

Paramount Law Times Newsletter



(For uptodating law and events)

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(Second half)**

Welcome Announcement

Paramount has taken a initiative to have its Law Time Newsletter for updating law and events. All interested individuals and institutions are welcome to request this newsletter.

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Law and Events News

Oath Ceremony of Judges of Supreme Court

On 7th July, 2014, there is oath taking ceremony of three newly appointed Judges of the Supreme Court.

Hon'ble Justice Adrash Kumar Goel, Chief Justice of Orissa High Court has been elevated to the Supreme Court.

Hon'ble Justice Arun Mishra, Chief Justice of Calcutta High Court has been elevated to the Supreme Court.

Hon'ble Sh. Rohinton Nariman, Senior lawyer Supreme Court has been elevated to the Supreme Court judges.

With it the strength of Supreme Court would be arising from 25 to 28 Judges of Supreme Court of India.

Historic Judgment

Let the restrictions of law upon the
power to Arrest be respected

The Supreme Court in its pronouncement dated July 02, 2014 (*Arnesh Kuamr Vs. State of Bihar & Anr.* in Criminal appeal no 1277 of 2014 @ Special leave petition (Crl.) no 9127 of 2014) has shown its deep concern for Police not respecting the restrictions of law upon the powers

to arrest. The Supreme Court has issued following directions:

- i. All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A of the IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41, Cr.PC;
- ii. All police officers be provided with a check list containing specified sub- clauses under Section 41(1)(b)(ii);
- iii. The police officer shall forward the check list duly filed and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;
- iv. The Magistrate while authorising detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorise detention;
- v. The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing;
- vi. Notice of appearance in terms of Section 41A of Cr.PC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing;
- vii. Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before High Court having territorial jurisdiction.
- viii. Authorising detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.

(<http://judis.nic.in/supremecourt/imgs1.aspx?filename=41736>)