

Subject: - Decision of the Supreme Court in Writ Petition (Crime) No. 9/94

Under article 32 of the Constitution of India,

GOVERNMENT OF MAHARASHTRA
Home Department (Special)
Circular No. PHE/1094/OR-156/SPL-1 B(HR)
Mantralaya, Bombay-400 032
Dated the 30th June 1994.

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This will have to be

Supreme Court in writ Petition filed by Shri Joginder Kumar v/s. State of Uttar Pradesh and others (C.P. Civil No. 9/94) considered the question relating to rights of persons who are formally arrested by Police during the course of investigation of a crime. A copy of the detailed order passed by the Supreme Court is enclosed for your information. Operative part of the directions given by the Supreme Court are reiterated as under:

Regulation amongst
all officers of
PER

- (i) An arrested persons being held in custody is entitled if he so requests to have one friend relative or other person who is known to him or likely to take an interest in welfare told as far as is practicable that he has been arrested and where he is being detained,
- (ii) That Police Officer shall inform the arrested person when he is brought to the police station of this right.
- (iii) An entry shall be required to be made in the Diary as to who was informed of the arrest. These protections from power must be held to flow from Articles 21 and 22(1) and be enforced strictly.
- (iv) It shall be the duty of the Magistrate, before whom the arrested person is produced, to satisfy himself that these requirements have been complied with.

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11/9/94

2. It must be ensured that instructions are issued to all concerned ~~officers~~ for strict compliance of the directions given by the Supreme Court in its abovementioned judgement. It is requested that the Superintendents of Police, Commissioners of Police and Deputy Inspectors General may reiterate these instructions during the crime conferences for proper compliance of the directions of the Supreme Court at all levels.

for
police

(V.K. Kanade)
Deputy Secretary to the Government of Maharashtra
Home Department (Special).

- To
- The Director General of Police, Maharashtra State, Bombay,
 - All Commissioners of Police,
 - All Ranges Deputy Inspectors General of Police
 - All Superintendents of Police,
 - The Commissioner, CID/Int. 1, Maharashtra State, Bombay.
 - All Divisional Commissioners/All District Magistrates.