... DATED

REGISTERED UNDER SECTIONSOF (Name of the Act)

BY

.....(name of the investigating/prosecuting agency)

Vs.

MR., SON OF..... CURRENTLY RESIDING AT

**IN CONNECTION WITH THE REQUEST OF THE GOVERNMENT OF
THE REPUBLIC OF INDIA FOR THE EXTRADITION OF MR./MS.
FROM (NAME OF THE REQUESTED STATE)**

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BEFORE THE COURT OF LD.(NAME OF THE COURT)

Calendar Case No.....

In

Criminal Case No..... and Name of the Police Station

.....(name of the investigating/prosecuting agency)

Vs.

XY (Name of the Fugitive), son of, citizen of, Currently residing at, (Complete Address including Name of the City State and Country)

IN THE MATTER OF EXTRADITION REQUEST OF THE GOVERNMENT OF INDIA FOR THE EXTRADITION OF (name of the accused), (nationality) FROM..... (name of the requested country)

A F I D A V I T

I, (name of the Superintendent of Police/officer of equivalent rank), aged years, son/daughter of, working as (designation of deponent) in (name of the place/organisation), (State/place), India, do hereby solemnly affirm and state as under:

1. That at present I am holding the office of the Superintendent of Police, (name of the place/organisation), (State/place), India, since..... I have years of experience in investigating criminal cases. The present Criminal Case No. under section(s)..... (name of the Act) registered at (name of the Police Station, Place, State), India against Mr./Ms. (name of the accused), in respect of whom this extradition request is made, falls under my supervision and jurisdiction.

2. That I am making this affidavit for the purpose of providing evidence in support of the request of the Government of India for extradition of Mr./Ms. (name of the accused), a citizen of(country of citizenship), currently residing at ,,, (address and name of country where the accused is currently residing).

3. That I have read and scrutinized the records of the investigation of the instant case registered and investigated under my supervision. I have examined the evidence and as such, I am well acquainted with the facts and circumstances of the instant case and competent to swear this affidavit.

Summary of facts and procedural history of the case:

4. That a case under section of the Act is registered in police station against the fugitive Mr./Ms. (Thereafter please explain the facts of the case).

Important Note

Support the facts of the case with relevant evidence/statement of witnesses etc., at appropriate places and attach a copy of such evidence in annexure. This is the most important part which will enable the judge in the foreign state to a conclusion that a prima facie case exists against the accused. In other words the facts of the case should be narrated in such a manner and supported by relevant evidence in such a way that a prima facie case regarding alleged offences could be made out against the accused.

5. That the Ld. Court of has issued an open dated warrant of arrest against Mr./Ms. on to secure his/her presence before the Court where the case is pending trial. An open dated warrant of arrest issued by the Court against the accused is enclosed herewith as Annexure That the Court of has taken cognizance of the case and assigned Court Case No....., which is pending trial before the Ld. Court of for want of the fugitive's presence.

6. In case he is declared a proclaimed offender then add the following para:

Since the accused was evading arrest, he was declared proclaimed offender vide order of the Court dated A copy of the declaration of accused as proclaimed offender is enclosed at Annexure ...

7. If the accused is the subject of Interpol Red Corner Notice, then use the following paragraph:

That an Interpol Red Notice No..... dated has been issued against the fugitive and published by the INTERPOL Secretariat General at Lyon, for the apprehension of the said fugitive Mr./Ms....

That on the basis of Red Notice No....., the fugitive has been located in The NCB, (Name of the Country) has intimated vide their E-mail dated about the presence of the fugitive in The Copy of the E-mail dated is enclosed herewith as Annexure

That pursuant to Interpol Red Corner Notice No.....the fugitive Mr./Ms. has been arrested in(Country) and communication to this effect was received through NCB, (Name of the Country where the fugitive was arrested) vide their E-mail/letter dated A copy of the said E-mail/letter is enclosed herewith as Annexure

ROLE OF THE ACCUSED AND EVIDENCE AGAINST HIM

6. Please state how by his conduct the accused has committed the offences under sections of Act. Note: (Please note that in this part of the affidavit discussion should be on the role of the fugitive in the commission of alleged offences for which extradition is being sought. For this purpose, guidance should be taken from the elements of the alleged crime. It should be clearly brought out as to how the conduct of the fugitive satisfies the elements of the offences alleged to have been committed by him/her.

