

GOVERNMENT OF TRIPURA  
OFFICE OF THE DIRECTOR GENERAL OF POLICE  
TRIPURA : AGARTALA

No. 1370-71 /R-115/PHQ/LC/2023 Dated the 17 June, 2025.

To  
The Deputy Secretary  
Home Department  
Tripura, Agartala.

Reference : Letter no. F.13(37)-PD/25/1968 dated 13-06-2025 of the Home Department, Govt. of Tripura.

Subject:- Regarding order dated 23-05-2025 of the Hon'ble Supreme Court of India passed in case No. Miscellaneous Application No. 2549 of 2023 in Criminal Appeal No. 2207 of 2023 (Md. Asfak Alam -Vs- The State of Jharkhand & Anr.).

Madam,

Please refer to the above.

2. This is to inform that on 31-07-2023 Judgment was pronounced by the Hon'ble Supreme Court of India in connection with Case No. Criminal Appeal No. 2207 of 2023 arising out of SLP(Crl.) No. 3433 of 2023 (Md. Asfak Alam -Vs- The State of Jharkhand & Anr.) with a direction to the DsGP of all the States / UTs to ensure that strict instructions in terms of the directions of Hon'ble Supreme Court contained in the above Judgment are issued for guidance of the police authorities within eight weeks from 31-07-2023.

3. Accordingly, the directions of Hon'ble Supreme Court were circulated to all the district SsP and all other Head of Units of Tripura Police vide this office communication No. 1342-56/R-115/PHQ/ LC/2023 dated 14-08-2023 (copy enclosed) for strict compliance. Copy of circular was also given to the Deputy Secretary, Home Department, Govt. of Tripura.

4. Hon'ble Court had also directed that affidavits of compliance to be filed before Hon'ble Supreme Court within ten weeks from the date of order i.e. 31-07-2023.

5. However, on 13-06-2025, another letter has been received from the Home Department vide No. F.13(37)-PD/25/1968 dated 13-06-2025 enclosing the order dated 23-05-2025 of Hon'ble Supreme Court, in which Hon'ble Court has observed that State of Tripura has not filed the affidavit of compliance. Copy of the order was sent to the Chief Secretary, Tripura. Hon'ble Court has further ordered that if compliance report is not file within six weeks from 23-05-2025, Hon'ble Court would be constrained to direct the presence of DGP before the Hon'ble Court.

Contd.....

In view of the above, it is requested that the matter may be taken up with Sri Shuvodeep Roy, Ld. Standing Counsel of Tripura State in the Hon'ble Apex Court, New Delhi to file affidavit on behalf of the State of Tripura before the Hon'ble Supreme Court of India at the earliest. A copy of circular dated 14-08-2023, issued by the DGP is enclosed.

Encl :- As stated.

Yours sincerely

  
(Ranadhir Debbarma)

Asstt. Insp. Genl. of Police(Crime)  
For Director General of Police, Tripura

Copy to :

Sri Shuvodeep Roy, Ld. Standing Counsel of Tripura State in the Hon'ble Apex Court, New Delhi for doing the needful please.

  
(Ranadhir Debbarma)

Asstt. Insp. Genl. of Police(Crime)  
For Director General of Police, Tripura

*IC - E-Governance Cell  
for onward transmission pl.*

**MOST URGENT**  
**SUPREME COURT PRIORITY**

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

**// C I R C U L A R //**

The Hon'ble Supreme Court in Judgment dated 31-07-2023 (Copy enclosed) passed in case No. Criminal Appeal No. 2207 of 2023 arising out of SLP(Crl) No. 3433 of 2023 (Md. Asfak Alam -Vs- The State of Jharkhand & Anr.), has passed the following directions in respect of arrest as quoted under :-

*".....11. Our endeavour in this judgment is to ensure that police officers do not arrest the accused unnecessarily and Magistrate do not authorize detention casually and mechanically. In order to, ensure what we have observed above, we give the following directions:*

*11.1. All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41 CrPC;*

*11.2. All police officers be provided with a check list containing specified sub-clauses under Section 41(1)(b)(ii);*

*11.3. The police officer- shall forward the check list duly filled and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;*

*11.4. The Magistrate while authorizing detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorize detention;*

*11.5. The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of Police of the district for the reasons to be recorded in writing;*

*11.6. Notice of appearance in terms of Section 41-A CrPC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the district for the reasons to be recorded in writing;*

11.7. Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before the High Court having territorial jurisdiction.

11.8. Authorizing detention without recording reasons as aforesaid by the Judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.

12. We hasten to add that the directions aforesaid shall not only apply to the case under Section 498-A IPC or Section 4 of the Dowry Prohibition Act, the case in hand, but also such cases where offence is punishable with imprisonment for a terms which may be less than seven years or which may extend to seven years, whether with or without fine....."

It is requested to circulate the above mentioned Judgment dated 31-07-2023 of the Hon'ble Apex Court alongwith this circular to all the O/C, PSs / SDPOs and field level officers under your respective jurisdiction for strict compliance the directions of the Hon'ble Court.

Enclo:- As stated.

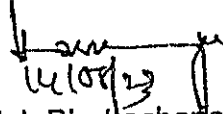
(-Sd-)  
Director General of Police.  
Tripura.

No. 1342-56 /R-05/PHQ/LC/2023

Dated the 14, Aug, 2023.

Copy to :-

- 01.-08. The Superintendents of Police, North / Unakoti / Dhalai / Khowai / West / Sepahijala / Gomati and South Tripura District for information and necessary action please. Action taken in this regard may please be intimated to this office **on or before 20-08-2023 positively.**
- 09.-12. The Superintendent of Police (GRP)/(SC) / (EO) / (Cyber Crime), Tripura, Agartala for information and necessary action please.
13. The Dy. Inspr. Genl. of Police (SR/NR), Tripura for kind information and necessary action please.
14. The Deputy Secretary, Home Department, Govt. of Tripura for kind information please.

  
(Alok Bhattacharjee)  
Asstt. Inspr. Genl. of Police(Crime).  
For Director General of Police.  
Tripura.