2025 LiveLaw (SC) 628

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
J.B. PARDIWALA; J., R. MAHADEVAN; J.
May 23, 2025
CRIMINAL APPEAL NO. 2808 OF 2025 (@ SLP (CRL.) No. 7746 OF 2025)
KASIREDDY UPENDER REDDY *versus* **STATE OF ANDHRA PRADESH AND ORS.**

Constitution of India, Articles 21 and 22 - Requirement to Communicate Grounds of Arrest under Article 22(1) in Warrant-Based and Warrantless Arrests - Held, Article 22(1) is a constitutional safeguard mandating that grounds of arrest be communicated to the arrestee. In warrantless arrests, non-compliance with Article 22(1) renders the arrest illegal, prohibiting further custody. Grounds must pre-exist, be documented, and conveyed meaningfully to the arrestee, preferably with notice to their family, to facilitate release arrangements. In arrests pursuant to a warrant, reading the warrant aloud to the arrestee satisfies Article 22(1), and no separate grounds are required. Police must prove compliance with Article 22(1) if non-communication is alleged, supported by diary entries or documents. Appeal dismissed, affirming compliance with Article 22(1) in warrant-based arrest. *[Referred: Vihaan Kumar v. State of Haryana, 2025 LiveLaw (SC) 169 (Para 16, 36)]*

WITH SLP (CRL.) No. 5691 OF 2025

For Petitioner(s) : Mr. Mahesh Jethmalani, Sr. Adv. Mr. Navin Pahwa, Sr. Adv. Mr. Ponnavolu Sudhakar Reddy, Sr. Adv. Mr. Ramesh Allanki, Adv. Ms. Aruna Gupta, Adv. Mr. Shriharsha Peechara, Adv. Mr. Syed Ahmad Naqvi, Adv. Mr. Alabhya Dhamija, AOR Mr. Shreevardhan Dhoot, Adv. Mr. M. Bala Krishna, Adv. Mr. T. Vijaybhaskar Reddy, Adv. Mr. Yash Gupta, Adv. Mr. Krishna Kumar Singh, Adv. Ms. Serena Jethmalani, Adv. Mr. Ajay Awasthi, Adv. Ms. Mugdha Pande, Adv. Mr. Vaibhav Thaledi, Adv. Mr. Yashaswi SK Chocksey, Adv. Mr. Krishna Kumar Singh, AOR

For Respondent(s): Mr. Sidharth Luthra, Sr. Adv. Mr. Siddharth Aggarwal, Sr. Adv. Mr. Guntur Pramod Kumar, AOR Ms. Prerna Singh, Adv. Mr. Samarth Krishan Luthra, Adv. Ms. Rajni Gupta, Adv.

J U D G M E N T

J.B. PARDIWALA, J.

CRIMINAL APPEAL NO. 2808 OF 2025 (@ SLP (CRIMINAL) No. 7746 OF 2025)

1. Leave granted.

2. This appeal arises from the judgment and order passed by the High Court of Andhra Pradesh at Amaravati dated 8.05.2025 in W.P. No. 10858 of 2025 by which the writ petition filed by the appellant herein seeking a writ of habeas corpus on the ground that his son *viz.* Kessireddy Raja Shekhar Reddy came to be illegally arrested by the CID and is in unlawful detention, came to be dismissed.

3. The facts giving rise to this appeal may be summarised as under:

a. The son of the appellant herein, namely, Kessireddy Raja Shekhar Reddy came to be arrested on 21.04.2025 in connection with Crime No. 21 of 2024 dated 23.09.2025 registered with CID Police Station, Mangalagiri for the offence punishable under Sections 420, 409 read with Section 120-B of the Indian Penal Code respectively (for short, the "IPC") (Now Sections 318, 316(5) read with Section 61(2) of the Bharatiya Nyaya Sanhita, 2023 respectively (for short, the "BNS")).

b. It appears from the materials on record that on 19.04.2025 the son of the appellant herein was arrayed as accused no. 1 by way of an entry in the case diary.

c. The son of the appellant was arrested at around 6 P.M. from the Hyderabad Airport. At the time of arrest, the grounds of arrest were supplied to him and later were also served on his father i.e. the appellant herein.

d. Pursuant to the arrest, the son of the appellant was brought to Vijayawada and was produced before the jurisdictional magistrate i.e. the Special Judge for SPE and ACB cases, Vijayawada at 5.15 P.M. on 22.04.2025 i.e. within 24 hours of the arrest.

d. It appears that police remand was prayed for and the same came to be granted *vide* order dated 22.04.2025 passed by the Special Judge for SPE and ACB cases.

e. The operative part of the remand order reads thus:

"12. Remand report further reveals that, police have to examine several witnesses and has to apprehend several Government and non Government officials and investigation is only at preliminary stage and police requires time to conduct thorough investigation in this case. Therefore, request for remand of AI is accepted, hence, AI is remanded to judicial custody under Section 187 of BNSS till 6.5.025, for the offences under Sections 420, 409, 120 B IPC and Sections 7, 7A and 8, 13(1)(b) , 13 (2) of P.C.Act, AI is hereby ordered to be kept in District Jail, Vijayawada under proper escort.

Sd/-P.Bhaskara Rao

SPL. JUDGE FOR SPE AND ACB CASES-CUM-III ADJ. VIJAYAWADA"

f. The appellant preferred a writ petition under Article 226 of the Constitution before the High Court and prayed for a writ of *habeas corpus* on the ground that the arrest of his son was *per se* illegal and therefore, his continued detention in jail could be said to be unlawful and thereby, violative of Article 21 of the Constitution.

g. The writ of *habeas corpus* was prayed for essentially on the ground that although the grounds of arrest were served upon the appellant's son at the time of his arrest, yet such grounds were not meaningful and were just an eyewash. The grounds of arrest lacked in material particulars.

h. It was argued before the High Court that if appropriate grounds for arrest are not furnished at the time of arrest then the arrest would be violative of Article 22 of the Constitution read with Sections 47 and 48 respectively of the Bharatiya Nagarik Suraksha Sanhita, 2023 respectively (for short, the "BNSS").

i. The High Court adjudicated the writ petition filed by the appellant herein and ultimately *vide* the impugned judgment and order dismissed the same holding as under:

"11. In the present case, both the provisions of law as well as the grounds for arrest, can be made out, on a conjoint reading of the notice under Section 47, the grounds of arrest, 48 of BNSS and the remand report which were all served on the detenue prior to the hearing of his remand application. The learned Special Judge, had specifically recorded that even the remand report had been served on the detenue prior to the commencement of the hearing before the Special Judge. The copy of the remand report, filed by the respondents, show that the detenue had signed a copy of the remand report as service of the said grounds of arrest on him. In view of the earlier judgment of this Court, it must be held that the requirements of Article 22 of the Constitution of India as well as the provisions of BNSS have been complied.

