



Crl.RC.No.1392 of 2024

Crl.RC.No.1392 of 2024

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G.K.ILANTHIRAIYAN, J.

At the instance of the learned Government Advocate(crl.side) appearing for the respondent, today this matter has been posted under the caption “for being mentioned”.

2. Heard, the learned counsel appearing on either side.

3. On hearing the submissions of the learned counsel appearing on either side, it is ordered that the entire order passed by this Court in Crl.RC.No.1392 of 2024 dated 21.07.2025 shall read as follows:

“This Criminal Revision Case has been filed challenging the order of remand dated 29.06.2024 on the file of the learned District Munsif-cum-Judicial Magistrate, Thirukalukundram in Crime No.334 of 2024 on the file of the Mamallapuram Police Station.

2. The petitioner has been arrayed as the fourth accused in crime No.334 of 2024 on the file of the Mamallapuram Police Station. The case of the



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prosecution is that While A1 to A3 were returning from Pondicherry in a car, the car was intercepted at a place near Mahaballipuram by the police, pursuant to which the car stopped at that place. On search, the police personnel found the accused persons with arms. Therefore, the accused persons threatened the police personnel not to perform their official duties. At that time, A2 and A3 escaped from that place. On the confession of A1, the petitioner was implicated in the aforesaid case. Thereafter, he was arrested from a resort and remanded to judicial custody on 29.06.2024.

3. The learned Senior Counsel for the petitioner would submit that while the petitioner was in prison, he was served with memo without stating the reason for arrest and grounds for arrest and also no intimation was delivered about his arrest to any of his relatives or friends. Therefore, it is a clear violation of Article 22(1) of Constitution of India and it is statutory mandate under Section 19(1) of Prevention of Money Laundering Act. In support of his contention, the learned Senior Counsel relied on the judgment of the Honourable Supreme Court of India reported in **(2024) 7 SCC 576** in the case of ***Pankaj Bansal Vs. Union of India & Others.***



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4. Per Contra, the learned Government Advocate(crl.side) appearing for the respondent submitted that the petitioner was duly informed the reasons for arrest, and also he was explained the grounds for arrest. Further, the petitioner has been recently released on bail. Therefore, the prayer sought for in this criminal revision case has become infructuous.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. On perusal of records, it is revealed that the respondent arrested A1 and two persons escaped from the scene of crime. On the confession of A1, the petitioner has been implicated in this case. Though the petitioner was released on bail subsequent to his remand, the learned Senior Counsel appearing for the petitioner submitted that the order of remand cannot be sustained since the petitioner was not served with arrest memo by stating reasons and grounds for his arrest and any of the relatives or friends of the petitioner was not informed about the arrest in this criminal case so as to enable them to file a bail petition. In this regard, the learned Senior Counsel for the



petitioner relied upon the judgment of the Hon'ble Supreme Court of India in

the case of **Pankaj Bansal Vs. Union of India & Others** reported in (2024) 7

SCC 576, wherein it is held as follows:

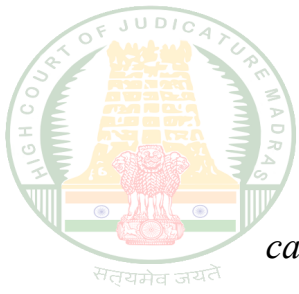
“32.That being so, there is no valid reason as to why a copy of such written grounds of arrest should not be furnished to the arrested person as a matter of course and without exception. There are two primary reasons as to why this would be the advisable course of action to be followed as a matter of principle. Firstly, in the event such grounds of arrest are orally read out to the arrested person or read by such person with nothing further and this fact is disputed in a given case, it may boil down to the word of the arrested person against the word of the authorised officer as to whether or not there is due and proper compliance in this regard. In the case on hand, that is the situation insofar as Basant Bansal is concerned. Though ED claims that witnesses were present and certified that the grounds of arrest were read out and explained to him in Hindi, that is neither here nor there as he did not sign the document. Non-compliance in this regard would entail release of the arrested person straightaway, as held in V.Senthil Balaji. Such a precarious situation is easily avoided and the consequence thereof can be obviated very simply by furnishing the written



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grounds of arrest, as recorded by the authorised officer in terms of Section 19(1) PMLA, to the arrested person under due acknowledgment, instead of leaving it to the debatable ipse dixit of the authorised officer.

