

No.07/SP(HQ)/OW/2023 - 146
GOVERNMENT OF PUDUCHERRY
POLICE DEPARTMENT
PUDUCHERRY

Date.26-09-2023

C I R C U L A R

Sub: Implementation of the guidelines and directives of the Hon'ble Supreme Court of India on Arrest -Reg.

Ref: Judgment of the Hon'ble Supreme Court of India in Criminal Appeal No. 2207 of 2023 in Md. Asfak Alam vs the State of Jharkhand and ANR Dated 31st July 2023.

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The Hon'ble Supreme Court of India in a reportable Judgment in the case in Md. Asfak Alam vs the State of Jharkhand and ANR Dated 31st July 2023, direct the Police Officers not to arrest the accused unnecessarily in cases registered under section 498-A IPC and also in cases where offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine. The directions of the Hon'ble Court are furnished below;

- i. Police Officers not to automatically arrest when a case under section 498-A IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from section 41 Cr.PC.
- ii. All Police Officers shall submit a check list containing specified sub-clauses under section 41(1)(b)(ii). (Annexure-I)
- iii. The Police Officer shall forward the check list duly filled and furnish the reasons and materials which necessitated the arrest, while forwarding /producing the accused before the Magistrate for further detention.
- iv. The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Senior Superintendent of Police (L&O) for the reasons to be recorded in writing.

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- v. Notice of appearance in terms of Section 41-A CrPC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Senior Superintendent of Police (L&O) for the reasons to be recorded in writing.
 - vi. Failure to comply with the directions aforesaid shall apart from rendering the Police Officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before the High Court having territorial jurisdiction.
2. The SDPOs/CIs/SHOs shall scrupulously follow the above directions and circulate and brief this guidelines to all IOs.

// This issue with the approval of competent authority//

Subham Sundar Ghosh
(SUBHAM GHOSH) 26/9/23
SUPDT. OF POLICE (HQ)
PUDUCHERRY

TO

All SHOs/CIs/SDPOs of Puducherry/ Karaikal/Mahe/Yanam.

Copy Submitted

1. The DGP, Puducherry.
 2. SSP (C&I), Puducherry.
 3. SSP (L&O), Puducherry and Karaikal.
 4. Web officer, Police Dept Puducherry.
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