

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE

D.B.: HON'BLE MR. S. C. SHARMA AND
HON'BLE MR. SHAILENDRA SHUKLA, JJ

WRIT PETITION No. 7399 / 2020

CHANDA AJMERA

Vs.

STATE OF MADHYA PRADESH AND OTHERS

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Counsel for the petitioner : Mr. Vivek Dalal, learned for the petitioner.
Counsel for the respondent : Mr. Amol Shrivastava, learned counsel for
respondent – State.
Whether approved for reporting : YES
Law laid down : Article 21, 22(2) of the Constitution of India
and Sec. 57 and 167 of the Code of Criminal
Procedure provides for production of an
accused before the Magistrate within 24
hours. In the light of the constitutional
mandate even if a formal arrest is made in
respect of a subsequent crime committed by
a person who is already in judicial custody,
he has to be produced within 24 hours before
the Magistrate having territorial jurisdiction,
or at the earliest.
Significant paragraph numbers : 07 to 19

ORDER

(18/05/2020)

PER : S. C. SHARMA, J :-

1. The petitioner before this court, wife of one Pawan Kumar, has filed this present petition under Article 226 of the Constitution of India (habeas corpus). The contention of the petitioner is that the husband of the petitioner was arrested in respect of Crime No. 1410/19, registered at P.S.

Lasudiya. He was granted bail in respect of the aforesaid Crime Number on 24/2/2020. The bail was furnished, a release warrant was issued. However, he was not released as he was an accused in other criminal case, registered at Crime No. 526/2016. He again applied for bail in respect of Crime No. 526/2016 and he was granted bail by Addl. Sessions Judge, Indore on 5/3/2020 in respect of Crime No. 526/2016 and a release warrant was issued by the Judicial Magistrate First Class, Indore on 6/3/2020 but the husband of the petitioner was not released and he was informed that there is a third criminal case also at Crime No. 1435/2019 and as no bail has been granted in respect of Crime No. 1435/2019, the question of releasing him does not arise.

2. The undisputed facts reveal that the detenu when he was in Jail in respect of Crime No. 1410/2019 and 526/2016, was arrested formally inside the Jail only in respect of Crime No. 1435/2019.

3. Learned counsel for the petitioner has argued before this Court that the petitioner's detention in respect of Crime No. 1435/2019 is illegal as he has not been produced before the Magistrate within 24 hours of arrest and, therefore, the petition preferred by his wife deserves to be allowed. It has been argued that the husband of the petitioner is aged about 68 years, he is not well and as the detention is illegal, the respondents be directed to release him forthwith. It has also been argued that the petitioner was a Director of the Company, he has resigned in the year 2011 and, therefore,

he has been falsely implicated in the Crime ie., No. 1435/2019 and at the time the crime was registered, he was no longer a Director as he has resigned on 10/2/2011. It has been stated that he was Director of the Company since 30/9/2008 to 10/2/2011. It has been argued before this Court that keeping in view the statutory provisions as contained under Sec. 57 and 167 of the Code of Criminal Procedure, 1973 as well as the Constitutional provisions as contained under Article 21 and 22(2) , as the husband of the petitioner was not produced before the Magistrate within 24 hours, the detention is illegal and an application was also preferred for grant of bail in respect of Crime No. 1435/2019. However, the learned Judge has orally informed the learned counsel that as the detenu is not in judicial custody, the question of entertaining the bail petition does not arise and in those circumstances the bail petition preferred in Crime No. 1435/2019 was withdrawn.

4. Learned counsel for the respondent State has opposed the prayer made by the learned counsel for the petitioner. His contention is that the husband of the petitioner was arrested in respect of Crime No. 1410/2019 and 526/2019. He has fairly stated that in both the cases bail orders has been passed and release warrant has been issued. However, his contention is that in respect of the Crime No. 1435/2019, the accused was arrested formally on 4/3/2020. He has also fairly accepted that the present petition was filed as Habeas Corpus petition on 11/5/2020 and the matter was heard on

13/5/2020 and the police has produced the accused detenu before the Magistrate on 15/5/2020 and, therefore, now the detention is not an illegal detention. His contention is that the accused was already in Jail, formal arrest was done on 4/3/2020 and merely because he was not produced within 24 hours, the detention cannot be termed as an illegal detention.

5. Heard learned counsel for the parties at length and perused the record.

6. In the present case, the husband of the petitioner is in Jail in respect of Crime No .1435/2019. He is aged about 68 years, suffering from various ailments, as argued by the learned counsel for the petitioner.