LEGAL PROVISIONS:

7. That the fugitive is accused of committing offences under section ... of IPC/Act. A copy of the relevant provisions of the law violated by the fugitive is annexed herewith as annexure

8. That it is certified that the Penal provisions in question were in force at the time of commission of offence i.e. on (date of commission of offence) and the same are still in force.

STATUTE OF LIMITATIONS:

9. That the prosecution of the fugitive for the said offences is not barred by lapse of time. The criminal case was registered against the fugitive Mr./Ms(name of the fugitive) under sections of the Indian Penal Code/ ... Act, 19.. The maximum punishment that can be given under the above provisions of law is years. Hence, the prosecution of the fugitive is not time barred by lapse of time as per Section 468 of the Code of Criminal Procedure, 1973, that deals with the period of limitation for taking cognizance of a criminal case. A copy of section 498 of the Cr.P.C., 1973 is annexed herewith as Annexure ...

LEGAL BASIS FOR THE EXTRADITION REQUEST:

10. That in pursuance of the Extradition arrangement / Extradition Treaty between the Republic of India and (Name of the Country)/ on the basis of reciprocity/ **(strike out whichever is not applicable)**, the extradition of the fugitive criminal Mr./Ms. is being sought from the Government of (Name of the Country), so that he/she may be prosecuted in accordance with law in the above criminal case pending against him/her.

IDENTITY OF THE ACCUSED:

11. That the fugitive criminal Mr./Ms. is a national of ... , holder of passport no. valid untill The identity details, along with the photograph, passport copy, and finger prints, if any, of the accused, duly identified and certified, are annexed herewith as annexure

UNDERTAKING CONCERNING PROSECUTION FOR OFFENCES FOR WHICH EXTRADITION IS SOUGHT:

12. That I solemnly affirm that if the accused Mr./Ms, a (nationality) national, currently residing at is extradited to India, he/she will be tried only for those offences for which his extradition is being sought.

UNDERTAKING IF THE OFFENCE CHARGED CARRIES DEATH PENALTY:

13. Pursuant to section 34C of the Extradition Act, 1962, where a fugitive criminal, who has committed an extradition offence punishable with death in India, is surrendered or returned by a foreign State on the request of the Central Government and the laws of that foreign State do not provide for a

death penalty for such an offence, such fugitive criminal shall be liable for punishment of imprisonment for life only for that offence. A copy of section 34C of the Extradition Act, 1962 is annexed herewith as annexure....

14. That the fugitive has not been convicted and sentenced for the offences for which his/her extradition is being sought by any court of law in India.

OR THE FOLLOWING PARA DEALING WITH CONVICTED PERSONS AS APPLICABLE

14. That the fugitive criminal Mr./Ms. ... having been convicted by the LD. Court of, at ... under section of IPC/Act, is required to undergo sentence and serve his prison term in India.

15. That the purpose of this affidavit is to support the request of the Republic of India seeking extradition of fugitive Mr./Ms. ... (name of the accused), a citizen of (country of citizenship), currently residing at (name of the present country of residence), to India for his/her prosecution/trial pending before the competent court in accordance with law.

DEPONENT

Certification of Evidence

That in the matter of extradition request of the Government of India for the extradition of Mr./Ms. ... (name of the accused), national of from (name of the requested country), I, (name of the Superintendent of Police), aged years, son/daughter of, presently working as ... (designation of deponent) in (name of the place/organisation), (State/place), India, do hereby certify that the evidence summarised in this affidavit and contained in the attached documents is available for trial and is sufficient under the law of India to justify committal for trial.

VERIFICATION

I, (name of the Superintendent of Police), aged years, son/daughter of, working as ... (designation of deponent) in ... (name of the place/organisation), (State/place), India, do hereby solemnly affirm and state that the contents of the affidavit from paragraphs 1 to, are true and correct based on the records available, to the best of my knowledge, information and

belief and in testimony whereof I have signed this Affidavit at (Name of the place), India.

Verified on this the day of (Month) 20....

DEPONENT

(Name of the officer) Superintendent of Police

(Name of the place/state) India