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13. In Vihaan Kumar vs. State of Haryana and Another's case, neither the detenue nor his relatives or family members had been served with any document. In such circumstances, as can be seen from the same passage, the Hon'ble Supreme Court had held that in the absence of service of the remand report, mere inclusion of grounds of arrest in the remand report would not

be sufficient compliance of Article 22 of the Constitution of India or Section 47 of BNSS. In the present case, the Special Judge had recorded that the remand report had been served on the detenue and the copy of the remand report, containing the signature of the detenue, produced by the respondents would also fortify this position. Sri P. Sudhakar Reddy contends that papers were served on the detenu after the hearing in the remand application and as such, there is no compliance of Article 22 of the Constitution of India. This contention does not appear to be correct inasmuch as the Special Judge had recorded, in the remand order, that the remand report had been served on the detenue. In these circumstances, this Court does not find any reason to interfere with the order of remand.

14. Accordingly, this Writ Petition is dismissed. However, this would not preclude the detenue from availing of his remedies under law for being set at liberty. There shall be no order as to costs."

4. In such circumstances referred to above, the appellant is here before this Court with the present appeal.

SUBMISSIONS ON BEHALF OF THE APPELLANT

5. Mr. Mahesh Jethmalani, the learned Senior Counsel, made oral submissions and has also filed his written submissions. The written submissions read thus:

"A) That since 25.03.2025, the Respondent State has issued notices under Section 179 of the BNSS to appear before them. The accused has challenged these notices and the said challenge is a subject matter of Petition tagged along with the instant case. On 21.04.2025 at 5 PM, the Petitioner sent a WhatsApp message to the Investigating Officer that he would appear before him on 22.04.2025 at 10 AM. Pursuant to the said Section 179 notices, the accused travelled from Goa to Hyderabad, Telangana en route to Vijayawada, Andhra Pradesh and reached Hyderabad Airport at 6 PM. On his disembarking the accused was arrested and taken to Vijayawada, Andhra Pradesh. The Petitioner's son was never cited as an Accused in the FIR, was in the eyes of the Respondent State a witness as disclosed by the Section 179 Notices sent to him and was always of the impression that he was wanted as a witness to which he even acceded on 21.04.2025. The Petitioner's son was not an accused person at the time of his arrest on 21.04.2025 and there was no evidence of his complicity in any crime. The Respondent's case (see para 6 of the Impugned Judgment of the High Court) is that the Petitioner's son was made an accused on 19.04.2025 by way of an entry in the Case Diary. The Case Diary is not a public document like an FIR and so there was no public document disclosing that the Petitioner's son was an accused person in the case. Admittedly, in the same Paragraph 6 of the Impugned Order, the intimation of such inclusion as filed with a Special Judge for SPE and ACB Cases, Vijayawada, Andhra Pradesh on 22.04.2025, i.e., after his arrest on the previous day. The Petitioner's son's arrest was without any basis and illegal.

B) Further, events post the arrest of the Petitioner's son clearly discloses the groundless basis of his arrest as also the mala fide intent behind it. In the course of his investigation post his arrest, the Petitioner's son was informed that he should make a Statement implicating the then Chief Minister of the State of Andhra Pradesh – Shri Y. S. Jagan Mohan Reddy, for alleged illegalities in the liquor excise policy that was being investigated. Shockingly, present during his investigation were 2 'mediators'. The case of the Respondent has disclosed in the Remand Application of the next day (Second paragraph @ Page 88 of the SLP) was that the accused refused to sign on an alleged confession. It is clear from the said averments in the Remand Application that the 'mediators' were introduced to pressurize the Petitioner's son into making a 'confession' implicating the Former Chief Minister of the State of Andhra Pradesh – Shri Y. S. Jagan Mohan Reddy. The entire conspectus of facts that transpired during interrogation discloses glaring illegalities, including the presence of the 'mediators'. The fact that the Petitioner's son refused to sign the alleged 'confession' is clear proof that he was being forced to make a confession, which he refused. In sum, the events that transpired from the evening of 21.04.2025 till 22.04.2025, establishes that the Petitioner was not an accused until the time he refused to comply with the

pressure of the 'mediators' and the police. It is reiterated that the arrest of the Petitioner's son as an Accused was baseless and mala fide.

"During the course of interrogation, the above noted accused admitted the facts and his guilt about the commission of offences. The entire confession got drafted in the presence of mediators Chavalam Gopala Krishna S/o Narasimha Rao, 40 Years, VRO 2, Nunna and Mohd Sirajuddin, S/o Kutubiddin, 40 Yrs, VRO-1, Kundavari Kandrika under a cover of mahazar and seized a mobile phone 14 Funtouch OS vivo Y18t having IMEI number 869933078319375 (Slot 1), 869933078319367 (Slot 2) and SIM card of number +917559260506 and for investigation purpose duly signed by the mediators. However, the accused refused to sign on the above confessional statement. The mediators endorsed the same."

