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

Reserved on: 16th October, 2026
Pronounced on: 27th October, 2026
Uploaded on: 27th October, 2026

\# **CNR No. DLHC010477512026**

\+ W.P.(CRL) 3123/2026

RISHI LEVI .....Petitioner

Through: Mr. K. K. Manan, Senior Advocate with Ms. Uditi Bali, Mr. Luv Manan, Mr. K. S. Chaudhary, Mr. Mayank Arora, Ms. Reenaya Grover, Mr. Karan, Ms. Ashmita Singh and Ms. Purnima Das, Advocates.

versus

CBI .....Respondent

Through: Ms. Rajni Gupta, SPP with Mr. Shivender Gupta and Mr. Siddharth Shekhar, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. The Petitioner, presently in the custody of the Philippine authorities, faces extradition to India in connection with a criminal case investigated by the Central Bureau of Investigation[1]. He has invoked Articles 226 and 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik

[1] "CBI"

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

Suraksha Sanhita, 2023,[2] to assail the order passed in November 2014 by the Additional Chief Metropolitan Magistrate, East District, Karkardooma Courts, Delhi, declaring him a Proclaimed Offender under Section 82 of the Code of Criminal Procedure, 1973[3]. He also seeks a stay of the order dated 1st July, 2026 passed by the Chief Judicial Magistrate, Rouse Avenue District Courts, in connection with the request for his extradition from the Philippines.

2. Two questions arise for consideration. The first is whether the proclamation proceedings undertaken in 2014 were lawful, particularly in light of the Petitioner's contention that although his Australian address was recorded in the charge-sheet, no attempt was made to serve him there, and that he had left India after joining the investigation, at a time when no judicial order restrained him from travelling abroad. The second is whether setting aside those proceedings would affect the warrants of arrest, the INTERPOL Red Notice or the extradition process initiated to secure his presence before the Trial Court.

Background

3. The impugned proceedings arise from the FIR No. RC-BD1/2006/E/0009, registered by the Central Bureau of Investigation[4] on 20th November, 2006, concerning alleged irregularities in merchanting trade transactions undertaken by the National Agricultural Cooperative Marketing Federation of India Ltd.[5] According to the CBI, the transactions involved the use of letters of credit issued by Renfrew Security Bank & Trust (Offshore) Ltd., Cyprus, against purported overseas sales which were not supported by

---

[2] "BNSS"
[3] "Cr.P.C."
[4] "CBI"
[5] "NAFED"

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

genuine commercial transactions. The prosecution alleges that NAFED consequently suffered a wrongful loss of approximately ₹233.40 crore.

4. Upon completion of investigation, the CBI filed a charge-sheet on 23rd December, 2009 against thirteen accused persons, including the Petitioner, for offences under Section 120B read with Sections 409, 420, 467, 468 and 471 of the Indian Penal Code, 1860,[6] together with the substantive offences attributed to the respective accused. The Petitioner, arrayed as accused No. 7, is alleged to have acted as the Indian agent of Renfrew Security Bank and to have facilitated the arrangement of accommodation letters of credit. The CBI further alleges that he received substantial commission payments from a co-accused in connection with these transactions. These allegations form the subject matter of the pending prosecution and do not require adjudication in the present proceedings.

5. It is undisputed that the Petitioner joined the investigation on one occasion in 2008 and thereafter left India. According to him, he departed on 24th November, 2008, before the charge-sheet was filed. The CBI, however, contends that, being aware of the investigation, he left the country to evade the criminal process and has not returned since.

6. The charge-sheet records two addresses of the Petitioner: one at DLF Phase-I, Gurgaon, and the other at James Street, Ingleburn, New South Wales, Australia. The address particulars are marked as unverified. The fact remains, however, that the investigating agency had recorded an identifiable Australian address before the commencement of proceedings against the Petitioner before the criminal court.

---

[6] "IPC"

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

7. Cognizance of the offences was taken on 26th February, 2010 and summons were issued to the accused persons, including the Petitioner. The order dated 30th March, 2010 is of particular significance. It expressly records that the Petitioner, along with two other accused persons, had not been served and directs that they be served afresh through the Investigating Officer. There is nothing in the material placed before this Court to establish that the subsequent attempt resulted in service upon the Petitioner.

