

4. ARREST

The Constitution of India guarantees the fundamental rights to every citizen of India even if he is an accused in a criminal case. Therefore the police are duly bound to take the following action as mentioned below :—

- (1) When an accused is arrested he should be informed of the offence for which he is arrested and also about the section of the Act pertaining to that offence.
- (2) While making an arrest or investigating a crime the police officers or personnel should show their identity cards and also display the nameplate showing their name and designation on their uniforms so as to be clearly visible.
- (3) If requested by the accused person, the information of his arrest should be given to his relatives or persons at his home and a note of having done so should be made in the police station diary.
- (4) While arresting a person, medical examination of all the old and fresh injuries on his body should be done and a note thereof be taken.
- (5) An arrested accused should be medically examined once in every 48 hours, while in police custody.
- (6) While an accused is in the police custody, his lawyer should be permitted to visit him.

- (7) Information of the arrest of an accused should be given to the District Control Room and the State Police Headquarters.
- (8) **The accused should be presented before the judicial Magistrate/Judge concerned within 24 hours of his arrest.**

Regarding handcuffing of an accused

Decision regarding handcuffing of an offender is taken after considering the nature of his offence, past history of the accused, his conduct and possibility of his escaping. Handcuffing after an arrest is not necessary in the case of each and every offence. Women, Juvenile offenders, lepers should not be handcuffed.

