

**IN THE COURT OF SH. SANDEEP YADAV, LD. ASJ, SAKET COURTS,  
NEW DELHI**

**IN THE MATTER OF:**

STATE OF NCT OF DELHI

..PROSECUTION

VERSUS

ABDUL GANIOU AROUNA

...APPLICANT/ACCUSED PERSON

(NIGER NATIONAL)

FIR NO. 63/2020

PS: Crime Branch

Chargesheet No22

U/S: Section 14 (b) Foreigners Act, 1946 r/w

U/s 3 of Epidemic Diseases Act, 1897,

Section 51/58(1) of the Disaster Management Act, 2005 &

Section 188/269/270/271/120B Indian Penal Code, 1860

**APPLICATION ON BEHALF OF THE ABOVENAMED ACCUSED PRAYING  
FOR ORDER GRANTING DEPORTATION AS PER LAW ALONG-WITH  
SUPPORTING AFFIDAVIT**

**MOST RESPECTFULLY SHOWETH:**

1. That the applicant herein, being an Indonesian national, was arrayed as an accused in FIR No. 63/2020 u/s 3 of the Epidemic Diseases Act, 1897 r/w 188/269/270/120B/271 IPC and Section 51(B) of the Disaster Management Act, 2005 registered at P.S. Crime Branch and Final Report u/s 173 of the Code of Criminal Procedure u/s 14(b) of the Foreigners Act, 1946, Section 3 of the Epidemic Diseases Act, 1897 r/w Sections 188/269/270/271 IPC and Section 51/58 of the Disaster Management Act, 2005.
2. That pursuant to cognizance being taken by Ld. CMM-SE, Saket Court, an application praying for discharge u/s 239 of the Code of Criminal Procedure (hereinafter referred to as 'CrPC') was preferred by the applicant herein before the Ld. CMM-SE.
3. That the Ld. CMM-SE vide Order dated 24.08.2020 was pleased to discharge the applicant herein in relation to all offences levelled in FIR No. 63/2020 registered at P.S. Crime Branch. It is noteworthy that the applicant herein is amongst the 8 persons discharged by the Ld. CMM-SE, vide

separate orders. True Copy of Order dated 24.08.2020 passed by the Ld. CMM-SE in Case No. 1567/2020 is marked and annexed as **ANNEXURE R/1 Pg.**

4. That furthermore, the Ld. CMM-SE vide Order dated 10.09.2020 in Case No. 1567/2020 was pleased to release the passport of the applicant herein, however the necessary order directing deportation and closure of LoC was not granted. True Copy of the Order dated 10.09.2020 passed by the Ld. CMM-SE in Case No. 1567/2020 is marked and annexed as **ANNEXURE R/2 Pg.**
5. That consequently, the issue of deportation of the 8 foreign nationals discharged by the Ld. CMM-SE, Saket Court was urged before the Hon'ble Supreme Court of India. Resultantly, the Hon'ble Apex Court vide Order dated 15.10.2020 passed in W.P. (C) No. 600/2020 titled '***Maulana Ala Hadrami & Ors. v. Union of India & Ors.***' granted liberty to the move a formal application before this Ld. Court praying for deportation as per law, even in the event of sub-judice criminal revisional petition, if any, pending before this Hon'ble Court.

*"Learned Additional Solicitor General, on instructions, submits that the eight persons named in the note dated 12th October, 2020, indeed have been discharged by the concerned trial Court. However, against that decision, the State/Department has taken the matter before the Revisional Court and the same is still pending. In that case, those eight named persons are free to make a formal application before the Revisional Court and give appropriate undertaking to that Court including for their return and to remain present in Court, if and when necessary.*

*Subject to that arrangement and on fulfillment of such conditions, as may be imposed by the Revisional Court, the concerned Department of Government of India will have no objection for their travelling to their respective countries.*

*Needless to observe that the Revisional Court may consider the applications filed by the concerned parties expeditiously."*

True Copy of Order dated 15.10.2020 passed by the Hon'ble Supreme Court of India in W.P. (C) No. 600/2020 is marked and annexed as **ANNEXURE R/3 Pg.**

6. That the applicant herein further humbly undertakes to abide by the terms, so directed, by this Hon'ble Court to facilitate the return of the applicant to his country.

PRAYER

In the light of the abovementioned facts and circumstances of the case this Hon'ble Court may graciously be pleased to consider and allow this application praying for deportation of the applicant herein as per law in the interest of justice.

**APPLICANT**

**THROUGH**

**■**

**ASHIMA MANDLA/ MANDAKINI SINGH  
COUNSEL FOR APPLICANT  
117 C.K. DAPHTARY LAWYERS' CHAMBER BLOCK  
OPP. SUPREME COURT OF INDIA  
NEW DELHI -110001  
+91 9999720092**

**Dated: 15.10.2020  
New Delhi**