8. On 25th July, 2011, the ACMM recorded the Petitioner's absence. The order does not record that summons had been duly served upon him. Subsequently, on 29th May, 2013, non-bailable warrants were issued against the Petitioner and two other absent accused persons. The order does not disclose the circumstances in which service of summons upon the Petitioner was treated as complete, nor does it record any specific reason for resorting to non-bailable warrants notwithstanding the earlier non-service.

9. The warrants remained unexecuted. By order dated 12th August, 2014, the ACMM, observing that the concerned accused appeared to be absconding, directed issuance of process under Section 82 Cr.P.C. and opening of Look-Out Circulars. On 27th September, 2014, the Court specifically recorded that the process issued under Section 82 against the Petitioner had been received back not properly served. Thereafter, by the impugned order passed in November 2014, the ACMM, referring to the reports and statements of the process servers, declared the Petitioner and co-accused Harsh Shori as Proclaimed Offenders and directed issuance of process under Section 83 Cr.P.C.

10. There is some discrepancy concerning the date of the impugned declaration. While the petition describes it as an order dated 28th November,

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

2014, the CBI refers to 10th November, 2014. The copy annexed to the petition does not clearly disclose the date on which the declaration was made and refers to 28th November, 2014 as the next date of hearing. The identity and contents of the order under challenge are, however, not in dispute.

11. The subsequent developments are also relevant. Open-ended non-bailable warrants were issued against the Petitioner in November 2024. According to the CBI, an INTERPOL Red Notice was issued on 17th March, 2026. Upon the Petitioner being traced to the Philippines, a request for his provisional arrest was transmitted in May 2026. On 10th June, 2026, the CJM directed issuance of fresh open-ended warrants upon the CBI pointing out that Section 409 IPC had inadvertently been omitted from the earlier warrants. By order dated 1st July, 2026, the CJM countersigned the extradition affidavit and supporting documents, which were thereafter handed over to the investigating officer for further action. The CBI states that the extradition dossier was forwarded through diplomatic channels in July 2026 and that the Petitioner was arrested by the Philippine authorities on 9th September, 2026. He is presently stated to be in their custody.

Submissions

12. Mr. K.K. Manan, Senior Counsel appearing for the Petitioner, submits that the declaration under Section 82 Cr.P.C. is fundamentally defective. He points out that the Petitioner had left India before the filing of the charge-sheet and that the subsequent summons were never served upon him. Particular reliance is placed upon the order dated 30th March, 2010, recording non-service, and the charge-sheet itself, which mentioned an Australian address. It is argued that notwithstanding this information, no attempt was made to secure service through the Ministry of Home Affairs, the Ministry of External

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

Affairs or any other recognised channel. Senior Counsel further relies upon the order dated 27th September, 2014, expressly recording that the process under Section 82 had not been duly served.

13. Relying upon ***Manish Popli v. Central Bureau of Investigation***,[7] ***Hitesh Kumar v. State (NCT of Delhi)***[8], ***Sucha Singh v. State of Punjab***[9], and ***H.P. Nikhil Petrol Pump v. Ravi Kumar***[10], Mr. Manan submits that a person already residing abroad cannot be presumed to be absconding merely because summons or warrants issued at an Indian address remain unserved. It is further contended that the offences attributed to the Petitioner do not fall within Section 82(4) Cr.P.C. and, therefore, his declaration as a Proclaimed Offender is independently unsustainable.

14. On the question of extradition, Mr. Manan submits that the Petitioner is willing to return to India voluntarily, submit to the jurisdiction of the Trial Court and furnish a specific undertaking to appear and participate in the criminal proceedings. It is urged that, since the Petitioner is presently in the custody of the Philippine authorities, arrangements may be made by the Indian authorities, in coordination with their counterparts in the Philippines, to facilitate his transfer to India. He accordingly requests that the extradition proceedings be kept in abeyance for a limited period to enable his return, subject to such undertakings and safeguards as this Court may consider appropriate to secure his presence before the Trial Court.

