

No. 24013/33/Misc/2012-CSR.III
Government of India/ Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

North Block, New Delhi.

Dated the 16th May, 2012

To

Chief Secretaries of all States,

Sub: - Arrest of an accused outside the State/UT jurisdiction - Regarding.

Some incidents have been reported to have occurred when police officers belonging to one State had gone to another State to arrest some fugitives.

2. With the increasing speed and availability of means of communication and increased connectivity, criminals committing a crime in one state and fleeing to other States is a common phenomenon and the Police Forces of the State where the crime was committed need to pursue the criminals into the States where they have fled. Provisions for this exist in Section 48 of the Cr. PC and Section 77 of the Cr. PC. Normally, this has been happening without any difficulties; however, of late, there have been one or two incidents, where some problems have surfaced when the police officers had gone to effect the arrest in another State. There have also been complaints of lack of cooperation by the local police.

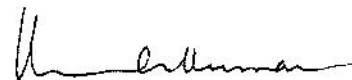
3. Under Section 48 of the Cr. P.C. a person can be arrested anywhere in India. Similarly, under Section 77 of the Cr.P.C., a warrant may be executed anywhere in India. As per Section 79 of the Cr.P.C., when a warrant directed to a police officer is to be executed beyond the local jurisdiction of the court issuing the same, he shall ordinarily take it for endorsement either to an Executive Magistrate or to a Police Officer not below the rank of an officer in charge of a Police Station within the local limits of whose jurisdiction the warrant is to be executed. However, As per Section 79(3) of the Cr. P.C., where there is reason to believe that delay in obtaining the endorsement will prevent such execution, the warrant may be executed without such endorsement. In accordance with Section 56 of the Cr.P.C., the person arrested is to be produced before a Magistrate having jurisdiction in the case or before an officer in-charge of a Police Station. According to Section 57 of the Cr.P.C., the person arrested is to be brought before a Magistrate within 24 hours excluding journey time.

4. It is seen that in many cases, the police officers carrying out arrest in another State bring back the arrested person and produce him before the Magistrate in their own jurisdiction. This may be possible because of quicker means of transport and also because the stipulated period of 24 hours excludes the journey time. However, this procedure is not in accordance with law. According to Section 80, a person arrested must be produced before the Executive Magistrate or the Deputy Superintendent of police or the Commissioner of Police within whose jurisdiction the arrest was made unless the court which issued the warrant is within 30 kilometers of the place of arrest or is nearer than the Executive Magistrate or the Deputy Superintendent of Police or the Commissioner of Police within whose jurisdiction the arrest was made. It is emphasised that Section 80 Cr.P.C. must be complied with, in every case.

5. In some instances, the Police of some States have brought to the notice of the Central Govt. the lack of cooperation by the Police of another State in carrying out the arrest of a fugitive. As has been pointed above, in this modern age, criminals flee to another State/UT after committing a crime and, unless there is coordination and cooperation between the Police Forces of the States, these criminals will not be brought to justice. It is necessary, therefore, that appropriate coordination is established with the State Police in whose jurisdiction the criminal is reportedly found and such coordination having been established, it is expected that the State Police in whose jurisdiction the fugitive is hiding will provide the required cooperation and assistance in his arrest and dispatch to be produced before the court having jurisdiction in the case.

6. It is requested that appropriate instruction may be issued in the matter.

Yours Sincerely,



(S. Suresh Kumar)

Joint Secretary to the Govt. of India,
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