

(2008) 2 Supreme Court Cases 409

(BEFORE A.K. MATHUR AND MARKANDEY KATJU, JJ.)

a SAKIRI VASU .. Appellant;

Versus

STATE OF UTTAR PRADESH AND OTHERS .. Respondents.

Criminal Appeal No. 1685 of 2007[†], decided on December 7, 2007

b **A. Criminal Procedure Code, 1973 — Ss. 154(3) & 36, 156(3), 200 and 482 — Interference by High Court or Supreme Court in matters of non-registration of FIR/improper investigation — Scope of — Caution and approach of High Court laid down — High Court to discourage writ petitions or petitions under S. 482 CrPC where alternative remedies under S. 154(3) r/w S. 36 or S. 156(3) or S. 200 CrPC have not been exhausted, emphasised — Constitution of India — Art. 226 — Maintainability —**
c **Alternative remedy — Exhaustion of (Paras 27 and 28)**

CBI v. State of Rajasthan, (2001) 3 SCC 333 : 2001 SCC (Cri) 524; *R.P. Kapur v. Sardar Pratap Singh Kairon*, AIR 1961 SC 1117, *relied on*

d **B. Constitution of India — Arts. 226, 32 and 136 — Directions for CBI inquiry — Supreme Court and High Court have power under Art. 136 or Art. 226 to order investigation by CBI — But the same should be done only in rare and exceptional cases — Magistrate cannot order investigation by CBI, reiterated — Police — Delhi Special Police Establishment Act, 1946 (25 of 1946) — S. 3 — CBI — Power to order investigation by (Para 31)**

CBI v. State of Rajasthan, (2001) 3 SCC 333 : 2001 SCC (Cri) 524, *relied on*

e **C. Constitution of India — Art. 226 — Interference in criminal matters — When can High Court direct inquiry by CBI — Reiterated, only if material on record discloses prima facie case calling for investigation by CBI or any other similar agency — Not as a matter of routine merely because a party makes some allegation — Allegation of murder against army authorities — Investigation by GRP, Mathura and two inquiries by army authorities concluding it to be a case of suicide — On facts, held, the mere allegation of the appellant that his son was murdered because he had discovered some corruption could not justify a CBI inquiry**
f **(Paras 33 and 34)**

Secy., Minor Irrigation & Rural Engg. Services, U.P. v. Sahngoo Ram Arya, (2002) 5 SCC 521 : 2002 SCC (L&S) 775, *relied on*

g **D. Criminal Procedure Code, 1973 — Ss. 154, 156(3) and Ch. XII — Remedies open to aggrieved person against improper investigation — Interference in the process of investigation — Permissibility and extent of — Reiterated, aggrieved person can claim investigation and proper investigation but has no right to claim investigation by any particular agency like CBI — Constitution of India, Arts. 21 & 226 — Criminal Trial — Investigation (Para 10)**

h

[†] Arising out of SLP (Crl.) No. 6404 of 2007. From the Final Judgment and Order dated 13-7-2007 of the High Court of Judicature at Allahabad in Crl. MWP No. 9308 of 2007

If a person has a grievance that the police station is not registering his FIR under Section 154 CrPC, then he can approach the Superintendent of Police under Section 154(3) CrPC by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156(3) CrPC before the learned Magistrate concerned. If such an application under Section 156(3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation. (Para 11)

Even if an FIR has been registered and even if the police has made the investigation, or is actually making the investigation, which the aggrieved person feels is not proper, such a person can approach the Magistrate under Section 156(3) CrPC, and if the Magistrate is satisfied he can order a proper investigation and take other suitable steps and pass such order(s) as he thinks necessary for ensuring a proper investigation. All these powers a Magistrate enjoys under Section 156(3) CrPC. (Para 13)

Section 156(3) provides for a check by the Magistrate on the police performing its duties under Chapter XII CrPC. In cases where the Magistrate finds that the police has not done its duty of investigating the case at all, or has not done it satisfactorily, he can issue a direction to the police to do the investigation properly, and can monitor the same. (Para 15)