15. Ms. Rajni Gupta, SPP for the CBI, opposes the petition both on maintainability and merits. She submits that the petition has been instituted

---

[7] 2026:DHC:2499
[8] 2025:DHC:9529
[9] 2024 SCC OnLine P&H 1798
[10] 2024:PHHC:087055

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

through a person claiming to be the Petitioner's general power-of-attorney holder, on the strength of an instrument purportedly executed in the Philippines. Her principal objection is that the document has not been apostilled or otherwise duly authenticated for use in India. Further, the particulars and signatures of the witnesses have been left blank. She consequently questions the authenticity of the instrument, including whether it was indeed executed by the Petitioner, whether the identity of the executant was duly verified and whether the circumstances of its execution can be reliably ascertained. It is submitted that, in the absence of proper authentication, the authority of the attorney holder to institute and pursue the present proceedings on behalf of the Petitioner remains unestablished. Reliance is placed upon ***T.C. Mathai v. District & Sessions Judge, Thiruvananthapuram***[11], ***Amrinder Singh v. State (NCT of Delhi)***[12], ***Haji Iqbal v. State of U.P.***[13], ***Dr. Syed Shamsuddin Babar v. Ikram Ali Kaleem***[14], and ***Rakesh Mehra v. State of Uttarakhand***[15].

16. On merits, she emphasises that the Petitioner was fully aware of the investigation when he left India in 2008, did not appear before the Trial Court thereafter, and took no effective steps to submit to its jurisdiction even after executing the power of attorney in 2024. It is submitted that the present proceedings were instituted only after the Petitioner was apprehended in the Philippines. The CBI relies upon ***Abhishek v. State of Maharashtra***[16] and

---

[11] (1999) 3 SCC 614
[12] 2022 SCC OnLine Del 24
[13] 2023 SCC OnLine All 829
[14] 2002 SCC OnLine AP 1445
[15] Criminal Misc. Application No. 135 of 2024 & Writ Petition (Criminal) No. 159 of 2023 decided on 17th June, 2026
[16] (2022) 8 SCC 282

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

Yash Dev Singh Sejwal v. State[17], to submit that an accused who deliberately remains beyond the reach of the criminal court is not entitled to discretionary indulgence.

17. As regards the Petitioner's willingness to return, Ms. Gupta submits that Article 15 of the Extradition Treaty between India and the Philippines expressly provides for voluntary surrender and that the Petitioner is at liberty to avail himself of that provision. The CBI, however, opposes an arrangement involving the Petitioner's release from custody in the Philippines merely upon an undertaking to appear in India, as there would then be no effective assurance of securing his presence.

Analysis

Maintainability of the petition

18. The preliminary objection regarding institution of the petition through a power-of-attorney holder may first be considered. In *T.C. Mathai*, the Supreme Court held that a power-of-attorney holder cannot substitute for the personal appearance of an accused where such appearance is required by the Cr.P.C. The Court also distinguished representation through an attorney from representation by a legal practitioner permitted to appear under the Code. The decision does not, however, lay down that every challenge instituted on behalf of an accused through an attorney holder must necessarily be rejected without examining the nature of the proceedings and the circumstances preventing personal institution.

19. In *Amrinder Singh*, a Coordinate Bench of this Court declined to entertain a petition instituted through a special power-of-attorney holder

[17] 2024:DHC:28

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

seeking quashing of an FIR, the charge-sheet and consequential proceedings, including proceedings under Sections 82 and 83 Cr.P.C. A similar approach was adopted in *Haji Iqbal*, where the Court also found material defects and inconsistencies in the instrument of authority and the explanation furnished for the accused's absence. The decisions in *Dr. Syed Shamsuddin Babar* and *Rakesh Mehra* likewise emphasise that an attorney holder cannot be employed as a substitute for an accused's submission to the criminal process. In *Rakesh Mehra*, the accused had failed to appear despite opportunities afforded to him, and the validity of the proclamation and Look-Out Circular was not itself directly under challenge.

20. The question has also been considered by this Court in ***Sachin Dev Duggal v. Directorate of Enforcement***[18]. After considering, *inter alia*, *T.C. Mathai* and *Amrinder Singh*, the Court declined to reject a petition challenging non-bailable warrants merely because it had been instituted through a power-of-attorney holder. The Court took into account the petitioner's residence abroad and the circumstances preventing him from personally approaching the Court. Reference was also made to the decision of the Division Bench of the Punjab and Haryana High Court in ***Mangal Dass Gautam v. State of Haryana***[19], which recognised that maintainability in such cases must be determined with reference to the facts, the authority conferred and the reasons for institution through an attorney.