33. The second reason as to why this would be the proper course to adopt is the constitutional objective underlying such information being given to the arrested person. Conveyance of this information is not only to apprise the arrested person of why he/she is being arrested but also to enable such person to seek legal counsel and, thereafter, present a case before the court under Section 45 to seek release on bail, if he/she so chooses. In this regard, the grounds of arrest in V.Senthil Balaji are placed on record and we find that the same run into as six pages. The grounds of arrest recorded in the case on hand in relation to Pankaj Bansal and Basant Bansal have not been produced before this Court, but it was contended that they were produced at the time of remand. However, as already noted earlier, this did not serve the intended purpose. Further, in the event their grounds of arrest were equally voluminous. It would be well-nigh impossible for either Pankaj Bansal or Basant Bansal to record and remember all that they had read or heard being read out for future recall so as to avail legal remedies. More so, as a person who has just been arrested would not be in a

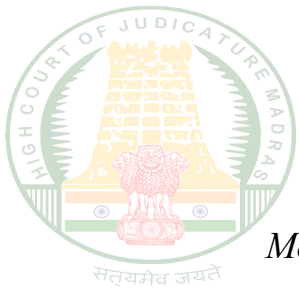


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calm and collected frame of mind and may be utterly incapable of remembering the contents of the grounds of arrest read by or read would rendered nugatory by permitting the authorities concerned to merely read out or permit reading of the grounds of arrest, irrespective of their length and detail, and claim due compliance with the constitutional requirement under Article 22(1) and the statutory mandate under Section 19(1) PMLA.

34. We may also note that the grounds of arrest recorded by the authorized officer, in terms of Section 19(1) PMLA, would be personal to the person who is arrested and there should, ordinarily, be no risk of sensitive material being divulged therefrom, compromising the sanctity and integrity of the investigation. In the event any such sensitive material finds mention in such grounds of arrest recorded by the authorized officer, it would always be open to him to redact such sensitive portions in the document and furnish the edited copy of the grounds of arrest to the arrested person, so as to safeguard the sanctity of the investigation.

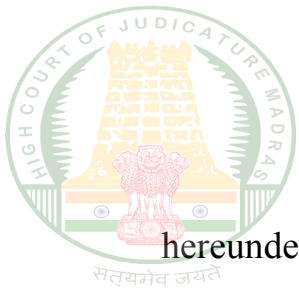
35. On the above analysis, to give true meaning and purpose to the constitutional and the statutory mandate of Section 19(1) PMLA of informing the arrested person of the grounds of arrest, we hold that it would be necessary, henceforth, that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception. The decisions of the Delhi High Court in



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Moin Akhtar Qureshi and the Bombay High Court in Chhagan Chandrakani Bhujbal, which hold to the contrary, do not lay down the correct law. In the case on hand, the admitted position is that ED's investigating officer merely read out or permitted reading of the grounds of arrest of the appellants and left it at that, which is also disputed by the appellants. As this form of communication is not found to be adequate to fulfil compliance with the mandate of Article 22(1) of the constitution and Section 19(1) of PMLA, we have no hesitation in holding that their arrest was not in keeping with the provisions of Section 19(1) PMLA. Further, as already noted supra, the clandestine conduct of ED in proceeding against the appellants, by recording the second ECIR immediately after they secured interim protection in relation to the first ECIR immediately after they secured interim protection in relation to the first ECIR, does not commend acceptance as it reeks of arbitrary exercise of power. In effect, the arrest of the appellants and in consequence, their remand to the custody of ED and, thereafter, to judicial custody, cannot be sustained.”

