

**APPENDIX XXI**  
**(Regulation 325)**

**Procedure for securing the extradition of offenders to and from the  
French Settlement of Chandernagore.**

1. The Extradition Act of 1903 does not apply to French possessions in India. The proceedings in the case of extradition between these and British Indian possessions are governed by the Convention of the 7th March, 1815, Article IX, which is reproduced below:

Article IX of the Convention of the 7th March, 1815

“All Europeans and others whosoever, against whom judicial proceedings shall be instituted within the limits of the settlements or factories belonging to his most Christian Majesty, for offences committed of for debts contracted within the said limits, and who shall take refuge out of the same, shall be delivered up to the chiefs of the said settlements and factories; and all Europeans and others whosoever, against whom judicial proceedings as aforesaid I shall be instituted without the said limits, and who shall take refuge within the same, shall be delivered up by the chiefs of the said settlements and factories upon demand being made of them by the British Government.....”

This Convention is framed in very wide terms which have from time to time called for interpretation and limitation, and it has been decided that demands for extradition should be confined to —felonies and heinous crimes|| other than political and to such serious offences as are not either petty or local offences, or considered by the law of one country to be trivial offences of no offences at all.

2. The following procedure shall be adopted in cases of extradition between British and French Possessions in India:

(i) In the case of extradition to Chandernagore. The local officers may arrest and detain fugitive criminals on the receipt of regular warrants from the French judicial authorities, but no arrest should be made in anticipation of the receipt of such a warrant. Every arrest must at once be reported to the provincial Government by the District Magistrate concerned and the warrant under which the arrest was made forwarded to the provincial Government with the report. If the person concerned is undergoing trial or serving a sentence of imprisonment, the facts should be stated since it is obviously inconvenient to extradite until the proceedings are completed of the sentence served out as the case may be. It should, however, be clearly understood that the local officers must on no account surrender the offenders until they receive definite orders from the provincial Government sanctioning the extradition.

(ii) In the case of extradition from Chandernagore. The French authorities will arrest and detain fugitive offenders from

British India On the receipt of formal warrants, which may be issued direct by the local officers to the Administrator of

Chandernagore, but will not surrender them until the demand for extradition of offenders from the French Settlement of Chandernagore is:

(a) Whether a local officer sends a warrant direct to the Administrator or not, the District Magistrate concerned shall at once submit to the provincial Government in the Home (political) Department and application for extradition. The Home (Political) Department will then, if the circumstances of the case require it, make the necessary requisition to the



French authorities under the terms of Article IX of the Treaty of the 7th March, 1815, referred to above.

(b) Applications should only be made in the case of non-political offences of a grave character.

(c) When submitting to the Provincial Government the demand for extradition, the Magistrate should forward-

(i) a warrant of arrest in Form II of Schedule v of the Code of Criminal Procedure (Act v of 1898), indicating in the body of the warrant precisely the nature of the offence of which the person to be apprehended is accused and containing the words of the section of the penal or other Code dealing with the offence;

(ii) a summary statement of the case; and

(iii) a description of the person to be arrested.

(d) The warrants should be either signed or countersigned by the District Magistrate of the district from which the warrant the issues.

(e) The warrant should be directed to the police officer deputed to take custody of the offender.

(f) The officer so deputed should proceed in plain clothes and be accompanied by some person who can identify the accused.

A specimen copy of a warrant in a hypothetical case of forgery, showing how the warrant should be worded, is printed below:

#### SPECIMEN FORM OF WARRANT IN AN EXTRADITION CASE

To

The police officer in charge of

Whereas son of police-station

Stands charged as follows:

That he, on or about the day of at Forged a certain document purporting to be a valuable security, to wit, a will of one of police-station, deceased, in the name of to the injury of the heirs of the said an offence punishable under the following section of the Indian Penal Code:

Section 467.-Whoever forges a document which purports to be a valuable security or a will, or an authority to a dopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest, or dividends, thereon, or to receive or deliver any money, movable property or valuable security or any document purporting to be and acquaintance or receipt acknowledging the payment of money or an acquaintance or receipt for the delivery of any movable property or valuable security, shall be punished with transportation for life or with imprisonment of either description for a term which may extended to ten years, and shall also be liable to fine life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

You are hereby directed to arrest said and to produce him before me

Herein fail not.

Dated this day of 19

(Signature.)