21. In the present case, the power of attorney authorises the holder to institute and pursue proceedings concerning criminal cases against the Petitioner. It is true that the witness columns are unsigned and no apostille is

[18] 2025 SCC OnLine Del 9366
[19] 2018 SCC OnLine P&H 8136

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

apparent on the copy placed on record. These are deficiencies bearing upon proof and authentication of the instrument, and the CBI is entitled to raise them. Equally, the Court must consider the nature of the relief sought. The challenge is directed principally against judicial orders, the contents of which are ascertainable from the record, and not upon disputed factual assertions resting exclusively within the attorney holder's personal knowledge. The Petitioner is also presently detained in the Philippines pursuant to the process initiated at the instance of the Indian authorities.

22. In these circumstances, the Court is not persuaded to reject the petition at the threshold solely on account of its institution through the attorney holder. This conclusion is confined to the maintainability of the present challenge and does not amount to recognising the attorney holder as a substitute for the Petitioner's personal appearance before the Trial Court. Nor does it dispense with the requirement of proper authentication or personal verification wherever the nature of any further proceedings may require it.

Validity of the proclamation proceedings

23. Section 82(1) Cr.P.C. empowers a Court to issue a written proclamation where it has reason to believe that a person against whom a warrant has been issued has absconded or is concealing himself so that the warrant cannot be executed. The proclamation must require appearance at a specified place and time, allowing not less than thirty days from the date of its publication. Section 82(2) prescribes the manner of publication, including public reading at a conspicuous place in the town or village where the person ordinarily resides, affixation at the prescribed place and affixation at the courthouse. Section 82(3) accords conclusive evidentiary effect to a written statement by the issuing Court recording due publication on a specified day in the

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

prescribed manner.

24. These requirements operate at distinct stages. Before issuing a proclamation, the Court must have material giving it reason to believe that the person concerned has absconded or is concealing himself to avoid execution of the warrant. Once issued, the proclamation must be published in the manner prescribed and must allow the statutory period for appearance. The mere return of a warrant unexecuted satisfies neither requirement. The satisfaction under Section 82 must be founded on material indicating deliberate evasion; it cannot be inferred merely because process issued at an address where the accused no longer resides has remained unexecuted.[20]

25. The charge-sheet was filed on 23rd December, 2009. On 26th February, 2010, the Court took cognizance and issued summons to the accused, including the Petitioner. On 30th March, 2010, the ACMM recorded that the Petitioner had not been served and directed the Investigating Officer to serve him afresh. Nothing on record shows that he was served thereafter.

26. The charge-sheet expressly contained an Australian address. The CBI's reply states that summons could not be served at the known addresses in India, but does not disclose any attempt to verify the Australian address or effect service there. Section 105 Cr.P.C. contemplated reciprocal arrangements for service of judicial process outside India. The Ministry of Home Affairs had also issued comprehensive guidelines on 11th February, 2009 governing service of summons, notices and judicial process upon persons residing abroad.[21] By 2014, mutual legal assistance arrangements between India and Australia provided a recognised channel for seeking service of judicial

[20] Hitesh Kumar v. State (NCT of Delhi), 2025:DHC:9529.
[21] No. 25016/17/2007-Legal Cell Government of India Ministry of Home Affairs, IS Division-II:Legal Cell

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

documents.

27. These circumstances assume significance in examining whether the satisfaction required under Section 82(1) Cr.P.C. was justified. The order dated 12th August, 2014 proceeded upon the return of the non-bailable warrants as unexecuted, without identifying any material indicating that the Petitioner had absconded or was concealing himself to evade their execution. When the investigating agency was already aware of his overseas address, but had demonstrated no effort to pursue it, the mere failure to execute the warrants could not, by itself, justify an inference of deliberate evasion.

28. The later proceedings do not cure the defect. On 27th September, 2014, the ACMM recorded that the process under Section 82 Cr.P.C. had been returned *not duly served*. The impugned order thereafter relies on the statements of two process servers to declare the Petitioner a Proclaimed Offender. Even if the proclamation was subsequently published in the manner prescribed by Section 82(2), due publication could not supply the jurisdictional requirement under Section 82(1). Before issuing the proclamation, the Court was required to record its satisfaction, on the basis of material before it, that the Petitioner had absconded or was concealing himself so that the warrant could not be executed. The impugned order identifies no such material beyond his absence and the return of the process unexecuted, although his overseas address was available with the investigating agency.

