

Extradition Act, 1962

Section 21 - ACCUSED OR CONVICTED PERSON SURRENDERED OR RETURNED BY FOREIGN STATE NOT TO BE TRIED FOR CERTAIN OFFENCES Whenever any

a) the extradition offence in relation to which he was surrendered or returned; or (b) any lesser offence disclosed by the facts proved for the purposes of securing his surrender or return other than an offence in relation to which an order for his surrender or return could not be lawfully made; or (c) the offence in respect of which the foreign State has given its consent.] CHAPTER 5 MISCELLANEOUS OBJECTS AND REASONS "Clause 22.- This clause states the liability of a fugitive criminal in express terms even with regard to offences committed before the commencement of the Act. The clause corresponds to a certain extent section 16 of the Indian Extradition Act, 1903."- S.O.R.OBJECTS AND REASONS "Clause 23.- This clause follows section 20 of the Indian Extradition Act, 1903, but the scope of the clause has been widened so as also to cover offences committed in the air."-S.O.R.OBJECTS AND REASONS "Clause 24.- This clause is on the same lines as sub-section (10) of section 3 of the Indian Extradition Act, 1903."- S.O.R.OBJECTS AND REASONS "Clause 25.- This clause follows sub-section (4) of section 10 of the Indian Extradition Act, 1903. It has been made clear in this clause that the Magistrate, before whom the fugitive criminal is brought, shall have the same powers and jurisdiction in relation to granting of bail as a Court of Session under the Criminal Procedure Code (1898)."- S.O.R.OBJECTS AND REASONS "Clause 26.- This clause follows section 13 of the Indian Extradition Act, 1903."-S.O.R.OBJECTS AND REASONS "Clause 27.- This clause follows S. 3(3) and section 14 of the Indian Extradition Act, 1903." S.O.R.OBJECTS AND REASONS "Clause 29.- This clause follows section 10 of the Fugitive Offenders Act, 1881. with this difference that power under that section is exercisable by a Court whereas the power under this clause is exercisable by the Central Government." S.O.R.OBJECTS AND REASONS "Clause 30.- This clause makes a provision to meet a contingency when the surrender of a fugitive criminal has been requested by more than one State simultaneously. The clause is based mainly on the fact that there are quite a number of offences which consist of a series of penal transactions each one of which may be completed or originated in one or more States separately. Under this clause the Central Government would decide to which State or country a fugitive criminal may be surrendered after taking into consideration all the circumstances of the case namely, the respective dates on which the requisitions were received, the relative gravity of the offence alleged and the like." S.O.R.OBJECTS AND REASONS "Clause 31.- This clause contains the usual restrictions on surrender. The period of fifteen days specified in sub-clause (e) of this clause would enable the fugitive criminal to move the appropriate Court for his release by filini; 11 writ petition of habeas corpus."-- S.O.R.OBJECTS AND REASONS "It has been made clear in this clause that the Central Government cannot modify the application of the provisions of clauses 29 and 31 which shall apply in all cases of extradition under this Bill."-S.O.R.