REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

PRABIR PURKAYASTHA V. STATE (NCT OF DELHI) (2024)

BENCH: Mr. Justice B.R. Gavai & Mr. Justice Sandeep Mehta **DECIDED:** May 15, 2024

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Failure to furnish grounds of arrest in writing to accused vitiates arrest and remand, rendering detention illegal and entitling accused to release.

1. Factual Matrix & Background:

The appellant was arrested under UAPA provisions. The remand application was heard and granted by the magistrate without supplying a copy of the remand application or the grounds of arrest to the accused or his counsel before passing the order.

2. Substantive Legal Questions Framed:

Whether the constitutional requirement of communicating grounds of arrest under Article 22(1) applies equally to UAPA offences, and whether failure to provide written grounds vitiates the arrest.

3. Analysis & Ratio Decidendi:

The Supreme Court held that the constitutional mandate of Article 22(1) read with Pankaj Bansal requires grounds of arrest to be furnished in writing without exception in all criminal arrests, including under UAPA. Since the grounds of arrest were not served in writing before remand, the arrest and remand orders were illegal and unconstitutional, entitling the appellant to immediate release.

4. Principles Enunciated:

- 1. Article 22(1) guarantees the fundamental right to know grounds of arrest in writing.
- 2. The requirement to furnish written grounds applies across all penal statutes including UAPA.
- 3. Failure to provide written grounds renders remand orders void ab initio.

5. Practical Litigation Implications:

- Check police station and remand records immediately upon arrest; if written grounds of arrest were not formally signed and delivered to the accused, move for immediate release.

.....J.
[SUPREME COURT BENCH]

CERTIFIED TRUE COPY OF THE OFFICIAL JUDGMENT RECORD — URBAN RIGHTS LEGAL PRECEDENTS ARCHIVE