7 It is relevant also to extract the relevant portion of the judgment rendered by the Hon'ble Supreme Court of India in the case of ***Prabir Purkayastha Vs. State (NCT of Delhi)*** reported in (2024) 8 SCC 254,



hereunder:

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“38. The interpretation given by the learned Single Judge that the grounds of arrest were conveyed to the accused in writing vide the arrest memo is unacceptable on the face of the record because the arrest memo does not indicate the grounds of arrest being incorporated in the said document. Column 9 of the arrest memo (Annexure-P-7) which is being reproduced hereinbelow simply sets out the ? reasons for arrest? which are formal in nature and can be generally attributed to any person arrested on accusation of an offence whereas the “?grounds for arrest”? would be personal in nature and specific to the person arrested.

9.Reason for arrest

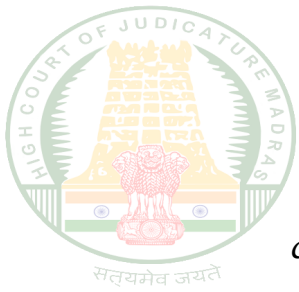
(a) Prevent the accused person from committing any further offence.

(b) For proper investigation of the offence.

(c) To prevent the accused person from causing the evidence of the offence to disappear or tampering with such evidence in any manner.

(d) To prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or the police officer.

(e) As unless such person is arrested, his presence in the



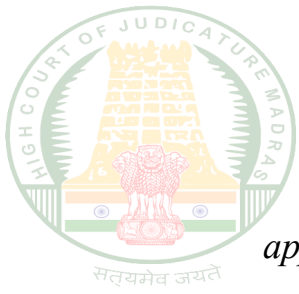
court whenever required cannot be ensured.

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8. In fact the learned Senior Counsel relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Vihaan Kumar Vs. State of Haryana and another*** reported in (2025) 5 SCC 799, wherein it is held as follows:

“16. An attempt was made by the learned Senior Counsel appearing for the first respondent to argue that after his arrest, the appellant was repeatedly remanded to custody, and now a charge-sheet has been filed. His submission is that now, the custody of the appellant is pursuant to the order taking cognizance passed on the charge-sheet. Accepting such agreements, with great respect to the learned Senior Court, will amount to completely nullifying Articles 21 and 22(1) of the Constitution. Once it is held that arrest is unconstitutional due to violation of the Article 2(1), the arrest itself is vitiated. Therefore, continued custody of such a person based on orders of remand is also vitiated. Filing a charge-sheet and order of cognizance will not validate an arrest which is perse unconstitutional, being violative of Articles 21 and 22(1) of the Constitution of India. We cannot tinker with the most important safeguards provided under Article 22.

24. The stand taken before the High Court was that the



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appellant's wife was informed about the arrest. Information about the arrest is completely different from the grounds of arrest. The grounds of arrest are different from the arrest memo. The arrest memo incorporates the name of the arrested person, his permanent address, present address, particulars of FIR and section applied, place of arrest, date and time of arrest, the name of the officer arresting the accused and name, address and phone number of the person to whom information about arrest has been given. We have perused the arrest memo in the present case. The same contains only the information stated above and not the grounds of arrest. The information about the arrest is completely different from the information about the grounds of arrest. Mere information of arrest will not amount to furnishing grounds of arrest.

2. The issue on the requirement of communication of grounds of arrest to the person arrested, as mandated under Article 22(1) of the Constitution of India, 2002 under Section 19 thereof has been succinctly reiterated in this judgment. The constitutional mandate of informing the grounds of arrest to the person arrested in writing has been explained in Pankaj Bansal so as to be meaningful to serve the intended purpose which has been reiterated in Prabir purkayastha. The said constitutional mandate has been incorporated in the statute under Section 50 Cr.P.C. As may be noted, this is in the addition of the requirement as provided under Section 50(1) of Cr.P.C.