29. In *Manish Popli*, this Court set aside proclamation proceedings against an accused residing in Australia where the investigating agency, despite knowledge of his overseas residence, had not pursued service through legally recognised channels. The judgment examined both the material necessary for the Court's satisfaction under Section 82 and the procedure followed in

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

issuing the proclamation. The facts of *Manish Popli* are not identical. The accused in that case had maintained communication with the investigating agency and had also faced restrictions affecting his ability to travel. Nevertheless, the principle concerning the need for a proper statutory foundation before invoking Section 82 is directly relevant.

30. The decisions in *Sucha Singh and H.P. Nikhil Petrol Pump* similarly recognise that residence abroad, particularly before issuance of the relevant warrants, cannot without further material be equated with abscondence. Those decisions do not establish that departure from India before issuance of a warrant invariably excludes deliberate evasion. In the present case, the Petitioner knew of the investigation before leaving India. His subsequent conduct is therefore a relevant circumstance, but it does not relieve the Court of the obligation to satisfy the requirements of Section 82.

31. There is also an independent statutory infirmity in the declaration. Section 82(4) Cr.P.C. authorises a Court, after the prescribed inquiry, to pronounce a person a Proclaimed Offender only where the proclamation concerns an offence enumerated in that provision. The offences attributed to the Petitioner, namely Sections 120B, 409, 420, 467, 468 and 471 IPC, are not included in that enumeration. In ***Sanjay Bhandari v. State (NCT of Delhi)***[22]**,** this Court explained the distinction between a person against whom a proclamation has been validly issued under Section 82(1) and a person who may additionally be declared a Proclaimed Offender under Section 82(4). The distinction was subsequently applied in *Yash Dev Singh Sejwal*.

32. The offences alleged against the Petitioner are not listed in Section

[22] 2018 SCC OnLine Del 10203

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

82(4) Cr.P.C. He could not, therefore, have been declared a Proclaimed Offender. Further, the record does not show that summons were sent to his Australian address, that there was material to conclude that he had absconded or concealed himself, or that the process was duly published after the order dated 27th September, 2014. The proclamation must therefore be set aside.

The Petitioner's conduct and delay

33. The Court has also considered the CBI's objection founded upon the Petitioner's conduct. He joined investigation in 2008 and subsequently left India. The assertion made in the proceedings that he had departed before registration of the FIR is contrary to the admitted chronology, the FIR having been registered in November 2006. His failure to return or approach the Trial Court for several years is also a circumstance requiring explanation.

34. Of particular significance is the power of attorney executed in 2024, authorising representation in criminal proceedings instituted against the Petitioner in India. Whatever may have been his knowledge of the specific judicial proceedings in 2010 or 2014, this document indicates awareness of the need to pursue remedies concerning those proceedings by 2024. Yet the present challenge was instituted only after his apprehension in the Philippines in September 2026. The explanation attributing this delay to the negligence of his attorney holder does not satisfactorily account for the prolonged inaction.

35. In ***Abhishek v. State of Maharashtra***[23] the Supreme Court observed that a person who remains beyond the reach of the investigating agency while deliberately avoiding the process of law would ordinarily not deserve

[23] (2022) 8 SCC 282

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

discretionary indulgence. In *Yash Dev Singh Sejwal*, this Court declined interference with the underlying coercive proceedings having regard to the accused's repeated participation in related litigation, knowledge of the proceedings and prolonged failure to appear.

36. These principles bear upon the relief that may appropriately be granted. They do not, however, authorise the continuation of a declaration made without satisfying the governing statutory requirements. The validity of the proclamation must be assessed by reference to the law and the material supporting its issuance. Subsequent conduct cannot retrospectively establish compliance which was not shown when the proclamation was made. Equally, setting aside the proclamation does not absolve the Petitioner of his obligation to face the pending prosecution.