C) That the grounds of arrest served on the Petitioner on 21.04.2025 were in total non compliance of Article 22 of the Constitution of India and Section 47 of the BNSS for the following reasons:

i. It has been laid down in a number of decisions of this Hon'ble Court that the grounds of arrest are not an empty formality. This principle has been enunciated with greater rigour in recent judgments (see: Prabir Purkayastha v. State (NCT of Delhi), (2024) 8 SCC 254 and Vihaan Kumar v. State of Haryana & Anr., 2025 SCC OnLine SC 269 : SLP(Crl) 13320 of 2024) that the whole rational behind communicating the grounds of arrest is to enable the Petitioner's son's counsel to meet the Police case in remand proceedings and for bail. In the grounds of arrest served on the Petitioner on 21.04.2025, the substantive offences were Sections 409 and 420 IPC. While the Section numbers were mentioned, the ingredients of the offence find no mention in the furnished grounds. Thus, in so far as Section 409 IPC is concerned, there is not a whisper about the ingredient of entrustment, the property entrusted and the manner of misappropriation or conversion to the accused's use. Similarly, as far as Section 420 IPC is concerned, the ingredients of deception, fraudulent or dishonest inducement and the property delivered pursuant to such inducement are all significantly absent. The grounds of arrest therefore did not even remotely disclose how the offences alleged were made out. It is submitted that this was the case because there was no ground to arrest the Petitioner's son and his arrest was illegal and mala fide.

ii. Article 22 of the Constitution requires that the grounds of arrest shall be informed to the person arrested "as soon as may be". In Paragraph 5 of the Impugned Judgment of the High Court, it is recorded that, "The learned Advocate General would submit that the grounds of arrest as well as the provisions of the law were made known to the detenue, in writing, by virtue of service of the notice of arrest under Section 47, the grounds of arrest under Section 48 and the remand report." It is submitted that a remand report cannot in law be grounds of arrest contemplated under Article 22 or Section 47 of the BNSS, save perhaps when the

Accused is produced in Court for remand and furnished with a Remand Application immediately on his production. Else a remand report can never comply with the requirement of the obligation to furnish grounds as soon as may be in Article 22 or 'forthwith' communication of such grounds prescribed by Section 47 BNSS. In admitting that the remand report was part of the grounds of arrest and that it was served on the accused on 22.04.2025, the Respondent State has violated the mandate of "as soon as may be" in Article 22 and 'forthwith' in Section 47 BNSS. It is important to emphasize that Article 22 mandates that "no person who is arrested shall be detained in custody without being informed as soon as may be of the grounds of such arrest…". The Constitutional mandate was thus violated because the Petitioner's son was detained in custody post arrest without being informed "as soon as may be" of the complete grounds for arrest. Further, what he was provided with at the time of his arrest was grounds of arrest which did not spell out the particulars of the offences alleged.

iii. In addition, Section 47 of the BNSS mandates that what should be 'forthwith' communicated to an arrested person is the full particulars of the offence. Fully cognizant of the fact that the grounds of arrest served on the Petitioner's son on 21.04.2025 did not disclose the offence under Section 409 and 420 IPC, the remand report of 22.04.2025 added the substantive

offences of Sections 7, 7A, 8 and 13(1)(b) read with 13(2) Prevention Corruption Act, 1988. Thus the 'full particulars of the offence' for which the Petitioner's son was arrested was not furnished to him 'forthwith'.

iv. That the invocation of offences under the Prevention of Corruption Act, 1988 in the remand report as grounds for arrest of the Petitioner's son is vitiated by patent illegality. The Petitioner could not have been arrested for offences under the Prevention of Corruption Act, in view of the provisions of Section 17A of the said Act It is the Respondent State's case that they could only invoke the offences under the Prevention of Corruption Act on 22.04.2025 as they had not received the requisite sanction under Section 17A at the time of the Petitioner's son's arrest. The sanction order under Section 17A (Pages 66 – 67 of the SLP) is dated 21.04.2025. Moreover, the sanction sought and granted on 21.04.2025 was only in respect of a public servant by the name Shri Dodda Venkat Satya Prasad. There was no sanction granted for investigation for the offences under the Prevention of Corruption Act for the Petitioner's son. Granting of Sanction is not akin to taking of cognizance by a Court where cognizance is taken of offences and not of offenders. Section 17A of the Prevention of Corruption Act prohibits any enquiry, inquiry or investigation into any offence alleged to have been committed by a public servant under this act where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duty. Thus under Section 17A, the sanctioning authority has to examine the case of every public servant separately to determine whether the provisions of that Section apply to him so that sanction may be granted or refused. The Ministry of Personnel, Public Grievances and pensions (Department of Personnel and training) has on 17.09.2021 issued SOPs for the processing of cases under Section 17A of the Prevention of Corruption Act, 1988 (Annexure P – 10 @ Page 5 in Vol 2). Clause 4.6 of the SOP mandates as under:

"4.6. Separate proposals shall be made in respect of each public servant, where a composite offence is alleged against more than one public servant."

Thus, where a composite offence is alleged against more than one public servants, a separate proposal shall be made in respect of each public servant. There is neither a sanction proposal nor grant of such sanction in respect of the Petitioner's son. The invocation of offences under the PC Act against him and the contention that the remand report which contains these offences constituted the grounds of arrest within the meaning of Article 22 of the Constitution and Section 47 of the BNSS is manifestly untenable. In invoking offences against the Prevention of Corruption Act as part of the grounds of arrest, the Respondent State has committed a manifest illegality, as in the absence of the requisite sanction, under Section 17A of the Prevention of Corruption Act, read with Clause 4.6 of the SOP of the Ministry of Personnel, Public Grievances and pensions (Department of Personnel and training) dated 03.09.2021, the grounds of arrest were untenable and consequently the arrest and detention in custody of the Petitioner's son was patently illegal."

6. In such circumstances referred to above, the learned counsel prayed that there being merit in his appeal, the same may be allowed and the arrest of the accused may be declared as illegal thereby, rendering his continued detention unlawful.

SUBMISSIONS ON BEHALF OF THE STATE

7. Mr. Siddharth Luthra, the learned Senior Counsel made oral submissions on behalf of the State while opposing this appeal and has also filed his written submissions. The written submissions read thus:

*"**1.** Crime No. 21 of 2024 dated 23.09.2025 was registered in CID P.S., Mangalagiri under Sections 420,409 r/w 120-B I.P.C. **(FIR@Pg39-49 of SLP)**. On 19.04.2025,the son of the present Petitioner being Kessireddy Raja Shekhar Reddy **(hereinafter referred to as A1)** was arrayed as Accused A1 by way of an entry in the Case Diary **Refer- Para 6 of the impugned order & Para 9 of the Counter Affidavit filed by the State before the High Court (Ann P13 @ Pg 23, relevant at Pg 26 of IA No.128534/2025 for Addl. Documents).***

