

ITEM NO.6

COURT NO.14

SECTION II-C

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

Petition for Special Leave to Appeal (CrL.) No. 12912/2024

[Arising out of impugned final judgment and order dated 18-06-2024 in WPMD No. 12891/2024 passed by the High Court of Judicature at Madras at Madurai]

**JYOTI TOBI JONES**

**Petitioner(s)**

**VERSUS**

**THE ADDITIONAL SECRETARY TO THE GOVERNMENT & ORS. Respondent(s)**

**IA No. 213353/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

**IA No. 213354/2024 - EXEMPTION FROM FILING O.T.)**

**Date : 08-01-2025 These matters were called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE J.B. PARDIWALA**

**HON'BLE MR. JUSTICE R. MAHADEVAN**

**For Petitioner(s)** Mr. Shoeb Alam, Sr. Adv.  
Mr. Puneet Singh Bindra, Adv.  
Mr. Anas Tanwir, AOR  
Mr. Ebad Ur Rahman, Adv.  
Ms. Sonal Kushwah, Adv.  
Mr. Suryaansh Kishan Razdan, Adv.  
Mr. Abhas Upmanyu, Adv.

**For Respondent(s)** Mr. Sabarish Subramanian, AOR  
Mr. Vishnu Unnikrishnan, Adv.  
Mr. Danish Saifi, Adv.  
Ms. Aswani Satheesh, Adv.  
Mr. Siddhant Singh, Adv.

**Mr. K.M.nataraj, A.S.G.**

Mr. Vatsal Joshi, Adv.  
Mr. Diwakar Sharma, Adv.  
Mr. Shashank Bajpai, Adv.  
Mr. Prasenjeet Mohapatra, Adv.  
Mr. Akshay Amritanshu, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mr. K M Nataraj, A.S.G.  
Mr. Raj Bahadur Yadav, AOR  
Mr. Vatsal Joshi, Adv.  
Mr. Akshay Amritanshu, Adv.  
Mr. Shashank Bajpai, Adv.  
Mr. Prasenjeet Mahapatra, Adv.  
Mr. Diwakar Sharma, Adv.

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

1. On 18.10.2024, this Court passed the following order:-

"1. The applicant before us is a Nigerian citizen. According to him, he got married with an Indian Lady in 2019. A First Information Report came to be lodged against him at the Police Station Tirunelveli, OCD - II, bearing FIR No. 27 of 2023 for the offence punishable under Sections 66D of the Information and Technology Act and Sections 406, 420, 465 and 468 of the Indian Penal Code, 1860 (for short, the "IPC").

2 After his arrest in connection with aforesaid FIR, he was ordered to be released on bail by the Court of Judicial Magistrate No. 1, Tirunelveli vide order dated 17th April, 2024. It appears that before the applicant could furnish bail bond and get himself released, a Government Order came to be passed by the State of Tamil Nadu dated 26th April, 2024 ordering his confinement in a Special Detention Camp.

3 The Government Order referred to above came to be challenged by the applicant before the High Court. The challenge failed.

4 In such circumstances, he is here before this court with the present petition.

5 According to the learned counsel appearing for the petitioner, his client had a valid Visa when he came to India. However, the validity period of the Visa expired and in such circumstances, he had to apply for extension of the same. He further pointed out that he has also applied with the Government of India for Indian citizenship, since he has married to a lady from the State of Uttar Pradesh.

6 We have no idea what is the status of his application seeking extension of Visa or how the same has been dealt with by the authorities concerned. We also have no idea what is the status of his application seeking Indian Citizenship. All that has been pointed out to us is that his wife, as on date, is residing in the State of Uttar Pradesh.

7 Prima facie, it could be said that his stay in the country as on date is illegal because he has no valid Visa for stay in the country.

8 In such circumstances, we permit the petitioner to implead the Union of India through the Ministry of Home Affairs and Ministry of External Affairs.

9 Let notice be issued to the newly impleaded respondents returnable within two weeks.

10 On the next date of hearing, the authority concerned, i.e., the newly impleaded respondent shall file a report before this Court as regards the status of the Visa and other documents of the petitioner before us."

2. When this matter was last heard, it was brought to our notice that the petitioner, a Nigerian citizen, has been arrested in connection with one another offence and was taken in judicial custody.

3. Today we are informed that the petitioner has been ordered to be enlarged on bail in connection with the said offence. Therefore, the apprehension as expressed by the learned senior counsel

Mr. Shoeb Alam appearing on behalf of the petitioner is that he will be once again confined to the Detention Camp.

4. Having regard to the nature of the allegations levelled against the petitioner and also taking into consideration the fact that the petitioner is a citizen of Nigeria alleged to have been found in possession of bogus visas and other documents, we are not persuaded to interfere with the impugned order passed by the High Court. However, the petitioner must know where he stands so far as his request for citizenship of this country is concerned.

5. The Learned ASG would submit that the concerned Ministry is waiting for certain information to be provided by the State of Uttar Pradesh because the petitioner applied for citizenship from Kanpur.

6. We are of the view that the Union must take an appropriate decision in accordance with law one way or the other.

7. If the citizenship is to be declined then the Union must say so as early as possible and if it is to be granted then it may proceed accordingly. To keep this petitioner in a detention camp for an indefinite period is also not proper. We are informed that he is married to a lady who is an Indian Citizen.

8. In such circumstances, while declining to interfere with the impugned order passed by the High Court, we should direct the Union that all the applications filed by the petitioner shall be

processed within a period of three months from today and the final outcome shall be informed to the petitioner herein.

9. If any information is to be provided by the authorities of the State of Uttar Pradesh, the Union should call for the same at the earliest.

10. If ultimately, the petitioner is to be confined in a Detention Camp in accordance with the rules governing the same pending the final disposal of the prosecutions instituted against him, then he may be kept in any part within the State of Uttar Pradesh and not any other State. We say so because his wife is residing in Kanpur and also there is a language barrier, he being a Nigerian citizen.

11. If the petitioner is to be brought before the trial court in different states in connection with the cases instituted against him then this can be done even through video conferencing.

12. With the aforesaid this petition stands disposed of.

13. Pending application(s), if any, stands disposed of.

(CHANDRESH)  
COURT MASTER (SH)

(POOJA SHARMA)  
COURT MASTER (NSH)