**IN THE SUPREME COURT OF INDIA**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 4505 /2025**
**[@ SLP [CRL.] NO.198/2025]**

**AHMED MANSOOR & ORS.** **Appellant(s)**

**VERSUS**

**THE STATE**
**REP. BY, ASSISTANT COMMISSIONER**
**OF POLICE & ANR.** **Respondent(s)**

**O R D E R**

**Leave granted.**

**The appellants before us have been charged for the offences punishable under Sections 153A, 153B, 120-B and 34 of the Indian Penal Code, 1860 and Sections 13 and 18 of The Unlawful Activities (Prevention) Act, 1967 (for short, the 'UAPA').**

**The only issue for consideration in this appeal is as to whether the appellants have been furnished with the grounds of arrest when they were apprehended and, if not, whether an explanation given by the jurisdictional Court at the time of remand, followed by the remand order which indicates that the grounds of arrest were explained, would be in sufficient compliance of Section 43B of the UAPA.**



**The issue involved in the present appeal is no longer *res integra*. In our considered view, the High Court has misconstrued the earlier judgments passed**

**by this Court. On facts, there is no dispute that the grounds of arrest were not furnished, either to the appellants or to the persons arrested with them. On the contrary, the only contention on behalf of the respondents is that the grounds of arrest was duly explained by the Court at the time of remand, followed by furnishing of a copy of the same containing the grounds of arrest to the counsel who appeared with them. In *Pankaj Bansal v. Union of India & Ors.*- (2024) 7 SCC 576, the aforesaid aspect of mandatory information, in writing, of grounds of arrest has been explained by this Court as follows.**

> **"45. On the above analysis, to give true meaning and purpose to the constitutional and the statutory mandate of Section 19(1) PMLA of informing the arrested person of the grounds of arrest, we hold that it would be necessary, henceforth, that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception. The decisions of the Delhi High Court in Moin Akhtar Qureshi and the Bombay High Court in Chhagan Chandrakant Bhujbal, which hold to the contrary, do not lay down the correct law. In the case on hand, the admitted position is that ED's investigating officer merely read out or permitted reading of the grounds of arrest of the appellants and left it at that, which is also disputed by the appellants. As this form of communication is not found to be adequate to fulfill compliance with the mandate of Article**

**22(1) of the Constitution and Section 19(1) PMLA, we have no hesitation in holding that their arrest was not in keeping with the provisions of Section 19(1) PMLA. Further, as already noted supra, the clandestine conduct of ED in proceeding against the appellants, by recording the second ECIR, immediately after they secured interim protection in relation to the first ECIR, does not commend acceptance as it reeks of arbitrary exercise of power. In effect, the arrest of the appellants and, in consequence, their remand to the custody of ED and, thereafter, to judicial custody, cannot be sustained."**

**The aforesaid position has been reiterated in *Prabir Purkayastha v. State (NCT of Delhi) - (2024) 8 SCC 254* as stated under:**

**"45. We are of the firm opinion that once this Court has interpreted the provisions of the statute in context to the constitutional scheme and has laid down that the grounds of arrest have to be conveyed to the accused in writing expeditiously, the said ratio becomes the law of the land binding on all the courts in the country by virtue of Article 141 of the Constitution of India.**

**46.Now, coming to the aspect as to whether the grounds of arrest were actually conveyed to the appellant in writing before he was remanded to the custody of the investigating officer.**

**47.We have perused the arrest memo (Annexure P-7)**

**and find that the same nowhere conveys the grounds on which the accused was being arrested. The arrest memo is simply a proforma indicating the formal "reasons" for which the accused was being arrested.**

**48.It may be reiterated at the cost of repetition that there is a significant difference in the phrase "reasons for arrest" and "grounds of arrest". The "reasons for arrest" as indicated in the arrest memo are purely formal parameters viz. to prevent the accused person from committing any further offence; for proper investigation of the offence; to prevent the accused person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; to prevent the arrested person for making 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 investigating officer. These reasons would commonly apply to any person arrested on charge of a crime whereas the "grounds of arrest" would be required to contain all such details in hand of the investigating officer which necessitated the arrest of the accused. Simultaneously, the grounds of arrest informed in writing must convey to the arrested accused all basic facts on which he was being arrested so as to provide him an opportunity of defending himself against custodial remand and to seek bail. Thus, the "grounds of arrest" would invariably be personal to the accused and cannot be equated with the "reasons of arrest" which are general in nature."**