Section 156(3) CrPC is wide enough to include all such powers in a Magistrate which are necessary for ensuring a proper investigation, and it includes the power to order registration of an FIR and of ordering a proper investigation if the Magistrate is satisfied that a proper investigation has not been done, or is not being done by the police. Section 156(3) CrPC, though briefly worded, is very wide and it will include all such incidental powers as are necessary for ensuring a proper investigation. (Para 17)

CBI v. Rajesh Gandhi, (1996) 11 SCC 253 : 1997 SCC (Cri) 88 : 1997 Cri LJ 63, *relied on*

E. Criminal Procedure Code, 1973 — S. 156(3) and Ch. XII — Incidental/Implied powers of Magistrate to direct/monitor police investigation, laid down — Doctrine of implied powers applied — Held, S. 156(3) CrPC is wide enough to include all such powers in a Magistrate which are necessary for ensuring a proper investigation — Criminal Trial — Investigation (Paras 17 to 23)

ITO v. M.K. Mohammad Kunhi, AIR 1969 SC 430; *Union of India v. Paras Laminates (P) Ltd.*, (1990) 4 SCC 453 : 1991 SCC (L&S) 208 : (1990) 14 ATC 798 : AIR 1991 SC 696; *RBI v. Peerless General Finance and Investment Co. Ltd.*, (1996) 1 SCC 642 : AIR 1996 SC 646; *CEO & Vice-Chairman, Gujarat Maritime Board v. Haji Daud Haji Harun Abu*, (1996) 11 SCC 23; *J.K. Synthetics Ltd. v. CCE*, (1996) 6 SCC 92 : AIR 1996 SC 3527; *State of Karnataka v. Vishwabharathi House Building Coop. Society*, (2003) 2 SCC 412; *Savitri v. Govind Singh Rawat*, (1985) 4 SCC 337 : 1985 SCC (Cri) 556 : AIR 1986 SC 984, *applied*

Mohd. Yousuf v. Afaq Jahan, (2006) 1 SCC 627 : (2006) 1 SCC (Cri) 460; *Dilawar Singh v. State of Delhi*, (2007) 12 SCC 641; *State of Bihar v. J.A.C. Saldanha*, (1980) 1 SCC 554 : 1980 SCC (Cri) 272 : AIR 1980 SC 326, *relied on*

SAKIRI VASU v. STATE OF U.P. (*Katju, J.*) 411

Union of India v. Prakash P. Hinduja, (2003) 6 SCC 195 : 2003 SCC (Cri) 1314, *clarified*

F. Doctrines — Doctrine of implied powers — Application — Rationale of — Reiterated, an express grant of statutory powers carries with it by necessary implication the authority to use all reasonable means to make such grant effective (Paras 18 to 23)

Crawford: *Statutory Construction* (3rd Edn., p. 267), *referred to*

Appeal dismissed SS-M/37063/CR

Advocates who appeared in this case :

b Dinesh Kr. Garg, Advocate, for the Appellant.

Chronological list of cases cited **on page(s)**

1. (2007) 12 SCC 641, *Dilawar Singh v. State of Delhi* 413d
2. (2006) 1 SCC 627 : (2006) 1 SCC (Cri) 460, *Mohd. Yousuf v. Afaq Jahan* 413a
3. (2003) 6 SCC 195 : 2003 SCC (Cri) 1314, *Union of India v. Prakash P. Hinduja* 416a-b
- c** 4. (2003) 2 SCC 412, *State of Karnataka v. Vishwabharathi House Building Coop. Society* 414g
5. (2002) 5 SCC 521 : 2002 SCC (L&S) 775, *Secy., Minor Irrigation & Rural Engg. Services, U.P. v. Sahngoo Ram Arya* 416f
6. (2001) 3 SCC 333 : 2001 SCC (Cri) 524, *CBI v. State of Rajasthan* 416c-d, 416d-e
7. (1996) 11 SCC 253 : 1997 SCC (Cri) 88 : 1997 Cri LJ 63, *CBI v. Rajesh Gandhi* 412e-f
- d** 8. (1996) 11 SCC 23, *CEO & Vice-Chairman, Gujarat Maritime Board v. Haji Daud Haji Harun Abu* 414f-g
9. (1996) 6 SCC 92 : AIR 1996 SC 3527, *J.K. Synthetics Ltd. v. CCE* 414g
10. (1996) 1 SCC 642 : AIR 1996 SC 646, *RBI v. Peerless General Finance and Investment Co. Ltd.* 414f-g
- e** 11. (1990) 4 SCC 453 : 1991 SCC (L&S) 208 : (1990) 14 ATC 798 : AIR 1991 SC 696, *Union of India v. Paras Laminates (P) Ltd.* 414f-g
12. (1985) 4 SCC 337 : 1985 SCC (Cri) 556 : AIR 1986 SC 984, *Savitri v. Govind Singh Rawat* 415a
13. (1980) 1 SCC 554 : 1980 SCC (Cri) 272 : AIR 1980 SC 326, *State of Bihar v. J.A.C. Saldanha* 414a, 416d-e
14. AIR 1969 SC 430, *ITO v. M.K. Mohammad Kunhi* 414e-f
- f** 15. AIR 1961 SC 1117, *R.P. Kapur v. Sardar Pratap Singh Kairon* 416d

The Judgment of the Court was delivered by

MARKANDEY KATJU, J.— Leave granted.

2. This appeal is directed against the impugned judgment and order dated 13-7-2007 passed by the Allahabad High Court in Criminal Misc. Writ Petition No. 9308 of 2007.

g **3.** Heard learned counsel for the parties and perused the record.

4. The son of the appellant was a Major in the Indian Army. His dead body was found on 23-8-2003 at Mathura Railway Station. GRP, Mathura investigated the matter and gave a detailed report on 29-8-2003 stating that the death was due to an accident or suicide.

h **5.** The army officials at Mathura also held two courts of inquiry and both times submitted the report that the deceased Major S. Ravishankar had

committed suicide at the railway track at Mathura Junction. The court of inquiry relied on the statement of the sahayak (domestic servant) Pradeep Kumar who made a statement that “deceased Major Ravishankar never looked cheerful; he used to sit on a chair in the verandah gazing at the roof with blank eyes and deeply involved in some thoughts and used to remain oblivious of the surroundings”. The court of inquiry also relied on the deposition of the main eyewitness, gangman Roop Singh, who stated that Major Ravishankar was hit by a goods train that came from Delhi.

6. The appellant who is the father of Major Ravishankar alleged that in fact it was a case of murder and not suicide. He alleged that in the Mathura unit of the army there was rampant corruption about which Major Ravishankar came to know and he made oral complaints about it to his superiors and also to his father. According to the appellant, it was for this reason that his son was murdered.

7. The first court of inquiry was held by the army which gave its report in September 2003 stating that it was a case of suicide. The appellant was not satisfied with the findings of this court of inquiry and hence on 22-4-2004 he made a representation to the then Chief of the Army Staff, General N.C. Vij, as a result of which another court of inquiry was held. However, the second court of inquiry came to the same conclusion as that of the first inquiry, namely, that it was a case of suicide.

8. Aggrieved, a writ petition was filed in the High Court which was dismissed by the impugned judgment. Hence this appeal.

9. The petitioner (the appellant herein) prayed in the writ petition that the matter be ordered to be investigated by the Central Bureau of Investigation (in short “CBI”). Since his prayer was rejected by the High Court, hence this appeal by way of special leave.

10. It has been held by this Court in *CBI v. Rajesh Gandhi*¹ (vide para 8) that no one can insist that an offence be investigated by a particular agency. We fully agree with the view in the aforesaid decision. An aggrieved person can only claim that the offence he alleges be investigated properly, but he has no right to claim that it be investigated by any particular agency of his choice.

11. In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 CrPC, then he can approach the Superintendent of Police under Section 154(3) CrPC by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156(3) CrPC before the learned Magistrate concerned. If such an application under Section 156(3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The

¹ (1996) 11 SCC 253 : 1997 SCC (Cri) 88 : 1997 Cri LJ 63

Magistrate can also under the same provision monitor the investigation to ensure a proper investigation.

- a **12.** Thus in *Mohd. Yousuf v. Afaq Jahan*² this Court observed: (SCC p. 631, para 11)

“11. The clear position therefore is that any Judicial Magistrate, before taking cognizance of the offence, can order investigation under Section 156(3) of the Code. If he does so, he is not to examine the complainant on oath because he was not taking cognizance of any offence therein. For the purpose of enabling the police to start investigation it is open to the Magistrate to direct the police to register an FIR. There is nothing illegal in doing so. After all registration of an FIR involves only the process of entering the substance of the information relating to the commission of the cognizable offence in a book kept by the officer in charge of the police station as indicated in Section 154 of the Code. Even if a Magistrate does not say in so many words while directing investigation under Section 156(3) of the Code that an FIR should be registered, it is the duty of the officer in charge of the police station to register the FIR regarding the cognizable offence disclosed by the complainant because that police officer could take further steps contemplated in Chapter XII of the Code only thereafter.”

- b
- c
- d **13.** The same view was taken by this Court in *Dilawar Singh v. State of Delhi*³ (JT vide para 17). We would further clarify that even if an FIR has been registered and even if the police has made the investigation, or is actually making the investigation, which the aggrieved person feels is not proper, such a person can approach the Magistrate under Section 156(3) CrPC, and if the Magistrate is satisfied he can order a proper investigation and take other suitable steps and pass such order(s) as he thinks necessary for ensuring a proper investigation. All these powers a Magistrate enjoys under Section 156(3) CrPC.

e **14.** Section 156(3) states:

“156. (3) Any Magistrate empowered under Section 190 may order such an investigation as abovementioned.”

- f The words “as abovementioned” obviously refer to Section 156(1), which contemplates investigation by the officer in charge of the police station.

- g **15.** Section 156(3) provides for a check by the Magistrate on the police performing its duties under Chapter XII CrPC. In cases where the Magistrate finds that the police has not done its duty of investigating the case at all, or has not done it satisfactorily, he can issue a direction to the police to do the investigation properly, and can monitor the same.

16. The power in the Magistrate to order further investigation under Section 156(3) is an independent power and does not affect the power of the investigating officer to further investigate the case even after submission of his report vide Section 173(8). Hence the Magistrate can order reopening of

- h
- 2 (2006) 1 SCC 627 : (2006) 1 SCC (Cri) 460 : JT (2006) 1 SC 10
3 (2007) 12 SCC 641 : JT (2007) 10 SC 585

the investigation even after the police submits the final report, vide *State of Bihar v. J.A.C. Saldanha*⁴ (SCC : AIR para 19).

17. In our opinion Section 156(3) CrPC is wide enough to include all such powers in a Magistrate which are necessary for ensuring a proper investigation, and it includes the power to order registration of an FIR and of ordering a proper investigation if the Magistrate is satisfied that a proper investigation has not been done, or is not being done by the police. Section 156(3) CrPC, though briefly worded, in our opinion, is very wide and it will include all such incidental powers as are necessary for ensuring a proper investigation. a
b

18. It is well settled that when a power is given to an authority to do something it includes such incidental or implied powers which would ensure the proper doing of that thing. In other words, when any power is expressly granted by the statute, there is impliedly included in the grant, even without special mention, every power and every control the denial of which would render the grant itself ineffective. Thus where an Act confers jurisdiction it impliedly also grants the power of doing all such acts or employ such means as are essentially necessary for its execution. c

19. The reason for the rule (doctrine of implied power) is quite apparent. Many matters of minor details are omitted from legislation. As Crawford observes in his *Statutory Construction* (3rd Edn., p. 267): d

“... If these details could not be inserted by implication, the drafting of legislation would be an interminable process and the legislative intent would likely be defeated by a most insignificant omission.”

