

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.381 of 2015

(Sunil Bhojraj Khatri

vs.

The State of Maharashtra, through Superintendent of Police, Chandrapur and others)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Amol Mardikar, Advocate for the Petitioner.

Mrs. K.S. Joshi, A.P.P. for Respondent No.1.

CORAM : B.R. GAVAI AND P.B. VARALE, JJ.

DATE : SEPTEMBER 7, 2015.

Heard the learned Counsel for the rival parties.

Rule.

The petitioner has approached this Court filing the present writ petition contending therein that the petitioner has been illegally detained by respondent Nos.2 and 3.

From the documents placed on record, it reveals that the petitioner was taken into custody at 14:30 hours on 07/10/2014 and was released on the same day at 17:45 hours.

Mr. Mardikar, learned Counsel for the petitioner submits that the illegal detention of the petitioner is a gross violation of the guidelines laid down by the Apex Court in the case of D.K. Basu vs. State of West Bengal, reported in AIR 1997 Supreme Court 610.

The learned Counsel for the petitioner submits that this is a gross violation of guideline Nos.3 and 5 inasmuch as the next friend or the relative of the petitioner has not been informed about the arrest of the petitioner.

No doubt that, in guideline Nos.3 and 5, Their Lordships of the Apex Court have held that after arrest or detention of a person, as soon as practicable, information is required to be given to one friend or relative. However, perusal of guideline No.4 would reveal that the Apex Court itself has quantified the said reasonable period between 8 to 12 hours.

In the present case, the petitioner was arrested and was released approximately within three hours. In the affidavit-in-reply, details are given. It has been stated that the Investigating Officer has kept watch on the petitioner and as soon as he was found, he was brought to the Police Station for interrogation, he was then produced before the Medical Officer for medical check up and after interrogation by accepting surety bond, he was immediately released.

In that view of the matter, we do not find that there is any violation of the guidelines as laid down by the Apex Court in the case of *D.K. Basu vs. State of West Bengal*. The petition is thus rejected.

JUDGE

JUDGE