2. *On 21.04.2025 at 6 PM, Accused No 1 was arrested from the Hyderabad Airport. At the time of arrest, Grounds of Arrest were supplied to him and served on his father as well* ***(Grounds of Arrest @ Pg13-14 of IA No.128534/2025 for Addl. Documents)****. A perusal of the said Grounds of Arrest would show complete compliance with the directions in* ***Vihaan Kumar v. State of Haryana; 2025 SCCOnLine SC 269 @ Para21****, wherein this Hon'ble Court directed that information of grounds of arrest must be provided "in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person…"*

3. *Pursuant to arrest, A1 was brought to Vijayawada and produced before the jurisdictional magistrate i.e. the Ld. Special Judge for SPE & ACB Cases Vijayawada at 5.15 PM on 22.04.2025 i.e. within 24 hours of arrest, thereby complying with all requirements as well as Article 22(2) of the Constitution. In the Remand Order dated …, the Ld. Magistrate inter alia noted in para 2, that A1 stated that he had not been ill-treated in custody and that he had received the Remand Report with enclosures* ***(Pg 106 of SLP)****. After considering all aspects, including the nature of the allegations, the Ld. Magistrate ordered for A1 to be remanded* ***(Remand Order @ Pg106-113 of SLP),*** *and the same was upheld by way of the impugned order. It is humbly submitted that the arrest and remand of A1 do not suffer from any infirmity.*

4. *In pursuance of Article 22(2), the procedural aspects are set out in the BNSS/Cr.P.C. Section 57 & 58 of the BNSS (formerly Section 56 and 57, Cr.P.C.) deals with the procedure to be followed upon arrest. Section 187 BNSS (Section167, Cr.P.C.) provides the procedure when investigation can't be completed in 24hours. S. 57 These provisions i.e. S. 57/58/187 BNSS have to be read together &the requirement of law is to produce the arrestee before the jurisdictional magistrate within 24 hours. If the period of 24 hours is expiring and the detenu cannot be produced before the jurisdictional Magistrate, then he/she must be produced before the nearest Magistrate. Indisputably the detenu was produced before the jurisdictional Magistrate within 24 hours.*

5. *This exposition of law has been time and again reinforced by this Hon'ble Court; notably in* ***State of U.P. v. Abdul Samad; AIR 1962 SC 1506 @ Para 14****,* ***Chaganti Satyarayana v. State of A.P. (1986) 3 SCC 141 @ Para12*** *and more recently reiterated in* ***Gautam Navlakha v. NIA; (2022) 13 SCC 542 @ Para 102****.*

6. *The Calcutta High Court in* ***In Re: Nagendranath Chakravarti; 1923 ILR Vol. LI 402****, interpreting S. 61 & 167 CrPC 1898 (equivalent to S. 58 BNSS) observed that,*

"…the intention of the Legislature, having regard to sections 61 and 167 and to the requirements of justice generally, is that an accused person should be brought before a Magistrate competent to try, or commit with as little delay as possible…."

7. *In this regard, any reliance on* ***Priya Indoria v. State of Karnataka; (2024) 8 SCC254*** *by the Petitioner is entirely misplaced. That case dealt with issues relating to anticipatory bail, and observations in this regard was in the passing and are obiter. That judgment doesn't consider the law laid down by earlier judgments of this Hon'ble Court including in* ***Re: Nagendranath Chakravarti supra*** *and* ***Gautam Navlakha supra (2JJ)****, and is therefore per incuriam in this regard.*

Section 17A of the Prevention of Corruption Act

8. *On 21.04.2025, in Vijayawada, the IO had made a request for the addition of sections 7, 7A, 8, 13(1)(b) and 13(2) of the Prevention of Corruption Act and made a request for approval under sec 17A of the Act with respect to co-accused D.Venkata Satya Prasad. Approval under Section 17-A was granted on 21.04.2025 in Vijayawada. Upon reaching Vijayawada, on 22.04.2025, A1 was served with the Arrest Memo containing the above mentioned sections of the Prevention of Corruption Act and the same was received by A1 and is in case diary.*

9. *A1 was only an "IT Advisor" to the Government of Andhra Pradesh who was running his business in Hyderabad at the relevant time. The scope of the Petitioner's duties as an "IT Advisor" had no relation at all to the excise/liquor policy, as has been repeatedly averred by the Petitioner himself* ***(Pg G & Pg 123of SLP)****. Earlier, in his Reply to a Notice u/sec 179 BNSS, A1 himself*

clearly stated that "..based on publicly available information, I understand that the case pertains to an exciserelated matter in Andhra Pradesh. However, I am unable to ascertain any direct or indirect link in the case from my end…"

***10.** It is submitted that the approval under Section 17A is personspecific **(as admitted by the Petitioner himself, Ground F @ Pg123 of the SLP)**, required when the alleged offence is "relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties." In the present case, the allegations against A1 with respect to the perpetration of the liquor scam are in no way relatable to his function as an IT Advisor, therefore there is no requirement for approval under Section 17A of the Prevention of Corruption Act."*

ANALYSIS

8. Since the entire case revolves around the question whether the arrest of the appellant's son could be said to be *per se* illegal for want of supply of appropriate and meaningful grounds of arrest, we should look into few provisions of the Constitution as well as the BNSS.

9. Article 21 of the Constitution reads thus:

"21. Protection of life and personal liberty-

No person shall be deprived of his life or personal liberty except according to procedure established by law."

10. Article 22 of the Constitution reads thus:

"22. Protection against arrest and detention in certain cases. -(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twentyfour hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply— (a) to any person who for the time being is an enemy alien; or (b) to any person who is arrested or detained under any law providing for preventive detention.

***(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless— (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:*

Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or (b) such person is detained in accordance with the provisions of any law made by Parliament under subclauses (a) and (b) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe—

(a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);

***(b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and*

*(c) the procedure to be followed by an Advisory Board in an inquiry under ***[sub-clause (a) of clause (4)]."*

11. Sub-section (1) of Section 41 of Code of Criminal Procedure (for short the "Cr.P.C.") lists cases where the police may arrest a person without a warrant. The corresponding provision in the BNSS is Section 35. Section 41 of the Cr.P.C. reads thus:

"41. When police may arrest without warrant.—(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person—

(a) who commits, in the presence of a police officer, a cognizable offence;

(b) against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years whether with or without fine, if the following conditions are satisfied, namely:—

(i) the police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;

(ii) the police office is satisfied that such arrest is necessary— (a) to prevent such person from committing any further offence; or (b) for proper investigation of the offence; or

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

(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 to the police officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured,

and the police officer shall record while making such arrest, his reasons in writing.

