

Caught in Mauritius, man moves HC over 'extra' time behind bars

He has spent nearly 16 years in prison, first in Mauritius, then in India

AAMIR KHAN

MUMBAI, NOVEMBER 12

AN Indian national, who was arrested in 1998, and in 2000 convicted for possession of heroin by the Supreme Court of Mauritius and sentenced to 30 years, and has spent nearly 16 years behind bars, moved the Bombay High Court pleading that he was repatriated to India in 2008 and the maximum punishment as per Indian laws is only 10 years.

The man was initially sentenced to 30 years but after a revision in the Criminal Procedure Code in Mauritius in 2007, his jail

term was reduced to 23 years in India after the Home Ministry received the order in 2010.

His mother, the petitioner, contended that the treaty between India and Mauritius provides that the government of the country to which the prisoner is repatriated shall adopt the sentence as per domestic laws.

Her son was 23 years old when he was arrested in Mauritius on May 27, 1998, at Sir Seewosagar Ramgoolam International Airport.

The petition claims that his "acquaintance had asked him to carry currency" for someone else. He was stopped by immigration au-

thorities in Mauritius who found heroin in his pocket, it said.

However, the mother claimed her son was allegedly found to be with 136 gm of effective drug quantity, which does not fall under the category where the quantity can be quantified as "commercial".

Thus, the maximum sentence that could have been handed over to the him was 10 years, the mother has said. "He has however, served more jail term than could have been awarded to him under Section 21 (b) (small quantity) of the NDPS Act, and has completed 15 years from May 27, 1998, the date of his arrest," the petition reads.

The March 6, 2014, order of the Home Ministry has "miscalculated the term of imprisonment" under the Section of "commercial quantity" which awards him 20 years, it said.

The mother also said effective imprisonment has been calculated from April 14, 2000, which is the date of conviction. "It should have been calculated from May 17, 1998, which is the actual date of detention," the petition reads.

She has sought directions for her son's release. The Centre has been asked to file its reply within two weeks.

aamir.khan@expressindia.com