

ITEM NO.25

COURT NO.2

SECTION II-E

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

RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL)Diary No(s).44549/2025

[Arising out of impugned final judgment and order dated 27-03-2025 in CRLP No.4000/2025 and order dated 29-04-2025 in WPHC No.34/2025 passed by the High Court of Karnataka at Bengaluru]

MOHAMMED MUBARAK

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

IA No. 208098/2025 - CONDONATION OF DELAY IN FILING

IA No. 208097/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 208100/2025 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 04-09-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) Dr. Aditya Sondhi, Sr. Adv.
Mr. Talha Abdul Rahman, AOR
Mr. M Shaz Khan, Adv.
Mr. Faizan Ahmed, Adv.
Mr. Sudhanshu Tewari, Adv.
Mr. Anubhav Kumar, Adv.
Mr. Rafid Akhter, Adv.

For Respondent(s)

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

1. The application for permission to file the Special Leave Petition is allowed.
2. Delay condoned.
3. We have heard learned Senior Counsel for the petitioner, who claims to be the next friend of respondent No.4 - the alleged detainee.
4. We find from the averments that the Entry Visa of respondent No.4 - the alleged detainee, who is a Nigerian National and had come to India on 04.09.2015, had expired on 09.09.2015. The alleged detainee had surrendered his passport to the custody of the City Civil and Sessions Court, Greater Bombay, in the pending

criminal proceedings. It further seems that while he was already in custody in Bangalore, the Central Crime Branch arrested him in another case pertaining to the sale of illicit drugs. Eventually, the chargesheet was filed and the Sessions Court had taken cognizance of the charges against the detinue on 03.02.2025. Thereafter, respondent No.4 - the alleged detinue filed a Criminal Petition before the High Court seeking quashing of his arrest on various grounds, which has been dismissed vide the impugned judgment dated 27.03.2025.

5. The petitioner has filed the instant Special Leave Petitions claiming to be the next friend of respondent No.4 - the alleged detinue and further alleging that no sooner was the Habeas Corpus Petition dismissed, the detinue was detained by the Foreigners Restriction Centre.

6. While we decline to entertain these Special Leave Petitions on behalf of the petitioner, we request the Executive Chairman of the Karnataka State Legal Services Authority to immediately depute a legal-aid counsel, who will contact the Foreigners Restriction Centre and, thereafter, shall establish contact with respondent No.4 - the alleged detinue. The State Legal Services Authority shall provide free legal-aid to respondent No.4 - the alleged detinue to enable him to execute the necessary documents for filing Special Leave Petition before this Court. The State Legal Services Authority shall immediately forward those documents to the Secretary of the Supreme Court Legal Services Committee. The Secretary of the said Committee, after getting necessary approval, shall appoint some Senior Advocate, preferably having expertise in the field, to pursue the Special Leave Petition that may be filed by respondent No.4/alleged detinue.

7. With these directions, these Special Leave Petitions stand disposed of.

8. As a result, the pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR

