

Affidavit of Undertaking on 9th February, 2013, whereby he has taken full responsibility for the petitioner Nos. 1 and 2 to proceed to Italy in the custody and control of the Government of Italy and to ensure their return to India in terms of this Order.

6. On behalf of the petitioner Nos.1 and 2, it has been submitted by Mr. Harish Salve, learned senior counsel, that an additional affidavit will also be filed on their behalf giving the same undertaking for their travel to Italy and their return.

7. In that view of the matter and having regard to the fact that once before the petitioner Nos. 1 and 2 had been permitted to travel to Italy and they had returned within the stipulated period, we allow the application and permit the petitioners/applicants Nos.1 and 2, to leave India and to remain in the Republic of Italy for a period of four weeks from the date of departure from India. They shall travel to Italy, remain in Italy and return to India under the care, supervision and control of the Italian Republic and shall also report to Chankyapuri Police Station, New Delhi, both at the time of their departure and on their return.

8. The Republic of Italy will provide the address and contact details of the petitioners/applicants Nos.1 and 2 and also provide further information about their movements in Italy to the Chankyapuri Police Station, New Delhi, during their stay in Italy. The petitioners shall also not leave the Republic of Italy, except for return to India. On their return, the applicants/petitioners Nos.1 and 2, shall once again be bound by the conditions contained in the Order passed by this Court on 18th January, 2013.

9. By the aforesaid Order/judgment, this Court had also directed that since the passports of the petitioners/applicants Nos.1 and 2 had been surrendered to the trial court in Kollam, the same were to be transferred by the said Court to the Home Ministry, immediately upon receipt of a copy of the judgment. It is submitted by Mr. Salve, on instructions, that the said passports have been sent by mail by the Court concerned and is yet to reach the Home Ministry. In such circumstances, the applicants/petitioners Nos.1 and 2 will be entitled to travel to Italy and to return to India on the basis of temporary passports/travel documents and the Ministry of Home Affairs shall direct the Foreigners Regional Registration Office, to provide the said petitioners/applicants with the necessary exit and re-entry visas on the said temporary travel documents. The Ministry of Home Affairs, Government of India, shall also inform the authorities of the Indira Gandhi International Airport, including the Bureau of Immigration and the C.I.S.F.concerned, of this Order.

10. The condition Nos.1 to 4 of the directions contained in respect of the judgment/Order of 18th January, 2013, are relaxed to the extent indicated in this Order. On their return to India at the end of the period hereby granted, the said petitioners/applicants Nos.1 and 2 would once again be bound by the said conditions in their full force.

11. Let the undertaking by the petitioner Nos.1 and 2, be filed in Court today within 2.00 p.m.

12. Let copies of this order be made available to the learned advocates of the respective parties. In addition, let copies of the same be also sent to the Home Secretary, Foreigners Regional Registration Office, Bureau of Immigration, CISF, Indira Gandhi International Airport and to the D.C.P. IGI Airport, which will act on the basis thereof, immediately on receipt of the same.

R.2

Mr. Ramesh Babu M.R., AOR
Mr. Sushruj Jindal, Adv.

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

In terms of the signed order, the I.A.4 is disposed of.

Let the original additional affidavit dated 19/02/2013 filed in Court today be taken on record.

The learned ASG is unable to tell us today as to whether the procedure for constitution of the Special Court directed to be set up by the Central Government, in consultation with the Chief Justice of India, has been initiated or not. In the event steps have not been taken to constitute the Special Court, as directed, the Central Government is directed to do so, without any further delay.

|(Sheetal Dhingra)
|Court Master

|(Juginder Kaur)
|Assistant Registrar

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[Signed order is placed on the file]