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3. *The purpose of inserting Section 50- Cr.P.C, making it obligatory on the person making arrest to inform about the arrest to the friends, relatives or persons nominated by the arrested person, is to ensure that they would be able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law. The arrested person, because of his detention, may not have immediate and easy access to the legal process for securing his release, which would otherwise be available to the friends, relatives and such nominated persons by way of engaging lawyers, briefing them to secure release of the detained person on bail at the earliest. Therefore, the purpose of communicating the grounds of arrest to the detenue, and in addition to his relatives as mentioned above is not merely a formality but to enable the detained person to know the reasons for his arrest but also to provide the necessary opportunity to him through his relatives, friends or nominated persons to secure his release at the earliest possible opportunity for actualising the fundamental right to liberty and life as guaranteed under Article 21 of the Constitution. Hence, the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives or such other person as may be disclosed or nominated the arrested person, so as to make the mandate of Article 22(1) of the constitution meaningful and effective failing which, such arrest may be rendered illegal.*

9. Thus it is clear that the grounds for arrest and the reasons for arrest



shall have to be served on the accused. The non compliance of the same is a clear violation of Article 22(1) of Constitution of India.

10. However, it is the submission of the learned Government Advocate(crl.side) that the petitioner was duly informed the reasons for his arrest and he was explained the grounds for his arrest. Further, his wife Mrs.Jenitha was informed through her mobile phone No.81221 23391. In fact, it is also reflected in the remand report. The learned Government Advocate (crl.side) produced ledger to show that the reasons for arrest were duly informed to the petitioner.

11. Therefore, the petitioner was duly informed about his arrest and he was even explained the grounds of arrest. Subsequently, the petitioner's wife was informed about his arrest through her cell phone.

12. Though the petitioner has challenged the remand order, he has already been released on bail. Therefore, the prayer sought for in this criminal revision case has become infructuous.

13. In view of the above discussion, this criminal revision case stands



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disposed of.”

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4. Accordingly, the Registry is directed to issue a fresh order copy in
CrI.RC.No.1392 of 2024 dated 21.07.2025 after making necessary corrections.

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06.08.2025
(3/3)



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G.K.ILANTHIRAIYAN, J.

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06.08.2025
(3/3)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.R.C.No.1392 of 2024

D.Alexis Sudhakar

..... Petitioner

Vs

The Inspector of Police,
E-1, Mamallapuram Police Station,
Chengalpet District.

..... Respondent

Prayer: Criminal Revision Case is filed under Section 438 r/w 442(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to call for the records connected with the order dated 29.06.2024 passed by the Learned District Cum Judicial Magistrate, Shozhinganallur who was substituted as in-charge Judge for the Honourable District Cum Judicial Magistrate, Thirukalkundram in Crime No.334 of 2024 dated 28.06.2024 on the file of the Respondent Police and set aside the same.

For Petitioner : Mr.Abdukumar Rajarathinam



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for Mr.K.Raghunath

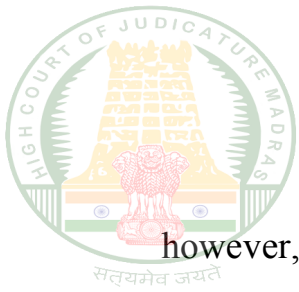
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For Respondent : Mr.A.Gopinath,
Government Advocate (CrI.Side)

ORDER

This Criminal Revision Case has been filed challenging the order of remand dated 29.06.2024 on the file of the learned Judicial District Munsif-cum-Judicial Magistrate, Thirukalukundram in Crime No.334 of 2024.

2. The case of the prosecution is that the de-facto complainant lodged a complaint as against A-1 to A-6 alleging that they had committed cheating and criminal breach of trust during their real estate transactions to the tune of Rs.3.92 crores. On receipt of the said complaint, the respondent issued notice under Section 41-A of Cr.P.C. In the enquiry, some of the accused had appeared and transferred a sum of Rs.25,00,000/- in favour of the De-facto complainant and assured that the remaining amount will be paid. Thereafter, one of the accused threatened the de-facto complainant to withdraw the complaint. Hence, the respondent arrested some of the accused persons and on their confession statements, the petitioner was also implicated as an accused. After arrest he was produced for remand before the Judicial Magistrate court



however, the remand was rejected by order dated 17.06.2024. He was formally arrested in connection with this case on 03.07.2024 and remanded to judicial custody on 06.04.2024. Even prior to his remand, the detention order was passed on 04.07.2024 under Act 17 of 1982 by showing the present case as an adverse case and as if the petitioner was also already remanded in this case by the learned Magistrate at the time of passing an order of detention.

