



Mehul Choksi arrested in Belgium. What happens now?

Choksi is a key accused in the Rs 13,500 crore Punjab National Bank loan fraud case. Before arriving in Belgium last year, he was in Antigua and Barbuda since 2018

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New Delhi | April 15, 2025 07:10 IST



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Mehul Choksi was arrested on April 12. (Express Photo)

Mehul Choksi, a key accused in the Rs 13,500 crore Punjab National Bank loan fraud case, was [arrested in Belgium on Saturday](#). New Delhi has pressed for his extradition from Belgium, so that the 65-year-old fugitive diamantaire can be tried in India.

Choksi is said to have arrived in Belgium last year to get [cancer](#) treatment. Prior to that, he had been living in Antigua and Barbuda as a citizen since 2018. Choksi's wife, Preeti, is said to be a Belgian citizen.

What happens next? How soon can Choksi be brought back?

India first signed an extradition treaty with Belgium in 1901. The treaty allows extradition on the basis of "dual criminality", including for financial crimes. Dual criminality essentially means that an individual can be extradited only if her offence is punishable in both jurisdictions involved.

The treaty, however, prohibits extradition for offences of political nature or in cases where the individual in question can prove she is being prosecuted in the requesting country for political reasons. It also says that the fugitive arrested shall be released if the requesting country fails to present evidence of culpability within two months.

Read | Will file appeal against Mehul Choksi's arrest in Belgium, says lawyer; bail plea to cite his cancer treatment

In 2020, India and Belgium signed the Mutual Legal Assistance Treaty for better cooperation on fugitives.

Choksi was arrested in Belgium on the requests of the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED), which are probing the case against Choksi. Once the extradition process begins, teams from both agencies will visit Belgium, and prepare a case in accordance with the country's laws.

However, it is unlikely that Choksi will be back in India any time soon, if at all. While extraditions are typically lengthy legal processes, this is especially true in Europe.

Choksi's arrest in Belgium showcases India's diplomatic heft, but whether it can also fast track the legal process remains to be seen.

India's experience with the UK, for the extradition of Choksi's nephew and co-accused Nirav Modi and former Kingfisher Airlines owner Vijay Mallya, has not been encouraging. Mallya left India in 2016, while Modi fled to the UK in 2018.

In its effort to bring Choksi back, what are some hurdles that India could face?

Choksi's lawyers will most certainly bring up a botched attempt to bring him to India from Dominica in 2021.

In the last week of May 2021, Choksi, who had been living in Antigua since 2018, suddenly appeared in Dominica. Local media splashed photos of the jeweller sitting in a wheelchair with a black eye and bruised face. Dominican authorities had put him under arrest for illegally entering the country. Meanwhile, a private jet from India carrying CBI and Ministry of External Affairs officials landed in Roseau to bring him back.

Choksi's family and lawyers alleged that Indian agents had assaulted and kidnapped the jeweller after trapping him with the help of a Hungarian woman identified as Babara Jarabic. He was then bundled off in a yacht and taken to Dominica by two Indians — identified as Gurmit Singh and Gurjeet Bhandal. In press conferences, Choksi's family and lawyers produced documentary evidence and photographs showing the trio's involvement.

His lawyers alleged Choksi was threatened and told to sign a consent form saying that he is going to India of his own will. This was done, according to his London lawyer Michael Polak, to deprive Choksi of the protection of law that he enjoys as a citizen of Antigua. Note that India does not have an extradition treaty with Antigua.

Following these revelations, Dominica withdrew its case against Choksi and sent him back to Antigua. The Interpol withdrew its Red Corner Notice against Choksi in 2023 on the grounds that he was "abducted" for "deportation" to India, and there was a "risk" that he would not get a fair trial in the country.

His lawyers will likely use this incident to suggest that Choksi will not receive due process in India. They are likely to also raise allegations of human rights violations and poor prison conditions in the country, as well as Choksi's ill health to oppose

extradition. Finally, Choksi being an Antiguan citizen could significantly complicate the legal process to bring him to India from Belgium.

What is Choksi accused of?

Coming from a family of diamantaires, Choksi expanded his family business by opening fancy stores across India and abroad under the aegis of Gitanjali Group. Along with his nephew Nirav Modi, he splurged heavily on marketing and advertising — roping in international stars such as Kate Winslet and Rosie Huntington-Whiteley.

Much of this, however, was funded by loans from the PNB. According to CBI and ED, between 2014 and 2017, instead of repaying their loans, the two diamantaires fraudulently got Letters of Understanding (LoUs) issued from the Brady House branch of the PNB in [Mumbai](#) in connivance with certain bank officials. These LoUs were used to avail credit on foreign shores to fund their business and build personal assets.

While the LoUs were supposed to be repaid within three months, they were merely renewed with interest by bank officials. This kept a continuous flow of liquidity for the two jewellers even as the debt kept piling up. By the time the PNB discovered the irregularities and approached the CBI, both Choksi and Modi had fled the country, after setting the bank back by over Rs 13,500 crore. Choksi alone stands accused of defrauding the bank of more than Rs 6,000 crore.

Following the registration of the case, ED attached Choksi's assets, including the diamonds in his stores, claiming them to be of value in excess of Rs 5,000 crore. However, a laboratory examination of the diamonds revealed most of them were fake. The real value of Choksi's assets, including all his properties and investments, today stands at around Rs 2,500 crore.

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This article went live on April fifteenth, twenty twenty-five, at ten minutes past seven in the morning.