

Government of Tripura
Office of the Director General of Police
Tripura :: Agartala

No. 23135-51 /F.2 (3-142)-PHQ (CS)/15

Dated, 09 June, 2015.

MEMORANDUM


Instances have come to notice that person(s) are being detained by police station officers on the grounds of being found intoxicated and riotous. On the basis of complaints from local residents regarding such persons Evidently, the police is acting on the basis of provisions contained in Section 90(2) of Tripura Police Act, 2007 and Section 151 of Cr.P.C.

In this regard, the following guidelines are issued for strict compliance with immediate effect:

1. On receipt of a complaint against any person being found intoxicated and riotous, if the situation demands, the Officer-in-Charge, or any other officer of the police station shall immediately take such person into custody for the purpose of getting him medically examined by an authorized Medical Officer of the area. As soon as the medical examination of the person is completed, if such person is no longer required to be kept admitted in the hospital, such person shall be handed over to the family members or relatives or responsible known persons after observing all legal formalities.
2. No person shall be detained / arrested and placed in a police lock-up unless and until he is arrested after having satisfied the conditions laid down in Section 41/151 Cr.P.C.
3. Procedure for arrest and the duties of an officer making arrest are clearly enumerated in Section 41 B of Cr.P.C. along with the 11 (eleven) point guidelines issued by Hon'ble Supreme Court of India in the case of D.K. Basu Vs State of West Bengal and others. The same shall be strictly followed by all the Police Officers making any arrest of person(s).

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4. The Provisions of Section 41 C & D, Section 49, 50, 50 A, 53 and Section 54 of Cr.P.C. shall be meticulously followed by all concerned in connection with any arrest made by police notwithstanding the provisions laid down in other sections of chapter V of the Cr.P.C.
5. The guidelines to be followed before arresting a Judicial Officer as stipulated by the Hon'ble Supreme Court of India in the case of Delhi Judicial Service Association TIS Hajari Court, Vs State of Gujrat and Others etc which were circulated from time to time from PHQ and also available on the Tripura Police Website shall be carefully followed in case of any issue relating to the arrest of any Judicial Officer.
6. The directions issued by the Hon'ble Supreme Court of India in their Judgment passed on July 2, 2014 in Criminal Appeal No.1277 of 2014 (Arnesh kumar - Vs - State of Bihar and Another) (SLP) (Crl) No.9127 of 2013) in pursuance of which PHQ circular was issued shall also be strictly followed.


(K. NAGARAJ) 9/6/15
Director General of Police,
Tripura.

Copy for strict compliance to :-

- 1-12. The District SsP North/ Unokoti/ Dhalai/Khowai/West /Sepahijala/Gomati/South/ SsPGRP/CID/EB/MTF.

Copy also for ensuring strict compliance to :-

1. The IGP(L/O), Tripura.
2. The DIsGP (N/R & S/R), Tripura.

Copy also to:-

The E- Governance, PHQ for uploading the circular in the Tripura Police website.


(K. NAGARAJ) 9/6/15
Director General of Police,
Tripura.