37. For the reasons discussed above, the proceedings initiated against the Petitioner under Section 82 Cr.P.C. pursuant to the order dated 12th August, 2014, and the resulting declaration as a Proclaimed Offender in November 2014, cannot be sustained. Both are liable to be set aside insofar as they concern the Petitioner. This conclusion is confined to the proclamation proceedings and does not affect the warrants of arrest issued against him, whose validity has not been examined in these proceedings.

Effect upon the Red Notice and extradition proceedings

38. The remaining question concerns the consequences of setting aside the proclamation. The Petitioner seeks a stay of the order dated 1st July, 2026 passed by the CJM in connection with the extradition request. That order, however, did not itself direct extradition. It records that the competent CBI officer signed the extradition affidavit and supporting documents in Court, whereafter those documents were countersigned by the CJM and handed over

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

to the investigating officer for further action. The extradition request was thereafter pursued through the competent authorities.

39. Extradition is governed by a legal framework distinct from the procedure for proclamation under Section 82 Cr.P.C. Article 8 of the Extradition Treaty between India and the Philippines provides that a request for extradition shall be made through diplomatic channels. Where the request concerns a person accused of an offence, Article 8(3) requires an arrest warrant issued by a judge, magistrate or other competent authority, together with the evidence contemplated by the Treaty. Article 9 separately provides for provisional arrest and expressly permits a request to be transmitted through INTERPOL. Neither provision requires that the person sought must first have been declared a Proclaimed Offender under Indian criminal procedure.

40. The nature and legal effect of an INTERPOL Red Notice was explained by the Supreme Court in ***Bhavesh Jayanti Lakhani v. State of Maharashtra***[24]. A Red Notice is a mechanism of international police cooperation and is not, by itself, an arrest warrant. Under INTERPOL's Rules on the Processing of Data, a Red Notice seeking a person for prosecution must be supported by a valid arrest warrant or an equivalent judicial decision. The issuance and continuation of such a notice must satisfy the applicable requirements of those Rules.

41. In the present case, non-bailable warrants had been issued against the Petitioner even before the proclamation proceedings commenced in 2014. Subsequently, open-ended non-bailable warrants were issued on 26th

[24] (2009) 9 SCC 551

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

November, 2024, followed by the INTERPOL Red Notice on 17th March, 2026. On 10th June, 2026, the Chief Judicial Magistrate directed issuance of fresh open-ended warrants after the CBI pointed out that Section 409 IPC had inadvertently been omitted from the earlier warrants. The previously issued warrants were returned and taken on record. It was thereafter, on 1st July, 2026, that the Chief Judicial Magistrate countersigned the extradition affidavit and supporting documents for transmission through the competent authorities.

42. The warrants of arrest and the proclamation under Section 82 CrPC are distinct judicial processes. Setting aside the proclamation does not invalidate the warrants, which remain unaffected by this judgment. Consequently, the invalidity of the 2014 proclamation furnishes no ground, by itself, to interfere with the order dated 1st July, 2026, or to direct suspension of the INTERPOL Red Notice or the pending extradition proceedings. These measures shall continue to be governed by the Treaty and applicable law.

43. The CBI shall communicate this judgment, through the prescribed channels, to India's National Central Bureau for INTERPOL and the authorities handling the extradition request, including the Philippine authorities wherever the 2014 proclamation formed part of the material furnished to them. The communication shall clarify that the subsequent warrants and pending prosecution remain unaffected, enabling the National Central Bureau to make the necessary updates and assess the Red Notice in accordance with Article 80(2) of INTERPOL's Rules on the Processing of Data.

Voluntary surrender and return to India

44. Mr. Manan submits that the Petitioner is willing to return to India,

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

submit to the jurisdiction of the Trial Court and furnish appropriate undertakings. He contends that his voluntary return would serve the purpose of the extradition proceedings. In response, counsel for the CBI points out that Article 15 of the India-Philippines Extradition Treaty provides for voluntary surrender and that the Petitioner may avail himself of that procedure.

45. Indeed, Article 15 permits the Requested State, upon the written consent of the person sought, to surrender that person to the Requesting State as expeditiously as possible without further proceedings. The Supreme Court of the Philippines has also framed the Rules on Extradition Proceedings, A.M. No. 22-03-29-SC, dated 8th April, 2025, which came into effect on 10th November, 2025. Rule 5 provides for voluntary surrender even where the person concerned is under provisional arrest or extradition proceedings are pending. The procedure contemplates a notarised affidavit of waiver executed with the assistance of counsel, followed by consideration by the competent Philippine court of whether the consent has been given knowingly and voluntarily.