Provided that a police officer shall, in all cases where the arrest of a person is not required under the provisions of this subsection, record the reasons in writing for not making the arrest.

(ba) against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years whether with or without fine or with death sentence and the police officer has reason to believe on the basis of that information that such person has committed the said offence; *(c) who has been proclaimed as an offender either under this Code or by order of the State Government; or*

(d) in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing; or

(e) who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; or

(f) who is reasonably suspected of being a deserter from any of the Armed Forces of the Union; or

(g) who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been concerned in, any act committed at any place out of India which, if committed in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India; or

(h) who, being a released convict, commits a breach of any rule made under sub-section (5) of Section 356; or

(i) for whose arrest any requisition, whether written or oral, has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

(2) Subject to the provisions of Section 42, no person concerned in a non-cognizable offence or against whom a complaint has been made or credible information has been received or reasonable suspicion exists of his having so concerned, shall be arrested except under a warrant or order of a Magistrate."

(emphasis added)

12. Section 47 of the BNSS reads thus:

"47. Person arrested to be informed of grounds of arrest and of right to bail. –

(1) Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

(2) Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf."

13. Section 48 of the BNSS reads thus:

"48. Obligation of person making arrest to inform about the arrest, etc., to relative or friend. –

(1) Every police officer or other person making any arrest under this Sanhita shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his relatives, friends or such other persons as may be disclosed or mentioned by the arrested person for the purpose of giving such information and also to the designated police officer in the district.

(2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station.

(3) An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as the State Government may, by rules, provide.

(4) It shall be the duty of the Magistrate before whom such arrested person is produced, to satisfy himself that the requirements of sub-section (2) and sub-section (3) have been complied with in respect of such arrested person."

14. We shall now look into the grounds of arrest which were provided to the appellant's son in writing at the time of his arrest and also to the appellant as the father of the person arrested. The same reads thus:

"GROUNDS OF ARREST IN RESPECT OF SRI KESSIREDDY

RAJA SHEKHAR REDDY (A1) IN CR. NO. 21/2024 U/S 420,

409, 120(B) IPC OF CID P.S. MANGALAGIRI

This is a case of Conspiracy, Cheating, Criminal breach of trust, Corruption and Money Laundering which caused huge wrongful loss to the state exchequer/Distilleries and wrongful gain to influential individuals/ Few Distilleries/ Few Suppliers to a tune of more than Rs. 3200 Crores, that occurred between October 2019 and March 2024 in AP State Beverages Corporation Limited, Vijayawada and reported to CID PS on 23-09-2024 at 22-00 hrs. The complainant Sri Mukesh Kumar Meena, I.A.S., Principal Secretary Government of Andhra Pradesh vide Memo No. Rev-01/CPE/20/2024-VIG-IV, Dated: 20.09.2024, lodged a complaint based on the enquiry report with title ***"Report on Liquor Procurement and Market Manipulation (2019-2024)"*** *submitted by a five member committee of APSBCL. The committee found the following manipulations,*

1. Suppression of the established popular brands and unfair discrimination in allocation of OFS over a period of time leading to almost disappearance of some popular brands from the market.

2. Favorable/Preferential allocation of orders to certain new brands in violation of the existing norms giving them undue market share and competitive advantage over the existing brands in the market.

3. The procurement system was shifted to manual process giving scope for manipulation of OFS against the previous system of automated OFS issuance compromising the integrity of the process in order to implement the two manipulations mentioned above.

On which a case in Cr.No.21/2021 U/s 409,420, 120(B) IPC of CID PS, AP, Mangalagiri was registered by the SHO (Y.Srinivasa Rao, DSP, AP, Mangalagiri)/CID PS, AP, Mangalagiri on 23.09.2024 at 22.00 hrs and submitted the copies of FIRs to all the concerned.

Grounds of Arrest:

Investigation done so far reveals prima facie case of Conspiracy, Cheating, Criminal breach of trust and Corruption

1. You are the key person in organizing the kickback driven liquor trade in AP during 2019-2024. You along with Vasudeva Reddy, Satya Prasad, Midhun Reddy, Vijaya Sai Reddy, Sajjala Sridhar Reddy and others hatched conspiracy, suppressed popular brands, promoted blue-eyed brands and caused wrongful gain about Rs. 3200 Crores towards kickbacks to the liquor syndicate through public servants by corrupt practices.

2. In pursuance of the conspiracy, you have controlled issuance of OFSs to suppliers based on kickbacks received. You used to get sales data, calculate the kickback amounts, and used to collect kickbacks through Booneti Chanakya and others regularly.

3. You have threatened SPY Agro Industries Pvt. Ltd., and took over the control of SPY accounts and managed their accounts without their consent. You are further responsible for transfer of money from the bank accounts of SPY Agro Industries Pvt. Ltd., to lot of shell companies.

4. You are responsible for floating of Adan Distillery Pvt Ltd and manufacture of brands like Supreme Blend etc., in some bottling units as a part of the conspiracy.

5. After collecting kickbacks, you used to send the same to P.V.Mithun Reddy and others.

6. Further, you have organized entire business of Leela brand in AP by appointing your henchman Varun as head of operations as a part of the conspiracy.

7. You invested the crime proceeds in various real estate, Infra, Entertainment, chemical and mobility companies.

8. As a part of the conspiracy, you caused lot of wrongful loss to the APSBCL and to the State Exchequer.

9. You have been absconding and not appearing before the Investigation officer in response to notices U/s 179 BNSS.

On the above grounds and as the investigation is not yet completed, your arrest is necessary for further investigation of the case. You are hereby arrested.

Sd/-

21/4/25 I/c Investigating Officer,

Dy. Supdt. Of Police

SIT, Vijaywada."

15. The pathbreaking judgment of this Court in the case of ***Vihaan Kumar v. State of Haryana and another*** reported in 2025 SCC OnLine SC 269 serves as a pivotal reference point in Indian jurisprudence regarding the rights of individuals upon arrest. The judgment in ***Vihan Kumar*** *(supra)* has profound implications for the enforcement of Article 22 of the Constitution across the country. It underscores the judiciary's commitment to upholding constitutional protections against arbitrary arrest and detention. This decision sets a clear precedent that the investigating agency/ police officer/ authorities effecting arrest of any person in connection with any cognizable offence without a warrant must provide specific, actionable reasons for an individual's arrest, beyond citing broad provisions of law. A clear dictum has been laid in ***Vihaan Kumar*** *(supra)* that the law enforcement agencies must exercise greater diligence in communicating the precise grounds of arrest in order to avoid unlawful detention claims. The decision further reinforces the right to legal recourse through *habeas corpus* petitions, empowering individuals to challenge the legality of their detention effectively.

16. In ***Vihaan Kumar*** *(supra)*, this Court eruditely speaking through Justice Abhay S. Oka made some very important observations which we must reproduce as under:

"Therefore, as far as Article 22(1) is concerned, compliance can be made by communicating sufficient knowledge of the basic facts constituting the grounds of arrest to the person arrested. The grounds should be effectively and fully communicated to the arrestee in the manner in which he will fully understand the same. Therefore, it follows that the grounds of arrest must be informed in a language which the arrestee understands. That is how, in the case of ***Pankaj Bansal v. Union of India*** *reported in (2024) 7 SCC 576, this Court held that the mode of conveying the grounds of arrest must necessarily be meaningful so as to serve the intended purpose. However, under Article 22(1), there is no requirement of communicating the grounds of arrest in writing. Article 22(1) also incorporates the right of every person arrested to consult an advocate of his choice and the right to be defended by an advocate. If the grounds of arrest are not communicated to the arrestee, as soon as may be, he will not be able to effectively exercise the right to consult an advocate. This requirement incorporated in Article 22(1) also ensures that the grounds for arresting the person without a warrant exist. Once a person is arrested, his right to liberty under Article 21 is curtailed. When such an important fundamental right is curtailed, it is necessary that the person concerned must understand on what grounds he has been arrested. That is why the mode of conveying information of the grounds must be meaningful so as to serve the objects stated above.*

14. Thus, the requirement of informing the person arrested of the grounds of arrest is not a formality but a mandatory constitutional requirement. Article 22 is included in Part III of the Constitution under the heading of Fundamental Rights. Thus, it is the fundamental right of every person arrested and detained in custody to be informed of the grounds of arrest as soon as possible. If the grounds of arrest are not informed as soon as may be after the arrest, it would amount to a violation of the fundamental right of the arrestee guaranteed under Article 22(1). It will also amount to depriving the arrestee of his liberty. The reason is that, as provided in Article 21, no person can be deprived of his liberty except in accordance with the procedure established

by law. The procedure established by law also includes what is provided in Article 22(1). Therefore, when a person is arrested without a warrant, and the grounds of arrest are not informed to him, as soon as may be, after the arrest, it will amount to a violation of his fundamental right guaranteed under Article 21 as well. In a given case, if the mandate of Article 22 is not followed while arresting a person or after arresting a person, it will also violate fundamental right to liberty guaranteed under Article 21, and the arrest will be rendered illegal. On the failure to comply with the requirement of informing grounds of arrest as soon as may be after the arrest, the arrest is vitiated. Once the arrest is held to be vitiated, the person arrested cannot remain in custody even for a second.

15. We have already referred to what is held in paragraphs 42 and 43 of the decision in the case of Pankaj Bansal (supra). This Court has suggested that the proper and ideal course of communicating the grounds of arrest is to provide grounds of arrest in writing. Obviously, before a police officer communicates the grounds of arrest, the grounds of arrest have to be formulated. Therefore, there is no harm if the grounds of arrest are communicated in writing. Although there is no requirement to communicate the grounds of arrest in writing, what is stated in paragraphs 42 and 43 of the decision in the case of Pankaj Bansal[1] are suggestions that merit consideration. We are aware that in every case, it may not be practicable to implement what is suggested. If the course, as suggested, is followed, the controversy about the noncompliance will not arise at all. The police have to balance the rights of a person arrested with the interests of the society. Therefore, the police should always scrupulously comply with the requirements of Article 22.

16. An attempt was made by learned Senior counsel appearing for 1st respondent to argue that after his arrest, the appellant was repeatedly remanded to custody, and now a chargesheet 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 arguments, with great respect to the learned senior counsel, 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 Article 22(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 per se 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.

17. Another argument canvassed on behalf of the respondents is that even if the appellant is released on the grounds of violating Article 22, the first respondent can arrest him again. At this stage, it is not necessary to decide the issue.

18. In the present case, 1st respondent relied upon an entry in the case diary allegedly made at 6.10 p.m. on 10th June 2024, which records that the appellant was arrested after informing him of the grounds of arrest. For the reasons which will follow hereafter, we are rejecting the argument made by the 1st respondent. If the police want to prove communication of the grounds of arrest only based on a diary entry, it is necessary to incorporate those grounds of arrest in the diary entry or any other document. The grounds of arrest must exist before the same are informed. Therefore, in a given case, even assuming that the case of the police regarding requirements of Article 22(1) of the Constitution is to be accepted based on an entry in the case diary, there must be a contemporaneous record, which records what the grounds of arrest were. When an arrestee pleads before a Court that grounds of arrest were not communicated, the burden to prove the compliance of Article 22(1) is on the police.

19. An argument was sought to be canvassed that in view of subSection (1) of Section 50 of CrPC, there is an option to communicate to the person arrested full particulars of the offence for which he is arrested or the other grounds for the arrest. Section 50 cannot have the effect of diluting the requirement of Article 22(1). If held so, Section 50 will attract the vice of unconstitutionality. Section 50 lays down the requirement of communicating the full particulars of the offence for which a person is arrested to him. The 'other grounds for such arrest' referred to in Section 50(1) have nothing to do with the grounds of arrest referred to in Article 22(1). The requirement of Section 50 is in addition to what is provided in Article 22(1). Section 47 of the

BNSS is the corresponding provision. Therefore, what we have held about Section 50 will apply to Section 47 of the BNSS.

