



W.P(MD)No.18533 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.18533 of 2025

C.Ajay

... Petitioner

vs.

1.The Registrar General,
The Hon'ble Madras High Court,
High Court Buildings,
Chennai.

2.The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai.

3.The Director General of Police,
Head of Tamil Nadu Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to frame statutory pre-conditions for order of remand under Section 187 of BNSS to the Judicial Magistrates under Article 227 of the Constitution of India.

For Petitioner : Mr.Raja.Karthikeyan

For R - 1 : Mr.N.Tamilmani

For R – 2 : Mr.P.Thilak Kumar
Government Pleader

For R – 3 : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The writ of Mandamus has been instituted to direct the respondents to frame statutory pre-conditions for order of remand under Section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to be followed by the Judicial Magistrates, under Article 227 of the Constitution of India.



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2.Rules are already in force. They have been framed and published in the official Gazette under the Criminal Procedure Code, 1973, particularly under Section 167, which is pari materia to Section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Furthermore, Rule 6 of the Criminal Rules of Practice specifically deals with duties of Magistrates while remanding an accused. Since the provisions of the Criminal Procedure Code, 1973/the Bharatiya Nagarik Suraksha Sanhita, 2023 are already in force and sufficiently dealing with the provisions regarding remand, the present Writ Petition is not entertainable.

3.That apart, the Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar and another* reported in (2014) 8 SCC 273, has laid down the procedures and legal principles applicable in such matters. The legal position settled by the Supreme Court is a law which is to be followed under Article 141 of the Constitution of India. Moreover, the Judicial Magistrates are expected to apply their judicial mind while making decisions and there cannot be any intervention by the High Court in exercise of powers conferred under Article 227 of the Constitution of India. The process of remand is a judicial exercise to be undertaken in accordance with law and therefore, issuing any further guidelines



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or suggestions would undoubtedly result in interfering with judicial powers conferred under law. Therefore, we are not inclined to entertain the present Writ Petition.

4. Accordingly, this Writ Petition is dismissed as not maintainable.

There shall be no order as to costs.

[S.M.S.,J.] & [A.D.M.C.,J.]
08.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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and
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