3. The learned Senior Counsel for the petitioner would submit that while the petitioner was in prison served with memo without stating the reason for his memo and also no intimation was delivered about his arrest to his relatives and friends. Therefore, it is a clear violation of Article 22(1) of Constitution of India and it is statutory mandate under Section 9(1) of Prevention of Money Laundering Act. In support of his contention, he relied upon the Judgment of Honourable Supreme Court of India reported in (2024) 7 SCC 576 in the case of *Pankaj Bansal Vs. Union of India & Others*.

4. Per Contra, the learned Government Advocate appearing for the respondent filed a counter and submitted that the petitioner was already arrested and remanded in judicial custody in some other case. In the present



case, the petitioner was formally arrested and he was produced on PT warrant before the learned Judicial Magistrate for remand. He was remanded to judicial custody. Thereafter, the detention order passed against the petitioner was set aside by the advisory board and subsequently, he was released on bail. Thereafter, this revision became infructuous and prayed for dismissal of the revision petition.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. Though the petitioner was released on bail subsequent to his remand and after cancelling the detention order. The learned senior counsel appearing for the petitioner submitted that the order of remand cannot be sustained since the petitioner was not served with arrest memo by stating reasons and grounds for his arrest. The relatives and friends of the petitioner was not informed about the arrest in this Crime number. So that they were able to file a bail petition. The Hon'ble Supreme Court of India in case of ***Pankaj Bansal Vs Union of India and others*** held as follows:-

“ 42.That being so, there is no valid reason as to why a copy of such written grounds of arrest should not be furnished to the arrested person as a



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*matter of course and without exception. There are two primary reasons as to why this would be the advisable course of action to be followed as a matter of principle. Firstly, in the event such grounds of arrest are orally read out to the arrested person or read by such person with nothing further and this fact is disputed in a given case, it may boil down to the word of the arrested person against the word of the authorised officer as to whether or not there is due and proper compliance in this regard. In the case on hand, that is the situation insofar as Basant Bansal is concerned. Though ED claims that witnesses were present and certified that the grounds of arrest were read out and explained to him in Hindi, that is neither here nor there as he did not sign the document. Non-compliance in this regard would entail release of the arrested person straightaway, as held in *V.Senthil Balaji*. Such a precarious situation is easily avoided and the consequence thereof can be obviated very simply by furnishing the written grounds of arrest, as recorded by the authorised officer in terms of Section 19(1) PMLA, to the arrested person under due acknowledgment, instead of leaving it to the debatable ipse dixit of the authorised officer.*

*43. The second reason as to why this would be the proper course to adopt is the constitutional objective underlying such information being given to the arrested person. Conveyance of this information is not only to apprise the arrested person of why he/she is being arrested but also to enable such person to seek legal counsel and, thereafter, present a case before the court under Section 45 to seek release on bail, if he/she so chooses. In this regard, the grounds of arrest in *V.Senthil Balaji* are placed on record and we find that the same run into as six pages. The grounds of arrest recorded in the case on hand in relation to Pankaj Bansal and Basant Bansal have not been produced before this Court, but it was contended*



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that they were produced at the time of remand. However, as already noted earlier, this did not serve the intended purpose. Further, in the event their grounds of arrest were equally voluminous. It would be well-nigh impossible for either Pankaj Bansal or Basant Bansal to record and remember all that they had read or heard being read out for future recall so as to avail legal remedies. More so, as a person who has just been arrested would not be in a calm and collected frame of mind and may be utterly incapable of remembering the contents of the grounds of arrest read by or read would rendered nugatory by permitting the authorities concerned to merely read out or permit reading of the grounds of arrest, irrespective of their length and detail, and claim due compliance with the constitutional requirement under Article 22(1) and the statutory mandate under Section 19(1) PMLA.