20. When an arrested person is produced before a Judicial Magistrate for remand, it is the duty of the Magistrate to ascertain whether compliance with Article 22(1) has been made. The reason is that due to non-compliance, the arrest is rendered illegal; therefore, the arrestee cannot be remanded after the arrest is rendered illegal. It is the obligation of all the Courts to uphold the fundamental rights.

CONCLUSIONS

21. Therefore, we conclude:

a) The requirement of informing a person arrested of grounds of arrest is a mandatory requirement of Article 22(1);

b) The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of the constitutional safeguard is achieved;

c) When arrested accused alleges non-compliance with the requirements of Article 22(1), the burden will always be on the Investigating Officer/Agency to prove compliance with the requirements of Article 22(1);

d) Non-compliance with Article 22(1) will be a violation of the fundamental rights of the accused guaranteed by the said Article. Moreover, it will amount to a violation of the right to personal liberty guaranteed by Article 21 of the Constitution. Therefore, non-compliance with the requirements of Article 22(1) vitiates the arrest of the accused. Hence, further orders passed by a criminal court of remand are also vitiated. Needless to add that it will not vitiate the investigation, charge sheet and trial. But, at the same time, filing of chargesheet will not validate a breach of constitutional mandate under Article 22(1);

e) When an arrested person is produced before a Judicial Magistrate for remand, it is the duty of the Magistrate to ascertain whether compliance with Article 22(1) and other mandatory safeguards has been made; and

*f) When a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist. The statutory restrictions do not affect the power of the court to grant bail when the viol*ation of Articles 21 and 22 of *the Constitution is established."*

(Emphasis supplied)

17. Justice N. Kotiswar Singh while fully concurring with the views expressed by Justice Abhay S. Oka added a few lines of his own as under:

*"**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, which has also been incorporated in the Prevention of Money Laundering Act, 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 the case of Pankaj Bansal (supra) so as to be meaningful to serve the intended purpose which has been reiterated in Prabir Purkayastha (supra). The said constitutional mandate has been incorporated in the statute under Section 50 of the CrPC (Section 47 of BNSS). It may also be noted that the aforesaid provision of requirement for communicating the grounds of arrest, to be purposeful, is also required to be communicated to the friends, relatives or such other persons of the accused as may be disclosed or nominated by the arrested person for the purpose of giving such information as provided under Section 50A*

of the CrPC. As may be noted, this is in the addition of the requirement as provided under Section 50(1) of the CrPC.

***3.** The purpose of inserting Section 50A of the CrPC, 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 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 by 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."*

(Emphasis supplied)

18. Thus, the following principles of law could be said to have been laid down, rather very well explained, in ***Vihaan Kumar*** *(supra)*:

a) The requirement of informing the person arrested of the grounds of arrest is not a formality but a mandatory constitutional condition.

b) Once a person is arrested, his right to liberty under Article 21 is curtailed. When such an important fundamental right is curtailed, it is necessary that the person concerned must understand on what grounds he has been arrested.

c) The mode of conveying the information of the grounds of arrest must be meaningful so as to serve the true object underlying Article 22(1).

d) If the grounds of arrest are not informed as soon as may be after the arrest, it would amount to a violation of the fundamental right of the arrestee guaranteed under Article 22(1).

e) On the failure to comply with the requirement of informing the grounds of arrest as soon as may be after the arrest, the arrest would stand vitiated. Once the arrest is held to be vitiated, the person arrested cannot remain in custody even for a second.

f) If the police want to prove communication of the grounds of arrest only based on a diary entry, it is necessary to incorporate those grounds of arrest in the diary entry or any other document. The grounds of arrest must exist before the same are informed.

g) When an arrestee pleads before a court that the grounds of arrest were not communicated, the burden to prove the compliance of Article 22(1) is on the police authorities.

h) The grounds of arrest should not only be provided to the arrestee but also to his family members and relatives so that necessary arrangements are made to secure the release of the person arrested at the earliest possible opportunity so as to make the mandate of Article 22(1) meaningful and effective, failing which, such arrest may be rendered illegal.

19. We must clarify one important aspect of ***Vihaan Kumar*** *(supra)*. In ***Vihaan Kumar*** *(supra)* the case was that there was an absolute failure on the part of the police to provide the grounds of arrest. In ***Vihaan Kumar*** *(supra)* reliance was placed upon the entry in the case diary which recorded that the appellant therein was arrested after informing him of the grounds of arrest. In the case at hand, it is not in dispute that the grounds of arrest were supplied to the arrestee, however, the case put up is that those grounds are not meaningful and are bereft of necessary essential information.

20. In this appeal our endeavor would be to consider whether the grounds of arrest supplied to the appellant's son at the time of his arrest could be said to be meaningful and sufficient enough to give a broad idea to the person arrested of the accusations levelled and as to why he was being taken into custody.

21. Having looked into the grounds of arrest which were supplied to the son of the appellant at the time of his arrest, it is difficult for us to take the view that the grounds do not make any sense or are not meaningful or are just an eyewash.

22. In the case of ***State of Bombay*** **v.** ***Atma Ram*** reported in 1951 SCC 43 : AIR 1951 SC 157 (C), it was held by this Court that, the test is whether the communication of the grounds of arrest is sufficient to enable the detained person to make a representation at the earliest opportunity.

23. Similarly in the case of ***Magan Lal Jivabhai, in re***, AIR 1951 Bom 33(D), it was held that, the only possible and reasonable construction that can be put upon the language of Article 22(6) is that the detaining authority, while furnishing grounds of detention, is required to state the facts on account of which he is satisfied that the detention is necessary in the interest of the security of the State, maintenance, of public order, etc.

24. The only privilege a detaining authority can claim against the disclosure of facts is on the grounds of public interest. If no facts at all leading to the detention of a detenu are to be mentioned in the grounds which are to be furnished to him, then obviously the intention underlying the enactment of Article 22(6) would be frustrated.

25. In both the cases referred to above, the persons had been detained under the provisions of Preventive Detention Act. The information to be supplied to such a person is governed by Clause (5) of Article 22. In the present case, the son of the appellant has been arrested for specific offences as mentioned in the grounds of arrest. His case is governed by Clause (1) and not by Clause (5) of Article 22. However, under both the clauses, certain information has to be supplied to the person arrested and detained.

