

ITEM NO.25

COURT NO.2

SECTION X

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

Writ Petition(s)(Criminal) No(s).129/2023

VIKTORIIA BASU

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL &amp; ORS.

Respondent(s)

(IA No. 158783/2025 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 22-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) Mr. R.P. Luthra, Adv.  
Mr. Anjani Kumar Mishra, AOR  
Mr. Himanshu Luthra, Adv.  
Mrs. Hardeep Kaur Mishra, Adv.  
Mr. Praveen Mishra, Adv.  
Mr. Akshay Goswami, Adv.  
Mr. Krishna Gopal Mishra, Adv.  
Mr. Saurav Sharma, Adv.

For Respondent(s) Mrs. Aishwarya Bhati, A.S.G.  
Ms. Swarupma Chaturvedi, Sr. Adv.  
Mr. Raj Bahadur Yadav, AOR  
Mr. Shashank Bajpai, Adv.  
Mr. Raman Yadav, Adv.  
Mr. Abhishek Kumar Pandey, Adv.  
Mr. Chitvan Singhal, Adv.  
Mr. Kartikay Aggarwal, Adv.  
Ms. Chitrangda Rastravara, Adv.  
Mr. Mayank Pandey, Adv.  
Mr. Mukesh Kumar Singh, Adv.  
Ms. Ameyvikrama Thanvi, Adv.

Mrs. Aishwarya Bhati, A.S.G.  
Mrs. Swarupama Chaturvedi, Sr. Adv.  
Mr. Mukesh Kumar Maroria, AOR  
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Mr. Mukesh Kumar Singh, Adv.  
Mr. Mohan Prasad Gupta, Adv.

Mr. P.V. Surender Nath, Sr.Adv.

Mr. Kunal Vajani, Adv.  
 Ms. Shraddha Chirania, Adv.  
 Mr. Kunal Mimani, AOR

Mr. Subhasish Bhowmick, AOR  
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 Mr. Suraj Kumar Singh, Adv.  
 Mr. Reegan S Bel, Adv.  
 Mr. Rakesh Kumar Tiwari, Adv.  
 Mr. Ashutosh Singh, Adv.  
 Mr. Ajeet Kumar, Adv.  
 Mr. Aniruddha Singha Roy, Adv.  
 Mr. Bishwani Kumar, Adv.  
 Mr. Sawan Kumar Shukla, Adv.

Mr. Deepak Goel, AOR  
 Ms. Alka Goyal, Adv.  
 Mr. Jitendra Bharti, Adv.  
 Ms. Urvashi Sharma, Adv.  
 Mr. Mithilesh Kumar Jaiswal, Adv.

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

1. In terms of the directions contained in our order dated 01.08.2025, formal compliance reports from the concerned authorities are still awaited. However, during the course of hearing, learned Additional Solicitor General of India has referred to certain documents.
2. It is revealed that the Ministry of External Affairs, Government of India has sent communications dated 31.07.2025, 07.08.2025, and 12.08.2025 to the Embassy of the Russian Federation in Delhi, reiterating its request to ascertain the whereabouts of Ms. Viktoriia Basu and her minor son and provide the immigration details besides facilitating their return to India to face the subsequent court proceedings.
3. In response thereto, the Embassy of the Russian Federation in India, on 05.08.2025, claimed that in view of the Federal Law No.152-FZ (152-Φ3) dated 27.07.2006 "On Personal Data" and the Federal Law No.51-FZ (51-Φ3) dated 30.11.1994 "The Civil Code of the Russian Federation", disclosure of personal data without the consent of the individual was prohibited. On this premise, since it was unable to contact Ms. Viktoriia for her

consent, the Embassy of the Russian Federation expressed its inability to furnish the requisite information. This position was reiterated on 19.08.2025.

4. It is, however, not in dispute that meanwhile, a formal FIR bearing No.148/2025 has been registered at Police Station Defence Colony (Delhi) against the petitioner on 02.08.2025 under various offences, including the kidnapping of the child and the forgery of travelling documents.

5. That being so, the Embassy of the Russian Federation ought to remind itself of the subsisting bilateral obligations in terms of the "Treaty Between the Republic of India and the Russian Federation on Mutual Legal Assistance in Criminal Matters" entered into in 1998. The Treaty provides that the contracting parties shall grant each other the widest measure of mutual assistance in criminal matters, which would include assistance given by the 'Requested Party' in respect of investigations or proceedings in the jurisdiction of the 'Requesting Party' in a criminal matter. Paragraph 6 of Article 1 of the Treaty further explains that the assistance in terms of the Treaty shall include, *inter alia*, "locating and identifying persons and objects" and "executing requests for search and seizure".

6. Article 4 of the Treaty explains 'location of identification of persons and objects', providing for an obligation that the competent authorities of the 'Requested Party' shall make best efforts to ascertain the location and identity of persons and objects specified in the request. Article 13 of the Treaty also lays down how a 'request for assistance' may be made and carried out.

7. In terms of the obligations contained in the above-mentioned Treaty, we direct the Ministry of External Affairs, Government of India/competent authority to submit a fresh request to the Embassy of the Russian Federation, along with copies of the FIR and other relevant documents, to impress upon the Russian Federation as the 'Requested Party' to provide the requested assistance in terms of the mutual obligations referred to above.

8. In addition, learned Additional Solicitor General of India is requested to contact the Indian Embassy in Russia and to see that the Indian Embassy uses its diplomatic channels in finding out the whereabouts of the petitioner and the minor child.

9. The Delhi Police shall also continue with the investigation, and both the agencies shall submit a fresh Status Report before the next date of hearing.

10. Post the matter for further consideration on 15.09.2025.

(SATISH KUMAR YADAV)  
ADDITIONAL REGISTRAR

(PREETHI T.C.)  
ASSISTANT REGISTRAR