



2026:UHC:1843

Judgment Reserved on: 29.12.2025

Judgment Delivered on: 17.03.2026

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

Criminal Revision No.708 of 2025

Sanjay Kumar @ FaujiPetitioner

Vs.

State of UttarakhandRespondent

Presence:

Mr. Parikshit Saini, learned counsel for the Petitioner.

Mr. N.S. Kanyal, learned A.G.A. assisted by Mr. Vijay Khanduri, learned Brief Holder for the State of Uttarakhand.

Mr. Deep Prakash Bhatt, learned counsel for the Complainant.

Hon'ble Ashish Naithani, J.

The present Criminal Revision has been preferred by the Revisionist challenging the legality and propriety of the impugned order passed by the learned Magistrate whereby the Revisionist was remanded to judicial custody.

2. The factual background, in brief, is that the Revisionist was arrested in connection with an offence registered under the relevant penal provisions. The arrest was effected without warrant and the Revisionist was produced before the learned Magistrate for remand.

3. At the time of production before the Magistrate, an objection was raised on behalf of the Revisionist that the constitutional mandate under Article 22(1) of the Constitution of India had not been complied with inasmuch as the "grounds of arrest" had not been communicated to him in writing.



4. It was contended before the learned Magistrate that mere oral intimation of the allegations would not amount to compliance of Article 22(1), as interpreted by 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.

5. The Investigating Officer, however, stated before the learned Magistrate that the Revisionist had been informed of the allegations forming the basis of his arrest and that the arrest memo contained the relevant particulars. It was further submitted that the requirement of law stood satisfied.

6. After hearing the parties, the learned Magistrate proceeded to pass the remand order and committed the Revisionist to judicial custody. Aggrieved thereby, the present Criminal Revision has been filed, essentially on the ground that non-communication of the grounds of arrest in writing vitiates the arrest and the subsequent remand proceedings.

7. Learned Counsel for the Revisionist submits that Article 22(1) of the Constitution of India mandates that a person arrested shall not be detained in custody without being informed, as soon as may be, of the grounds for such arrest.

8. It is contended that the expression "grounds of arrest" has been judicially interpreted by the Hon'ble Supreme Court to mean not merely the formal "reasons of arrest", but the basic factual allegations constituting the offence and the basis on which the arresting officer formed his belief.

9. Learned Counsel places reliance 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 to contend that communication of the grounds of arrest must be in writing



and a copy thereof must be furnished to the arrested person as a matter of course and without exception.

10. It is argued that the purpose of such written communication is not merely procedural but substantive, as it enables the arrested person to meaningfully consult legal counsel, oppose remand and seek bail.

11. Learned Counsel further submits that the Hon'ble Supreme Court has drawn a clear distinction between "reasons for arrest" and "grounds of arrest" and that recording generic reasons in the arrest memo would not satisfy the constitutional mandate unless the specific factual allegations necessitating arrest are clearly conveyed.

12. It is urged that in the present case, the Investigating Officer himself admitted that no separate written grounds of arrest were furnished to the Revisionist. According to the Revisionist, this amounts to a clear violation of the fundamental right guaranteed under Article 22(1) read with Article 21 of the Constitution of India.

13. It is further contended that once there is a constitutional infraction at the stage of arrest, the remand order founded upon such arrest stands vitiated. Learned Counsel submits that the filing of charge-sheet or continuation of investigation cannot cure the initial illegality.

14. On these submissions, it is prayed that the impugned remand order be set aside and the Revisionist be directed to be released forthwith.

15. Per contra, learned State Counsel submits that the Revisionist was informed of the allegations forming the basis of his arrest and that the arrest memo contained sufficient particulars to apprise him of the offence for which he was being arrested.

16. It is argued that Article 22(1) requires communication of the grounds of arrest, but the Constitution itself does not expressly mandate



that such communication must invariably be by way of a separately prepared written document.

17. Learned State Counsel submits that subsequent decisions of the Hon'ble Supreme Court, particularly in *Vihaan Kumar v. State of Haryana*, (2025) 5 SCC 799 and *Kasireddy Upendar Reddy v. State of Andhra Pradesh*, 2025 SCC OnLine SC 1228, have clarified that the mode and method of communication must be meaningful and sufficient to impart knowledge of the basic facts constituting the offence.

18. It is further contended that if the arrest memo itself contains the factual allegation and is supplied to the accused, the requirement of communication in writing stands satisfied. The law does not require that the grounds must be recorded on a separate sheet styled as "grounds of arrest".

19. Learned State Counsel also submits that the arrest in the present case was effected prior to the pronouncement of the judgment in *Mihir Rajesh Shah v. State of Maharashtra*, 2025 SCC OnLine SC 2356, wherein a clearer mandate regarding written communication was laid down. Therefore, the legal position prevailing at the relevant time would govern the case.