26. Under Clause (1), the ground for arrest has to be communicated to the person arrested. Under Clause (5) the grounds on which the order of detention has been made has to be communicated to the person detained.

27. The object underlying the provision that the grounds of arrest should be communicated to the person arrested has been very succinctly explained in ***Vihaan Kumar*** *(supra)*. On learning about the grounds for arrest, the person concerned will be in a position to make an application before the appropriate Court for bail, or move the High Court for a writ of *habeas corpus*. Further, the information will enable the arrested person to prepare his defence in time for the purposes of his trial. For these reasons, it has been provided by the Constitution that, the ground for the arrest must be communicated to the person arrested as soon as possible.

28. For the purposes of Clause (1) of Article 22, it is not necessary for the authorities to furnish full details of the offence. However, the information should be sufficient to enable

the arrested person to understand why he has been arrested. The grounds to be communicated to the arrested person should be somewhat similar to the charge framed by the Court for the trial of a case.

29. The rule in Article 22(1) that a person upon being arrested must be informed of the grounds of arrest is similar to, though not exactly identical with, the rules prevailing in England and in United States of America. The rule prevailing in England is that

"in normal circumstances an arrest without warrant either by a policeman or by a private person can be justified only if it is an arrest on a charge made known to the person arrested"; (per Viscount Simon L.C. in — 'Christie v. Leachinsky (1947 AC 573 at p. 586(F)."

30. It is a rule of common law and is described in different languages by different authorities, but the meaning is the same; the arrested person must be told for what he is arrested or be informed of the cause of his arrest. In the United States the accused has the constitutional right "to be informed of the nature and cause of the accusation"; see 6th Amendment to the American Constitution. In ***Hooper* v. *Lane***, (1857) 6 HLC 443 : 10 ER 1368 (G), one of the reasons for the rule was said to be that the person arrested should know whether he is or is not bound to submit to the arrest. In ***Christie v. Leachinsky*** reported in (1947) AC 573 Lord Simonds observed at page 591 as thus:

"Putting first things first, I would say that it is the right of every citizen to be free from arrest unless there is in some other citizen, whether a constable or not, the right to arrest him. And I would say next that it is the corollary of the right of every citizen to be thus free from arrest that he should be entitled to resist arrest unless that arrest is lawful. How can these rights be reconciled with the proposition that he may be arrested without knowing why he is arrested? ……. Blind, unquestioning obedience is the law of tyrants and of slaves: it does not yet flourish on English soil".

31. Professor Glanvile L. Williams in his article "Requisites of a Valid Arrest" in (1954) Criminal Law Review, at page 16, criticised the reason given by Lord Simonds as "somewhat legalistic" because very few people know the law of arrest in such a way that they can decide on the spot whether the arrest to which they are being subjected to is legal. In his opinion, the true reason is a different one, e.g., the reason given by Viscount 11th Simon L.C. in the same case at page 588 in the following words:

"If the charge on suspicion of which the man if arrested is then and there made known to him, he has the opportunity of giving an explanation of any misunderstanding or of calling attention to other persons for whom he may have been mistaken with the result that further inquiries may save him from the consequences of false accusation."

32. Another reason given by Lord Simonds at page 592 is that the arrested person may without a moment's delay take such steps as will enable him to regain freedom. One more reason is that it acts as a safeguard against despotism and over-zeal. As remarked by Professor Glanville L. Williams *(supra)*, at page 17:

"the rule has the effect of preventing the police from arresting on vague general suspicion, not knowing the precise crime suspected but hoping to obtain evidence of the commission of some crime for which they have power to arrest".

33. In ***McNabb* v. *United States of America*** reported in (1943) 318 US 332 (H), Frankfurter, J. observed at page 343:

"Experience has therefore counselled that safeguards must be provided against the dangers of the overzealous as well as the despotic …….. Legislation such as this, requiring that the police must with reasonable promptness show legal cause for detaining arrested persons, constitutes an important safeguard".

34. In ***United States* v. *Cruikshank*** reported in (1876) 92 US 542, it was observed by Waite C.J. that the accused is given the right to have a specification of the charge against him in order that he may decide whether he should present his defence by motion to quash, demurrer or plea.

35. The debates of the Constituent Assembly which framed the Constitution are relevant for the purpose of ascertaining the reason behind the insertion of a certain Article in the Constitution. In the Draft of the Constitution, the Article corresponding to the Article under consideration was Article 15A. The reason given for the inclusion of the said Article was that it contained safeguards against illegal or arbitrary arrests (9 Constituent Assembly Debates, p. 1497).(See: ***Vimal Kishore Mehrotra v. State of Uttar Pradesh,*** AIR 1956 All 56)

36. If a person is arrested on a warrant, the grounds for reasons for the arrest is the warrant itself; if the warrant is read over to him, that is sufficient compliance with the requirement that he should be informed of the grounds for his arrest. If he is arrested without a warrant, he must be told why he has been arrested. If he is arrested for committing an offence, he must be told that he has committed a certain offence for which he would be placed on trial. In order to inform him that he has committed a certain offence, he must be told of the acts done by him which amounts to the offence. He must be informed of the precise acts done by him for which he would be tried; informing him merely of the law applicable to such acts would not be enough. (See: ***Vimal Kishore Mehrotra*** *(supra))*

37. In the overall view of the matter more particularly having gone through the grounds of arrest we have reached the conclusion that the requirement in terms of para 21(b) as laid down in ***Vihaan Kumar*** *(supra)* could be said to have been fulfilled.

38. In view of the aforesaid, we do not find any merit in this appeal. The same is accordingly dismissed.

39. It is needless to clarify that it shall be open for the person arrested *viz.* Kessireddy Raja Shekhar Reddy and in judicial custody as on date to apply for regular bail before the competent court. If any regular bail application is pending as on date, the same shall be taken up for hearing at the earliest and be decided in accordance with law keeping in mind the well-settled principles governing the grant of regular bail.

40. Pending application, if any, also stands disposed of.

SLP (CRL.) No. 5691 OF 2025

1. In view of the judgment and order pronounced in Criminal Appeal @ SLP (CRL.) No. 7746 of 2025, it is needless for us to now go into legal issues raised in the present petition. We believe that it would be just an academic exercise for us. However, the question of law is kept open. The petition is disposed of accordingly.