46. Thus, the Treaty and the applicable Philippine Rules expressly contemplate a procedure through which the Petitioner may voluntarily consent to his surrender. The availability of that mechanism also addresses the practical concern expressed by the CBI. The Petitioner is presently in the custody of the Philippine authorities. His return, if he elects voluntary surrender, would take place through the competent authorities in accordance with the applicable legal procedure, rather than upon his release into private custody on the strength of an undertaking furnished before this Court.

47. In these circumstances, no separate arrangement involving suspension of the extradition process or release of the Petitioner from custody abroad is

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

warranted. The decision whether to consent to voluntary surrender must be made by the Petitioner himself, upon legal advice and with full knowledge of its consequences. Nothing in the present judgment requires him to waive any right available under Philippine law.

48. The Petitioner shall accordingly remain at liberty to invoke Article 15 of the Treaty read with Rule 5 of the Philippine Rules on Extradition Proceedings, should he so elect. If voluntary surrender is permitted by the competent Philippine authorities, the Indian authorities may coordinate his transfer in accordance with law. Upon being brought to India, the Petitioner shall be produced before the competent criminal court without avoidable delay and dealt with in accordance with law. Any application concerning bail, custody or other relief shall be considered independently by the competent Court, without being influenced by the observations made herein.

49. The Petitioner has also raised questions concerning his nationality. While the charge-sheet describes him as an Indian national, the subsequent material refers to Australian citizenship, and the Petitioner has claimed residence and citizenship-related rights in the Philippines. It is unnecessary to resolve these questions in the present proceedings. Article 3 of the India-Philippines Extradition Treaty, in any event, provides that the Treaty does not preclude extradition by the Requested State of its own nationals in respect of an extraditable offence. Questions concerning the Petitioner's nationality and their consequences under the applicable law are left open for consideration by the competent authorities, should they arise.

Directions

50. In view of the foregoing discussion, the petition is partly allowed, with the following directions:

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

(i) The order passed by the ACMM, East District, Karkardooma Courts, Delhi, in November 2014, annexed as Annexure-1 to the petition, is set aside insofar as it declares the Petitioner, Rishi Levi, a Proclaimed Offender. Consequently, the proclamation proceedings initiated against him pursuant to the order dated 12th August, 2014 shall also stand set aside.

(ii) The direction for issuance of process under Section 83 Cr.P.C., insofar as it is founded upon the proclamation hereby set aside, shall consequently cease to operate against the Petitioner.

(iii) This judgment shall not operate as cancellation of the warrants of arrest issued against the Petitioner in May 2013, November 2024 or June 2026, none of which has been independently adjudicated upon herein. The pending criminal proceedings shall continue in accordance with law. The competent Court shall remain at liberty to take such steps as may be permissible for securing the Petitioner's presence.

(iv) The prayer for staying the order dated 1st July, 2026 and the extradition proceedings is declined. The present judgment shall not, by itself, require suspension or withdrawal of the INTERPOL Red Notice or the extradition request. Their continuation shall remain subject to the independent requirements of the applicable law and Treaty.

(v) The CBI shall comply with the directions contained in paragraph 43 above.

(vi) The Petitioner shall be at liberty to avail himself of the mechanism for voluntary surrender contemplated under Article 15 of the India-Philippines Extradition Treaty and Rule 5 of the applicable Philippine Rules, subject to the decision of the competent Philippine authorities and compliance with the prescribed procedure.

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40

51. It is clarified that this Court has expressed no opinion on the merits of the allegations against the Petitioner, the independent validity of the subsisting warrants of arrest, or the legality of his detention and the pending proceedings under Philippine law. Those questions, if raised, shall be considered by the competent courts or authorities in accordance with law.

52. The writ petition, along with pending applications, stands disposed of in the aforesaid terms.

SANJEEV NARULA, J

OCTOBER 27, 2026/ab

Signature Not Verified
Digitally Signed
By:HIMANSHI CHAWLA
Signing Date:27.10.2026
18:13:40