

A Brief Overview on Arrest, Procedure for Arrest and Rights of the Arrested Person

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Abstract: *This Article is based on the study of Arrest, procedure of arrest and the rights of the arrested person. Initially the article addressed the meaning of Arrest, which propounded that it means seizing and detaining a person from his personal liberty and right to move freely. Then it discussed how the arrest was made under the code of criminal procedure 1973, which includes two methods- one is arrest with warrant and second one is arrest without warrant. Arrest with warrant takes place when the person has committed a non-cognizable offence, which means the offence is less serious in nature. Moreover, Arrest without warrant takes place when the person has committed a cognizable offence, which means the offence is more serious in nature. Then it discussed the rights of the arrested person, that is, right to consult a legal practitioner, right to know the grounds of their arrest under which they have been charged, right to be taken before a magistrate without any delay and so on. There are multiple case laws, which provide us with several guidelines of arrest and the right of the arrested person. However, there were several cracks where this process has been criticised and several questions have been raised in the functioning of this procedural system in India. One of the biggest drawbacks is the scope of corruption and connected malpractices in India, which primarily affect the detention of the correct person and the rights of the arrested person. The total responses were collected was 210 responses which was collected in and around Chennai. It was collected through both online and offline mode. The statistical tool used was simple chart, cluster bar chart, chi-square test, correlation and ANOVA test.*

Keywords: CRPC, Detention, Offence, Police Officer, Warrant

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