

ITEM NO.4

COURT NO.10

SECTION II-C

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 12912/2024

(Arising out of impugned final judgment and order dated 18-06-2024 in WPMD No. 12891/2024 passed by the High Court of Judicature at Madras at Madurai)

JYOTI TOBI JONES

Petitioner(s)

VERSUS

THE ADDITIONAL SECRETARY TO THE GOVERNMENT & ORS. Respondent(s)

(IA No. 213353/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 213354/2024 - EXEMPTION FROM FILING O.T.)

Date : 18-10-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Puneet Singh Bindra, Adv.
Mr. Shivam Singh, Adv.
Mr. Yasharth Kant, AOR
Ms. Sonal Kushwah, Adv.
Mr. Suryaansh Kishan Razdan, Adv.
Mr. Abhas Upmanyu, Adv.

For Respondent(s) Mr. D.kumanan, AOR

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

- 1 The applicant before us is a Nigerian citizen. According to him, he got married with an Indian Lady in 2019. A First Information Report came to be lodged against him at the Police Station Tirunelveli, OCD - II, bearing FIR No. 27 of 2023 for the offence punishable under Sections 66D of the Information and Technology Act and Sections 406, 420, 465 and 468 of the Indian Penal Code, 1860 (for short, the "IPC").

- 2 After his arrest in connection with aforesaid FIR, he was ordered to be released on bail by the Court of Judicial Magistrate No. 1, Tirunelveli vide order dated 17th April, 2024. It appears that before the applicant could furnish bail bond and get himself released, a Government Order came to be passed by the State of Tamil Nadu dated 26th April, 2024 ordering his confinement in a Special Detention Camp.
- 3 The Government Order referred to above came to be challenged by the applicant before the High Court. The challenge failed.
- 4 In such circumstances, he is here before this court with the present petition.
- 5 According to the learned counsel appearing for the petitioner, his client had a valid Visa when he came to India. However, the validity period of the Visa expired and in such circumstances, he had to apply for extension of the same. He further pointed out that he has also applied with the Government of India for Indian citizenship, since he has married to a lady from the State of Uttar Pradesh.
- 6 We have no idea what is the status of his application seeking extension of Visa or how the same has been dealt with by the authorities concerned. We also have no idea what is the status of his application seeking Indian Citizenship. All that has been pointed out to us is that his wife, as on date, is residing in the State of Uttar Pradesh.
- 7 *Prima facie*, it could be said that his stay in the country as on date is illegal because he has no valid Visa for stay in the country.

- 8 In such circumstances, we permit the petitioner to implead the Union of India through the Ministry of Home Affairs and Ministry of External Affairs.
- 9 Let notice be issued to the newly impleaded respondents returnable within two weeks.
- 10 On the next date of hearing, the authority concerned, i.e., the newly impleaded respondent shall file a report before this Court as regards the status of the Visa and other documents of the petitioner before us.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR