



2026:UHC:1846

Judgment Delivered on:18.03.2026

Judgment Reserved on:18.12.2025

## **IN THE HIGH COURT OF UTTARAKHAND**

### **AT NAINITAL**

#### **Criminal Revision No.945 of 2024**

Ravi Kant

.....Revisionist

Vs.

Central Bureau of Investigation

.....Respondent

#### **Presence:**

Mr. Parikshit Saini, learned counsel for the Revisionist assisted by Ms. Sukhwani Singh, learned counsel.

Mr. Piyush Garg, learned counsel for the CBI.

#### **Hon'ble Ashish Naithani, J.**

1. The present Criminal Revision has been preferred by the revisionist challenging the legality of the remand order dated 09.10.2024 passed by the Special Judicial Magistrate, C.B.I./Second Additional Chief Judicial Magistrate, Dehradun, District Dehradun, in relation to FIR No. RC0072023S0006, registered at Police Station CBI, SPE, Dehradun, under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, 1860. The revisionist has also prayed that his arrest be declared illegal and violative of the fundamental rights guaranteed under Articles 21 and 22 of the Constitution of India, and that he be released from judicial custody forthwith.
2. The case of the investigating agency, as reflected from the record, is that the above-mentioned FIR was registered by the Central Bureau of Investigation, SPE, Dehradun, in connection with alleged offences



relating to criminal conspiracy and forgery punishable under the aforesaid provisions of the Indian Penal Code.

3. During the course of investigation, the revisionist came to be arrested by the investigating agency. After his arrest, the revisionist was produced before the jurisdictional Magistrate and was remanded to judicial custody by order dated 09.10.2024 passed by the Special Judicial Magistrate, C.B.I./Second Additional Chief Judicial Magistrate, Dehradun.
4. The revisionist has assailed the legality of the said remand order primarily on the ground that the arrest itself was illegal and unconstitutional. According to the revisionist, at the time of his arrest the grounds of arrest were not communicated to him in writing, which according to him constitutes a violation of the safeguards guaranteed under Article 22(1) of the Constitution of India and the settled legal position laid down by the Hon'ble Supreme Court with respect to communication of grounds of arrest.
5. It is the case of the revisionist that in the absence of proper communication of the grounds of arrest, the arrest itself becomes illegal and any consequential order of remand passed by the Magistrate would also stand vitiated.
6. On the strength of the above submissions, the revisionist has approached this Court by way of the present criminal revision seeking setting aside of the remand order dated 09.10.2024 and praying that his arrest be declared illegal and unconstitutional, with a further direction for his immediate release from judicial custody.
7. Learned counsel appearing for the revisionist submits that the arrest of the revisionist is illegal and unconstitutional as the mandatory safeguards contained in Article 22(1) of the Constitution of India were not complied with at the time of arrest.



8. It is submitted that the constitutional mandate requires that an arrested person must be informed of the grounds of arrest, and such communication must be meaningful and effective so as to enable the arrested person to understand the basis of the accusation against him and to prepare his defence.
9. Learned counsel submits that in the present case the grounds of arrest were never communicated to the revisionist in writing at the time of arrest, nor was any document containing the grounds of arrest supplied to him. It is argued that mere arrest or production before the Magistrate without proper communication of the grounds of arrest is a direct infringement of the safeguards guaranteed under Articles 21 and 22 of the Constitution of India.
10. It is further submitted that the requirement of furnishing the grounds of arrest in writing has been authoritatively recognised by the Hon'ble Supreme Court. In this regard, reliance has been placed upon the judgments of the Hon'ble Supreme Court in *Pankaj Bansal v. Union of India*, (2024) 7 SCC 576, and *Prabir Purkayastha v. State (NCT of Delhi)*, (2024) 8 SCC 254, wherein it has been held that furnishing the grounds of arrest in writing is an important safeguard flowing from Article 22(1) of the Constitution.
11. Learned counsel further submits that the Hon'ble Supreme Court in *Mihir Rajesh Shah v. State of Maharashtra*, 2025 SCC OnLine SC 2356, has clarified the legal position and has held that the grounds of arrest must be communicated in writing to the arrestee in the language understood by him, and that failure to comply with this requirement renders the arrest illegal and violative of the constitutional mandate.
12. It is argued that the requirement of communicating the grounds of arrest is not a mere procedural formality but a substantive constitutional protection designed to safeguard personal liberty. Any violation of this mandate strikes at the root of the legality of the arrest itself.



13. Learned counsel submits that in the present case the investigating agency failed to communicate the grounds of arrest in writing to the revisionist and, therefore, the arrest is rendered illegal. It is further submitted that once the arrest itself is illegal, the remand order dated 09.10.2024 passed by the Special Judicial Magistrate, C.B.I./Second Additional Chief Judicial Magistrate, Dehradun cannot be sustained in law.
14. It is therefore argued that the impugned remand order deserves to be set aside and the revisionist is entitled to be released from judicial custody forthwith, as his continued detention is the result of an arrest made in violation of the constitutional guarantees under Articles 21 and 22 of the Constitution of India.
15. Per contra, learned counsel appearing for the respondent–Central Bureau of Investigation submits that the present revision is devoid of merit and the arrest of the revisionist was carried out strictly in accordance with law.
16. It is submitted that the principal contention raised by the revisionist regarding alleged non-communication of the grounds of arrest is factually incorrect. Learned counsel submits that the revisionist was duly informed of the allegations against him at the time of arrest and the relevant documents placed on record clearly reflect the basis on which the arrest was effected.
17. Learned counsel for the respondent submits that the constitutional requirement under Article 22(1) of the Constitution of India is that the arrested person must be made aware of the grounds of arrest in such a manner that he is able to understand why he has been arrested and is able to defend himself. It is argued that the provision does not prescribe any rigid format for communicating such grounds.
18. It is further submitted that the legal position in this regard has been explained by the Hon'ble Supreme Court in *Vihaan Kumar v.*



State of Haryana, (2025) 5 SCC 799, wherein it has been held that the requirement of informing the grounds of arrest is satisfied if sufficient knowledge of the basic facts constituting the grounds of arrest is imparted to the arrested person. According to the respondent, the Hon'ble Supreme Court has clarified that the mode and method of communication must be such that the object of the constitutional safeguard is achieved.

19. Learned counsel further contended that the requirement of informing the grounds of arrest must be assessed in the context of the factual circumstances of each case, and that the essential requirement is that the arrested person should be made aware of the allegations forming the basis of his arrest.
20. It is argued that the Hon'ble Supreme Court in the aforesaid decisions has also observed that where the arrested person is made aware of the allegations and is able to seek legal remedy, procedural objections regarding the mode of communication of the grounds of arrest cannot automatically render the custody illegal.
21. Learned counsel for the respondent further submits that in the present case the arrest memo itself records the essential facts constituting the offence, including the allegations against the revisionist, and the same was supplied to him at the time of arrest. According to the respondent, the contents of the arrest memo sufficiently informed the revisionist of the basis on which he was being arrested.
22. It is further submitted that the revisionist was produced before the competent Magistrate and was remanded to judicial custody in accordance with law. The remand order dated 09.10.2024 was passed by the Special Judicial Magistrate, C.B.I./Second Additional Chief Judicial Magistrate, Dehradun, after considering the material placed before the court.



23. Learned counsel for the respondent also submits that the arrest in the present case was effected prior to the judgment of the Hon'ble Supreme Court in *Mihir Rajesh Shah v. State of Maharashtra*, and therefore the legal position as clarified subsequently cannot be retrospectively applied so as to invalidate the arrest.
24. On the strength of the above submissions, learned counsel for the respondent submits that the arrest of the revisionist was lawful and there is no violation of the safeguards contained in Articles 21 and 22 of the Constitution of India. It is therefore submitted that the present criminal revision is liable to be dismissed.
25. Heard learned counsel for the Parties and perused the records.
26. The principal question which arises for consideration in the present criminal revision is whether the arrest of the revisionist suffers from illegality on account of non-compliance with the constitutional requirement of communicating the grounds of arrest as mandated under Article 22(1) of the Constitution of India, and whether on that basis the remand order dated 09.10.2024 passed by the Special Judicial Magistrate, C.B.I./Second Additional Chief Judicial Magistrate, Dehradun deserves to be set aside.
27. Article 22(1) of the Constitution provides 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 object of this constitutional safeguard is to ensure that the arrested person is made aware of the basis of his arrest so that he may effectively exercise his right to seek legal remedies including bail and to prepare his defence.
28. The jurisprudence relating to communication of grounds of arrest has undergone certain developments through various decisions of the Hon'ble Supreme Court. In *Pankaj Bansal v. Union of India*, (2024) 7 SCC 576, the Hon'ble Supreme Court emphasised that furnishing



