

‘Adanis have Strong Grounds to Challenge US Indictment’

Legal experts point to procedural, jurisdictional aspects to challenge foreign bribery charges

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New Delhi: Adani Group founder-chairman Gautam Adani and others charged with foreign bribery, securities fraud and wire fraud conspiracies by US prosecutors have a solid case against their indictment, according to legal experts.

“Adanis have a strong case to challenge the US grand jury’s indictment order, and they are likely to consult their foreign counsels for their next step,” said Mahesh Agarwal, managing partner at Agarwal Law Associates.

The legal experts believe that the way forward for Adani’s legal team would entail carefully examining extensive evidence collected through investigations by various investigative agencies in the US.

“Until Adani personally appears in the US court, his legal team can only challenge the indictment on procedural grounds—by questioning whether the US prosecutors have the jurisdiction to bring charges against him. Once he is present before the US judge, he can contest the indictment by arguing that the allegations lack a solid legal foundation or are unsupported by factual evidence,”

said corporate and legal advisor Akshat Khetan.

“This situation reminds me of how charges are handled in India. Here, public figures are often labelled as corrupt based solely on a charge sheet—without a trial or conviction. Their reputations are tarnished prematurely, as though a judicial body has already confirmed their guilt. This case, though in a US court, warrants the same caution. Allegations do not equate to guilt; only a conviction can de-

way off.

The first and the foremost step is the issuance of warrants of summon/arrest by US prosecutors on Adanis. No criminal proceedings in New York can proceed without service of notice. The US Constitution’s procedural due process clause requires that defendants have proper notice of court proceedings to give them a chance for presenting their objections.

Sameer Parekh, managing partner, Parekh & Co, said “India and

ported by required documents, information describing the facts of the offence, etc, a copy of the warrant or the order of arrest, and any such information that would justify the committal for trial of the person in the requested state.

As per the US Criminal Justice Process, after the indictment, the defendant is arraigned in the New York City Criminal Court. At this stage, the defendant with the assistance of the attorney, may enter a plea of guilty or not guilty to the charges. The judge has the right to accept or reject a guilty plea. If it is accepted, then there is no trial and the defendant will be sentenced. Sentencing can be announced immediately or set for a later court date.

If the defendant pleads not guilty, a date will be set for a trial. At this time, some conditions like not leaving the country can be imposed while the case is pending.

For trials conducted for violations, misdemeanours or felonies, the US assistant district attorney (prosecution) will present evidence to the judge or jury to decide if the defendant is guilty or not. The defendant also has an opportunity to present evidence. If convicted, the judge has discretion on sentencing.

Experts further say that another possible route for Adani could be negotiating a plea agreement, where he might admit to certain charges in exchange for a reduced sentence. However, such negotiations are entirely at the discretion of the prosecutors, and any agreement would require judicial approval.



LONG WAY OFF



Experts say commencement of trial appears a long way off. The first and the foremost step is the issuance of warrants of summon/arrest by US prosecutors on Adanis

termine that,” said Khetan.

Lawyers say that the US Department of Justice itself has mentioned that the charges levelled against the defendants (Adanis) are only allegations, and that the defendants are presumed to be innocent unless and until proven guilty. “My legal understanding is that the case is poor, and baseless on the ground of jurisdiction and motivated to destabilise the relations between the US and India,” said Agarwal.

Experts say commencement of trial in the case appears a long

the US have an extradition treaty. For granting extradition, the requirements of the treaty have to be met. The offence has to be punishable under the law of both countries for more than one year. Extradition shall not be granted for a political offence. As I understand, after indictment, a defendant has to be arraigned before the court where the defendant can plead guilty or not guilty.”

If the Adanis decline to join the probe, the US can seek their extradition through diplomatic channels. Such requests have to be sup-