44. We may also note that the grounds of arrest recorded by the authorized officer, in terms of Section 19(1) PMLA, would be personal to the person who is arrested and there should, ordinarily, be no risk of sensitive material being divulged therefrom, compromising the sanctity and integrity of the investigation. In the event any such sensitive material finds mention in such grounds of arrest recorded by the authorized officer, it would always be open to him to redact such sensitive portions in the document and furnish the edited copy of the grounds of arrest to the arrested person, so as to safeguard the sanctity of the investigation.

45. On the above analysis, to give true meaning and purpose to the constitutional and the statutory mandate of Section 19(1) PMLA of informing the arrested person of the grounds of arrest, we hold that it would be necessary, henceforth, that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception. The



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decisions of the Delhi High Court in Moin Akhtar Qureshi and the Bombay High Court in Chhagan Chandrakani Bhujbal, which hold to the contrary, do not lay down the correct law. In the case on hand, the admitted position is that ED's investigating officer merely read out or permitted reading of the grounds of arrest of the appellants and left it at that, which is also disputed by the appellants. As this form of communication is not found to be adequate to fulfil compliance with the mandate of Article 22(1) of the constitution and Section 19(1) of PMLA, we have no hesitation in holding that their arrest was not in keeping with the provisions of Section 19(1) PMLA. Further, as already noted supra, the clandestine conduct of ED in proceeding against the appellants, by recording the second ECIR immediately after they secured interim protection in relation to the first ECIR immediately after they secured interim protection in relation to the first ECIR, does not commend acceptance as it reeks of arbitrary exercise of power. In effect, the arrest of the appellants and in consequence, their remand to the custody of ED and, thereafter, to judicial custody, cannot be sustained.

7. Thus it is clear that the grounds for arrest and the reasons for arrest shall have to be served on the accused. The non compliance of the same is a clear violation of Article 22(1) of Constitution of India. A perusal of the arrest memo reveals that the grounds of arrest and reasons for arrest were not stated in the memo. That apart there is no record to show that the petitioner's family members were informed about his arrest. In this regard, it is relevant to extract paragraph No.37 of the decision of the Honourable Supreme Court



reported in **2024 8 SCC 254** which reads as follows :-

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37. The interpretation given by the learned Single Judge that the grounds of arrest were conveyed to the accused in writing vide the arrest memo is unacceptable on the face of the record because the arrest memo does not indicate the grounds of arrest being incorporated in the said document. Column 9 of the arrest memo (Annexure-P-7) which is being reproduced hereinbelow simply sets out the “reasons for arrest” which are formal in nature and can be generally attributed to any person arrested on accusation of an offence whereas the “grounds for arrest” would be personal in nature and specific to the person arrested.

9.Reason for arrest

(a) Prevent the accused person from committing any further offence.

(b) For proper investigation of the offence.

(c) To prevent the accused person from causing the evidence of the offence to disappear or tampering with such evidence in any manner.

(d) To prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or the police officer.

(e) As unless such person is arrested, his presence in the court whenever required cannot be ensured”

8. Further, there is a significant difference in the various reasons for arrest and grounds of arrest. The reasons for arrest are purely formal parameters for the above said reasons. But the grounds of arrest would be



required to contain the said details in hand of the investigation officer which necessitated the arrest of the accused. Simultaneously grounds of arrest informed in writing must be conveyed to the arrested accused of basic facts on which he was being arrested so as to provide him an opportunity of defending himself against custodial remand and to seek bail.

