



CIRCULAR

Sub: Certain guidelines on issuance of non-bailable warrants –
Instructions already issued – Certain deviations noticed –
Circular re-issued for strict compliance – Reg.

- Ref: 1. Orders of the Hon'ble Supreme Court of India in Criminal Appeal No.1758/2011, dated 09.09.2011 (***Raghuvansh Dewanchand Bhasin Vs. State of Maharashtra and Anr(2012) 9 SCC 791***).
2. High Court's circular in T&PSC.No.3393/2011, dated 02.11.2011.

The High Court, Madras in its letter in T&PSC.No.3393/2011, dated 02.11.2011, has issued certain guidelines on the issuance of non-bailable warrants, based on the directions contained in the order of the Hon'ble Supreme Court of India under reference 1st cited. The High Court, Madras has noticed that, there are some deviations in adhering to the directions issued under reference 2nd cited, by some Judicial Officers. As directed, the circular under reference 2nd cited is re-issued for strict compliance by the Judicial Officers in terms of the Order of the Hon'ble Supreme Court of India.

However, before parting with the judgment, we feel that in order to prevent such a paradoxical situation, we are faced within the instant case, and to check or obviate the possibility of misuse of an arrest warrant, in addition to the statutory and constitutional requirements to which reference has been made above, it would be appropriate to issue the following guidelines to be adopted in all cases where non-bailable warrants are issued by the Courts.

- (a) All the High Court shall ensure that the Subordinate Courts use printed and machine numbered Form No.2 for issuing warrant of arrest and each such form is duly accounted for;***

- (b) Before authenticating, the court must ensure that complete particulars of the case are mentioned on the warrant;**
- (c) The presiding Judge of the court (or responsible officer specially authorized for the purpose in case of High Courts) issuing the warrant should put his full and legible signatures on the process, also ensuring that Court seal bearing complete particulars of the Court is prominently endorsed thereon;**
- (d) The Court must ensure that warrant is directed to a particular police officer (or authority) and, unless intended to be open-ended, it must be returnable whether executed or unexecuted, on or before the date specified therein;**
- (e) Every Court must maintain a register (in the format given below), in which each warrant of arrest issued must be entered chronologically and the serial number of such entry reflected on the top right hand of the process;**
- (f) No warrant of arrest shall be issued without being entered in the register mentioned above and the concerned court shall periodically check/monitor the same to confirm that every such process is always returned to the court with due report and placed on the record of the concerned case;**
- (g) A register similar to the one in clause (e) supra shall be maintained at the concerned police station. The Station House Officer of the concerned Police Station shall ensure that each warrant of arrest issued by the Court, when received is duly entered in the said register and is formally entrusted to a responsible officer for execution;**
- (h) Ordinarily, the Courts should not give a long time for return or execution of warrants, as experience has shown that warrants are prone to misuse if they remain in control of executing agencies for long;**

- (i) **On the date fixed for the return of the warrant, the Court must insist upon a compliance report on the action taken thereon by the Station House Officer of the concerned Police Station or the Officer In-charge of the concerned agency;**
- (j) **The report on such warrants must be clear, cogent and legible and duly forwarded by a superior police officer, so as to facilitate fixing of responsibility in case of misuse;**
- (k) **In the event of warrant for execution beyond jurisdiction of the Court issuing it, procedure laid down in Sections 78 and 79 of the Code must be strictly and scrupulously followed; and**
- (l) **In the event of cancellation of the arrest warrant by the Court, the order cancelling warrant shall be recorded in the case file and the register maintained. A copy thereof shall be sent to the concerned authority, requiring the process to be returned unexecuted forthwith. The date of receipt of the unexecuted warrant will be entered in the aforesaid registers. A copy of such order shall also be supplied to the accused.**

Format of the Register

S. No	The number printed on the form used	Case title and particulars	Name & particulars of the person against whom warrant of arrest is issued (accused/ witness)	The Officer/ Person to whom directed	Date of judicial order directing Arrest Warrant to be issued.	Date of issue	Date of Cancellation if any	Due date of return	Report returned on	The action taken as Reported	Remarks

The receipt of the Circular is required to be acknowledged.

HIGH COURT, MADRAS

DATED: 02 / 11 / 2018


REGISTRAR GENERAL

To

1. All the Principal District Judges/District Judges in the State of Tamil Nadu. }
2. The Principal Judge, City Civil Court, Chennai. } with a direction
3. The Chief Judge, Court of Small Causes, Chennai. } to communicate
4. The District Judge-cum-Chief Judicial Magistrate, The Nilgiris. } the Circular
5. The Chief Judge, Puducherry. } to all the Judicial
6. The Chief Metropolitan Magistrate, Egmore at Allikulam Complex, Chennai. } Officers under
7. All the Chief Judicial Magistrates in Tamil Nadu and Puducherry. } your jurisdiction.
8. The Court Manager, High Court, Madras (with a request to communicate the circular to all the Court Managers in Tamil Nadu and Puducherry through e-mode.) }
9. The Record Keeper, A.D.Records, High Court, Madras & Madurai.