written grounds of arrest is a vital safeguard and held that ordinarily a copy of such grounds should be provided to the arrested person.

29. Subsequently, in *Vihaan Kumar v. State of Haryana*, (2025) 5 SCC 799, the Hon'ble Supreme Court clarified that the constitutional mandate under Article 22(1) is satisfied if the arrested person is informed of the basic facts constituting the grounds of arrest in a meaningful manner, so that the object of the constitutional safeguard is achieved. The Court emphasised that the manner of communication must effectively convey the substance of the accusation.
30. From the above decisions, it is evident that the fundamental requirement is that the arrested person must be informed of the basic facts constituting the grounds of arrest, and such information must be conveyed in a manner that enables him to understand the allegations against him.
31. It is also well settled that there exists a distinction between the "reasons for arrest" and the "grounds of arrest". The reasons for arrest are generally the statutory considerations which justify the necessity of arrest, whereas the grounds of arrest consist of the basic factual allegations which constitute the offence attributed to the arrested person.
32. In the present case, the record indicates that the arrest of the revisionist was followed by preparation of the arrest memo, wherein the essential facts constituting the alleged offence were recorded. The arrest memo indicates that the arrest was made in connection with the alleged commission of offences under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code in relation to FIR No. RC0072023S0006 registered at Police Station CBI, SPE, Dehradun.
33. The arrest memo further records the substance of the allegations forming the basis of the arrest. The said document was admittedly supplied to the revisionist at the time of arrest.



34. In the considered opinion of this Court, once a written document containing the essential factual allegations forming the basis of the arrest is supplied to the arrested person, the requirement of communicating the grounds of arrest in writing stands substantially complied with. The constitutional mandate does not require that the grounds of arrest must necessarily be recorded on a separate document distinct from the arrest memo.
35. The object of Article 22(1) is to ensure that the arrested person is made aware of the accusations forming the basis of the arrest. If such information is conveyed through the arrest memo or any contemporaneous document supplied to the accused, the requirement of communication of grounds of arrest cannot be said to have been violated.
36. In the present case, the revisionist was informed of the allegations forming the basis of the arrest and was produced before the competent Magistrate in accordance with law. The remand order dated 09.10.2024 was thereafter passed by the Special Judicial Magistrate, C.B.I./Second Additional Chief Judicial Magistrate, Dehradun.
37. In view of the material placed on record, this Court is unable to accept the contention of the revisionist that the arrest was effected in violation of the constitutional safeguards under Articles 21 and 22 of the Constitution of India.
38. Consequently, the foundation on which the present criminal revision has been filed, namely the alleged illegality of the arrest and the consequential invalidity of the remand order, cannot be sustained.

### **ORDER**

In view of the foregoing discussion, this Court finds no merit in the contention advanced on behalf of the revisionist that his arrest was effected in violation of the constitutional safeguards guaranteed under Articles 21 and 22 of the Constitution of India.



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The record indicates that the revisionist was informed of the allegations forming the basis of his arrest and the relevant document containing the essential factual allegations was supplied to him at the time of arrest. In such circumstances, the requirement of communication of the grounds of arrest cannot be said to have been violated.

Consequently, the remand order dated 09.10.2024 passed by the Special Judicial Magistrate, C.B.I./Second Additional Chief Judicial Magistrate, Dehradun, District Dehradun, in relation to FIR No. RC0072023S0006 registered at Police Station CBI, SPE, Dehradun, under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, does not suffer from any illegality warranting interference by this Court in exercise of its revisional jurisdiction.

The criminal revision is accordingly dismissed.

**(Ashish Naithani J.)**

**Dated:18.03.2026**

**NR/**