9. In the case on hand, when the petitioner was remanded in some other case, he was formally arrested and he was produced on Prisoner Transfer warrant before the jurisdictional magistrate. When the accused was already in judicial custody, the formal arrest was made whether he is entitled to be stated about his grounds of arrest and reasons for arrest. Further, his relatives and friends have to be informed about his arrest. In fact the learned Senior Counsel relied upon the judgment of Honourable Supreme Court reported in **(2025) 5 SCC 799** in case of ***Vihaan Kumar Vs. State of Haryana and another*** wherein it is held as under:-

“21. An attempt was made by the learned Senior Counsel appearing for the first respondent to argue that after his arrest, the appellant was repeatedly remanded to custody, and now a charge-sheet has been filed. His submission is that now, the custody of the appellant is pursuant to the order taking cognisance passed on the charge-sheet. Accepting such agreements, with great respect to



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the learned Senior Court, will amount to completely nullifying Articles 21 and 22(1) of the Constitution. Once it is held that arrest is unconstitutional due to violation of the Article 2(1), the arrest itself is vitiated. Therefore, continued custody of such a person based on orders of remand is also vitiated. Filing a charge-sheet and order of cognizance will not validate an arrest which is perse unconstitutional, being violative of Articles 21 and 22(1) of the Constitution of India. We cannot tinker with the most important safeguards provided under Article 22.

32. The stand taken before the High Court was that the appellant's wife was informed about the arrest. Information about the arrest is completely different from the grounds of arrest. The grounds of arrest are different from the arrest memo. The arrest memo incorporates the name of the arrested person, his permanent address, present address, particulars of FIR and section applied, place of arrest, date and time of arrest, the name of the officer arresting the accused and name, address and phone number of the person to whom information about arrest has been given. We have perused the arrest memo in the present case. The same contains only the information stated above and not the grounds of arrest. The information about the arrest is completely different from the information about the grounds of arrest. Mere information of arrest will not amount to furnishing grounds of arrest.

41. The issue on the requirement of communication of grounds of arrest to the person arrested, as mandated under Article 22(1) of the Constitution of India, 2002 under Section 19 thereof has been succinctly reiterated in this judgment. The constitutional mandate of informing the grounds of arrest to the person arrested in



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writing has been explained in Pankaj Bansal so as to be meaningful to serve the intended purpose which has been reiterated in Prabir purkayastha. The said constitutional mandate has been incorporated in the statute under Section 50 Cr.P.C. As may be noted, this is in the addition of the requirement as provided under Section 50(1) of Cr.P.C.

42. The purpose of inserting Section 50-! Cr.P.C, making it obligatory on the person making arrest to inform about the arrest to the friends, relatives or persons nominated by the arrested person, is to ensure that they would be able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law. The arrested person, because of his detention, may not have immediate and easy access to the legal process for securing his release, which would otherwise be available to the friends, relatives and such nominated persons by way of engaging lawyers, briefing them to secure release of the detained person on bail at the earliest. Therefore, the purpose of communicating the grounds of arrest to the detinue, and in addition to his relatives as mentioned above is not merely a formality but to enable the detained person to know the reasons for his arrest but also to provide the necessary opportunity to him through his relatives, friends or nominated persons to secure his release at the earliest possible opportunity for actualising the fundamental right to liberty and life as guaranteed under Article 21 of the Constitution. Hence, the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives or such other person as may be disclosed or nominated the arrested person, so as to make the mandate of Article 22(1) of the constitution meaningful and



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effective failing which, such arrest may be rendered illegal.

10. In view of the above judgment, the order of remand itself is illegal when the petitioner was not informed about reasons for arrest and grounds for arrest. That apart his relatives and friends were also not informed about his arrest. But already the petitioner was released on bail. Therefore, setting aside the order of remand would not serve any purpose since it has become infructuous.

11. Accordingly, this Criminal Revision Case is allowed.

21.07.2025
(3/3)

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
Nhs

To

1. The learned District Munsif-cum-Judicial Magistrate,
Thirukalukundram.
2. The Inspector of Police,
E-1, Mamallapuram Police Station,
Chengalpattu District.



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3. The Public Prosecutor,
Madras High Court,
Chennai-600 104.

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