20. In ascertaining a necessary implication, the court simply determines the legislative will and makes it effective. What is necessarily implied is as much part of the statute as if it were specifically written therein. e

21. An express grant of statutory powers carries with it by necessary implication the authority to use all reasonable means to make such grant effective. Thus in *ITO v. M.K. Mohammad Kunhi*⁵ this Court held that the Income Tax Appellate Tribunal has implied powers to grant stay, although no such power has been expressly granted to it by the Income Tax Act. f

22. Similar examples where this Court has affirmed the doctrine of implied powers are *Union of India v. Paras Laminates (P) Ltd.*⁶, *RBI v. Peerless General Finance and Investment Co. Ltd.*⁷ (AIR at p. 656), *CEO & Vice-Chairman, Gujarat Maritime Board v. Haji Daud Haji Harun Abu*⁸, *J.K. Synthetics Ltd. v. CCE*⁹, *State of Karnataka v. Vishwabharathi House Building Coop. Society*¹⁰ (SCC at p. 432), etc. g

4 (1980) 1 SCC 554 : 1980 SCC (Cri) 272 : AIR 1980 SC 326

5 AIR 1969 SC 430

6 (1990) 4 SCC 453 : 1991 SCC (L&S) 208 : (1990) 14 ATC 798 : AIR 1991 SC 696

7 (1996) 1 SCC 642 : AIR 1996 SC 646

8 (1996) 11 SCC 23

9 (1996) 6 SCC 92 : AIR 1996 SC 3527 h

10 (2003) 2 SCC 412

a **23.** In *Savitri v. Govind Singh Rawat*¹¹ this Court held that the power conferred on the Magistrate under Section 125 CrPC to grant maintenance to the wife implies the power to grant interim maintenance during the pendency of the proceeding, otherwise she may starve during this period.

b **24.** In view of the abovementioned legal position, we are of the view that although Section 156(3) is very briefly worded, there is an implied power in the Magistrate under Section 156(3) CrPC to order registration of a criminal offence and/or to direct the officer in charge of the police station concerned to hold a proper investigation and take all such necessary steps that may be necessary for ensuring a proper investigation including monitoring the same. Even though these powers have not been expressly mentioned in Section 156(3) CrPC, we are of the opinion that they are implied in the above provision.

c **25.** We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 CrPC. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters and relegate the petitioner to his alternating remedy, first under Section 154(3) and d Section 36 CrPC before the police officers concerned, and if that is of no avail, by approaching the Magistrate concerned under Section 156(3).

e **26.** If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) CrPC or other police officer referred to in Section 36 CrPC. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) CrPC instead of rushing to the High Court by way of a writ petition or a petition under Section 482 CrPC. Moreover, he has a further remedy of filing a criminal complaint under Section 200 CrPC. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?

f **27.** As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition g under Section 482 CrPC simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the police officers concerned, and if that is of no avail, under Section 156(3) CrPC before the Magistrate or by h filing a criminal complaint under Section 200 CrPC and not by filing a writ petition or a petition under Section 482 CrPC.

11 (1985) 4 SCC 337 : 1985 SCC (Cri) 556 : AIR 1986 SC 984

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere. a

29. In *Union of India v. Prakash P. Hinduja*¹² (SCC vide para 13) it has been observed by this Court that a Magistrate cannot interfere with the investigation by the police. However, in our opinion, the ratio of this decision would only apply when a proper investigation is being done by the police. If the Magistrate on an application under Section 156(3) CrPC is satisfied that proper investigation has not been done, or is not being done by the officer in charge of the police station concerned, he can certainly direct the officer in charge of the police station to make a proper investigation and can further monitor the same (though he should not himself investigate). b

30. It may be further mentioned that in view of Section 36 CrPC if a person is aggrieved that a proper investigation has not been made by the officer in charge of the police station concerned, such aggrieved person can approach the Superintendent of Police or other police officer superior in rank to the officer in charge of the police station and such superior officer can, if he so wishes, do the investigation vide *CBI v. State of Rajasthan*¹³ (SCC vide para 11), *R.P. Kapur v. Sardar Pratap Singh Kairon*¹⁴, etc. Also, the State Government is competent to direct the Inspector General, Vigilance to take over the investigation of a cognizable offence registered at a police station vide *State of Bihar v. A.C. Saldanha*⁴. c