20. It is argued that the Revisionist was produced before the Magistrate, was represented by counsel, and was aware of the allegations against him. No demonstrable prejudice has been shown to have been caused on account of the alleged procedural lapse.

21. It is thus contended that the impugned remand order does not suffer from any illegality or jurisdictional error warranting interference in revisional jurisdiction.

22. This Court has heard learned Counsel for the parties at length and has perused the record.



23. The controversy in the present revision is narrow but constitutionally significant. The sole question that arises for consideration is whether, in the facts of the present case, there has been non-compliance with the mandate of Article 22(1) of the Constitution of India, and if so, whether such alleged non-compliance vitiates the arrest and the consequential order of remand.

24. Article 22(1) of the Constitution of India provides that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest. The object of this constitutional safeguard is twofold: first, to ensure that the arrested person is made aware of the factual basis of the deprivation of his liberty; and second, to enable him to effectively consult legal counsel, oppose remand and seek appropriate remedies including bail.

25. The Hon'ble Supreme Court in *Pankaj Bansal v. Union of India*, (2024) 7 SCC 576, emphasised that communication of grounds of arrest must be meaningful and not illusory. This principle was reiterated in *Prabir Purkayastha v. State (NCT of Delhi)*, (2024) 8 SCC 254, where it was observed that the grounds of arrest must convey the basic facts constituting the offence so as to enable the arrested person to defend himself against custodial remand.

26. Subsequently, in *Vihaan Kumar v. State of Haryana*, (2025) 5 SCC 799, the Hon'ble Supreme Court clarified that the requirement under Article 22(1) is mandatory, but the mode and method of communication must be such that sufficient knowledge of the basic facts constituting the grounds of arrest is effectively imparted. The emphasis was placed on meaningful communication rather than on rigid formalism.

27. The jurisprudence on the point attained greater clarity in *Mihir Rajesh Shah v. State of Maharashtra*, 2025 SCC OnLine SC 2356,



wherein it was held that the grounds of arrest must be communicated in writing to the arrestee in the language he or she understands. However, the Hon'ble Supreme Court also acknowledged that prior to that pronouncement, there existed inconsistency in the application of the requirement relating to written communication.

28. In the present case, it is not in dispute that the arrest was effected prior to the decision in *Mihir Rajesh Shah* (supra). Therefore, the legal position prevailing at the time of arrest must guide the adjudication of the present revision.

29. The record indicates that the arrest memo contained a recital of the factual allegation forming the basis of arrest. Though styled as "reasons for arrest", the substance of the recital discloses the allegation constituting the offence and the basis for the arresting officer's belief. The arrest memo was supplied to the Revisionist at the time of arrest.

30. The distinction between "reasons for arrest" and "grounds of arrest" has been elaborated by the Hon'ble Supreme Court in *Prabir Purkayastha* (supra). While "reasons for arrest" may be general in nature, "grounds of arrest" must contain the basic facts constituting the offence and must be personal to the accused. The test, therefore, is whether the accused was informed of the basic factual allegations necessitating his arrest.

31. Upon perusal of the arrest memo and the surrounding circumstances, this Court is satisfied that the Revisionist was made aware of the specific allegation forming the basis of his arrest. The factual foundation of the accusation was not withheld. The communication was contemporaneous with the arrest and was reflected in the arrest memo supplied to him.



32. The law does not mandate that the grounds of arrest must be recorded on a separate sheet bearing the caption “grounds of arrest”. What is required is that the arrested person be informed, in writing, of the basic facts constituting the offence. If such facts are contained in a document supplied to the arrestee, the constitutional mandate stands substantially satisfied.

33. It is also relevant that the Revisionist was produced before the Magistrate and was represented by Counsel at the time of remand. No specific prejudice has been demonstrated to have been caused on account of the alleged procedural lapse. The remand order reflects that the learned Magistrate considered the objection raised and proceeded to pass the order upon being satisfied of the legality of arrest.

34. Revisional jurisdiction is to be exercised to correct jurisdictional errors or manifest illegality. In the absence of clear violation of constitutional safeguards, and particularly in view of the legal position prevailing at the time of arrest, this Court does not find that the impugned remand order suffers from any infirmity warranting interference.

35. The constitutional safeguard under Article 22(1) is sacrosanct and must be scrupulously followed. However, its enforcement must be guided by substance rather than technicality. In the facts of the present case, this Court is of the considered view that the requirement of communication of grounds of arrest stood substantially complied with.

ORDER

In view of the foregoing discussion, this Court does not find any illegality, impropriety or jurisdictional error in the impugned order of remand.

The Criminal Revision is, accordingly, **dismissed**.



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It is clarified that any observations made herein are confined to the limited issue raised in the present revision and shall not be construed as an expression on the merits of the case.

(Ashish Naithani J.)

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