

Extradition Act, 1962

Section 16 - Provisional Warrant for Apprehension of Fugitive Criminal

(1) Any Magistrate may issue a provisional warrant for the apprehension of a fugitive criminal from any¹[foreign State] to which this chapter applies who is, or is suspected to be in or on his way to India, on such information and under such circumstances as would, in his opinion, justify the issue of a warrant, if the offence of which the fugitive criminal is accused or has been convicted had been committed within his jurisdiction and such warrant may be executed accordingly.

(2) A Magistrate issuing a provisional warrant shall forthwith send a report of the issue of the warrant together with the information or a certified copy thereof to the Central Government and the Central Government may, if it thinks fit, discharge the person apprehended under such warrant.

(3) A fugitive criminal apprehended on a provisional warrant may, from time to time, be remanded for such reasonable time not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant.

"may" is equivalent to "shall" depending upon the context².

1. Substituted by Act 66 of 1993, Section 3, for the Words "Commonwealth Countries"

2. ANIL KUMAR TEKRIWAL V. NAVIN CHANDRA SINGH, 1997-1 B.L.J. 52 AT P. 56 (PAT.).