31. No doubt the Magistrate cannot order investigation by CBI vide *CBI v. State of Rajasthan*¹³ but this Court or the High Court has power under Article 136 or Article 226 to order investigation by CBI. That, however, should be done only in some rare and exceptional case, otherwise, CBI would be flooded with a large number of cases and would find it impossible to properly investigate all of them. d

32. In the present case, there was an investigation by GRP, Mathura and also two courts of inquiry held by the army authorities and they found that it was a case of suicide. Hence, in our opinion, the High Court was justified in rejecting the prayer for a CBI inquiry. e

33. In *Secy., Minor Irrigation & Rural Engg. Services, U.P. v. Sahngoo Ram Arya*¹⁵ (SCC vide para 6) this Court observed that although the High Court has power to order a CBI inquiry, that power should only be exercised if the High Court after considering the material on record comes to a conclusion that such material discloses *prima facie* a case calling for investigation by CBI or by any other similar agency. A CBI inquiry cannot be ordered as a matter of routine or merely because the party makes some allegation. f

12 (2003) 6 SCC 195 : 2003 SCC (Cri) 1314

13 (2001) 3 SCC 333 : 2001 SCC (Cri) 524

14 AIR 1961 SC 1117

15 (2002) 5 SCC 521 : 2002 SCC (L&S) 775 g

a **34.** In the present case, we are of the opinion that the material on record does not disclose a prima facie case calling for an investigation by CBI. The mere allegation of the appellant that his son was murdered because he had discovered some corruption cannot, in our opinion, justify a CBI inquiry, particularly when inquiries were held by the army authorities as well as by GRP at Mathura, which revealed that it was a case of suicide.

b **35.** It has been stated in the impugned order of the High Court that GRP at Mathura had investigated the matter and gave a detailed report on 29-8-2003. It is not clear whether this report was accepted by the Magistrate or not. If the report has been accepted by the Magistrate and no appeal/revision was filed against the order of the learned Magistrate accepting the police report, then that is the end of the matter. However, if the Magistrate has not yet passed any order on the police report, he may do so in accordance with law and in the light of the observations made above.

c **36.** With the above observations, this appeal stands dismissed.

37. Let a copy of this judgment be sent by the Secretary General of this Court to the Registrars General/Registrars of all the High Courts, who shall circulate a copy of this judgment to all the Hon'ble Judges of the High Courts.

d

(2008) 2 Supreme Court Cases 417

(BEFORE S.B. SINHA AND H.S. BEDI, JJ.)

SARABJIT RICK SINGH .. Appellant;

Versus

e UNION OF INDIA .. Respondent.

Criminal Appeal No. 1705 of 2007[†], decided on December 12, 2007

f **A. Extradition Act, 1962 — Ss. 7 and 10 — Inquiry by Magistrate on request for extradition — Evidence to be taken in such an inquiry — Nature and scope of — S. 3, Evidence Act — Applicability — Strict formal proof of evidence — Requirement of — Proof of contents of documents — Need of — Term “information” occurring in extradition treaty concerned — Consideration of, vis-à-vis evidence — Distinguishing the said inquiry from a formal trial, held, the evidence to be taken in such an inquiry is distinct from the one to be taken at trial — S. 3, Evidence Act which defines “evidence” stricto sensu may not be applicable in a proceeding under the Extradition Act — What would be received in evidence is provided under**
g **S. 10 — Use of the terminology “evidence” in S. 7 must be read in the context of S. 10 and not dehors the same — Thus, strict formal proof of evidence in an extradition proceeding is not the requirement of law — During the inquiry, contents of documents need not be proved — It may be presumed that contents of documents would be proved and if proved, the same would be admitted as evidence at trial — Reading the relevant**

h

[†] Arising out of SLP (Crl.) No. 178 of 2007. From the Final Judgment/Order dated 20-12-2006 of the High Court of Delhi at New Delhi in WP (Crl.) No. 299 of 2004