**In *Vihaan Kumar v. State of Haryana & Anr.*, this Court, in the supplementing judgment, was pleased to observe as follows:**

> **"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."**

**Learned Senior counsel appearing for the respondent(s) has placed reliance on recent decisions of this Court in *Kasireddy Upender Reddy v. State of Andhra Pradesh and Ors.*- Criminal Appeal No.2808/2025 dated 23.05.2025 and *State of Karnataka v. Sri Darshan Etc*. - Criminal Appeal Nos. 3528-3534/2025 dated 14.08.2025.**

**In *State of Karnataka v. Sri Darshan Etc*.(supra) the facts governing are quite different. It was a case dealing with the cancellation of bail where the charge sheet had been filed and the grounds of detention were served immediately. This Court has, in fact, given its approval to the decision in *Vihaan Kumar v. State of Haryana & Anr.*(supra). Similarly, in *Kasireddy Upender Reddy v. State of Andhra Pradesh and Ors.* (supra), this Court was pleased to hold in para 27 that the object underlying the provision that the grounds of arrest should be communicated has been explained by this Court in *Vihaan Kumar v. State of Haryana & Anr* (supra). Therefore, the law as laid down in *Vihaan Kumar v. State of Haryana & Anr* (supra) has been approved and reiterated in the abovesaid decisions.**

**In such view of the matter, we are inclined to hold that the present appeal deserves to succeed only on the ground that the mandate of furnishing the grounds of arrest at the time of securing the appellants has not been complied with. Therefore, we are not inclined to go into the merits of the case. However, while setting aside the order passed by the High Court and consequently setting aside the order of arrest and remand, we would only say that liberty is granted to the respondents to take recourse to law, to arrest, if a case is made out.**

**Suffice it is to state that the explanation by the Court before whom the arrestees are produced can never be an adequate compliance of furnishing the grounds of arrest at the time of securing an accused.**

**The appeal stands allowed, accordingly.**

**Pending application(s), if any, shall stand disposed of.**

**.....J.**
**[M.M. SUNDRESH]**

**.....J.**
**[VIPUL M. PANCHOLI]**

**NEW DELHI;**
**October 14, 2025.**

**ITEM NO.34 COURT NO.6 SECTION II-C**

**S U P R E M E C O U R T O F I N D I A**
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (Crl.) No(s). 198/2025**

**[Arising out of impugned final judgment and order dated 01-10-2024 in WP No. 17007/2024 passed by the High Court of Judicature at Madras]**

**AHMED MANSOOR & ORS. Petitioner(s)**

**VERSUS**

**THE STATE**
**REP. BY, ASSISTANT COMMISSIONER OF POLICE & ANR. Respondent(s)**
**IA No. 3710/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 3712/2025 - EXEMPTION FROM FILING O.T.**

**Date : 14-10-2025 This matter was called on for hearing today.**

**CORAM :**
**HON'BLE MR. JUSTICE M.M. SUNDRESH**
**HON'BLE MR. JUSTICE VIPUL M. PANCHOLI**

**For Petitioner(s)** Mr. A Velan, AOR
Navpreet Kaur, Adv.
Mr. Prince Sing, Adv.
Mr. Abdul Basith, Adv.
Mr. Nilay Rai, Adv.
Ms. Kanika Sharma, Adv.

**For Respondent(s)** Mr. Raja Thakare, A.S.G.
Mr. G. Siddi Ramulu, Sr. Adv.
Mr. Rohit Khare, Adv.
Ms. Tusharika Sharma, Adv.
Ms. Adya Jha, Adv.
Mr. Adarsh Kumar Pandey, Adv.
Mr. Arvind Kumar Sharma, AOR

**UPON hearing the counsel the Court made the following**

**O R D E R**

**Leave granted.**
**The appeal is allowed in terms of the signed order.**
**Pending application(s), if any, shall stand disposed of.**

**(ASHA SUNDRIYAL) (POONAM VAID)**
**DEPUTY REGISTRAR ASSISTANT REGISTRAR**
**[Signed order is placed on the file]**