7. As per the prosecution case, he was a Director of a Company – Phonenix Devcon Pvt. Ltd., The crime in question has been registered against the present applicant in the year 2019. He was a Director from 30/9/2008 to 10/2/2011 and he has resigned as a Director and the documents are also on record. There is no dispute in respect of the aforesaid factual averment.

8. This court is not dealing with a bail petition preferred u/S. 439 of the Code of Criminal Procedure, 1973. Whether he was a Director or not, whether he was involved in a crime or not, can be looked into only in a bail petition or in the criminal trial, that too when he is heard on merits. In the present Writ Petition which has been filed as a habeas corpus petition, the contention of the learned counsel for the petitioner is that the detention of the detenu is illegal. His

contention is that even if formal arrest was made in Crime No. 1435/2019 on 4/3/2020, he should have been produced before the Magistrate within 24 hours or without delay at the earliest.

9. Undisputedly, in the State of Madhya Pradesh all the Jails are equipped with Video Conferencing equipments. Nothing prevented the State to produce the detenu before the Magistrate through Video Conferencing. They have realised their mistake only after notice was accepted by the State Government and after filing of the Writ Petition. The petition was filed before this Court on 11/5/2020. The State was heard on 13/5/2020 and instead of filing reply and arguing the matter on merits and obtaining instructions, the police has produced the detenu before the Magistrate on 15/5/2020.

10. This Court is of the considered opinion that as the Police has failed to produce the detenu / accused before the Magistrate within 24 hours, which is the Constitutional mandate, his custody in Jail on the date the matter was heard ie., on 13/5/2020 was illegal.

11. According to Article 21 of the Constitution of India, no person shall be deprived of his life or personal liberty, except according to the procedure established by law. This Article is very important because it is *Magna Carta* for human rights. Article 21 of the Constitution of India embodies the Constitutional value of supreme importance in a democratic society. The right has been held to be the heart

of the Constitution, the most organic and progressive provision in our living constitution, the foundation of our laws. The relevant statutory provisions relating to the present case reads as under :

Article 21 of the Constitution of India :

21. Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 22(2) in The Constitution Of India 1949

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

Section 57 in The Code Of Criminal Procedure, 1973.

57. Person arrested not to be detained more than twenty-four hours. No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty- four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate' s Court.

Section 167 in The Code Of Criminal Procedure, 1973

167. Procedure when investigation cannot be completed in twenty four hours.

(1) Whenever any person is arrested and detained in custody and it appears that the investigation cannot be completed within the period of twenty- four hours fixed by section 57, and there are grounds for believing that the accusation or information is well- founded, the officer in charge of the police station or the police officer making the investigation,

if he is not below the rank of sub- inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction: Provided that-

(a) ¹ the Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days; if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding,-

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

1. subs. by Act 45 of 1978, s, 13, for paragraph (a) (w, e, f, 18- 12- 1978).

2. Ins. by act 10 of 1990, s. 2 (w. e. f 19- 2- 1990)

(ii) sixty days, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub- section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;]

(b) no Magistrate shall authorise detention in any custody under this section unless the accused is produced before him;

(c) no Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorise detention in the custody of the police. ¹ Explanation I.- For the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period specified in paragraph (a), the accused shall be detained in custody so long as he does not furnish bail;]. ² Explanation II.- If any question arises whether an accused person was produced before the Magistrate as required under paragraph (b), the production of the accused person may be proved by his signature on the order authorising detention.]

(2A) ¹ Notwithstanding anything contained in sub- section (1) or sub- section (2), the officer in charge of the police

station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Judicial Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Judicial Magistrate or Metropolitan Magistrate have been conferred, a copy of the entry in the diary hereinafter prescribed relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate, may, for reasons to be recorded in writing, authorise the detention of the accused person in such custody as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorised, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub-section.

12. The person who is arrested and detained in custody has to be produced before the nearest Magistrate within a period of 24 hours of such arrest excluding the time necessary for journey from the place of arrest to the Court of Magistrate and no person shall be detained in custody beyond the said period without the authority of Magistrate.

13. Sec. 57 of the Code of Criminal Procedure, 1973 also mandates that no police officer shall detain in custody a person without warrant for a longer period than under all circumstances of the case is reasonable, and such period shall not, in absence of a specific order of a Magistrate u/S. 167 exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrates Court. Sec. 167 of the Code of Criminal Procedure, 1973 empowers the Magistrate to authorise the detention of the accused either in police custody or in judicial custody, as the

case may be. Thus, it is evident that a person who is arrested has to be produced before the nearest Magistrate within a period of 24 hours. In the State of Madhya Pradesh all the Jails are having Video Conferencing facility and, therefore, in the present case also the accused should have been produced physically or through Video Conferencing before the Magistrate within 24 hours.

14. The undisputed facts of the case reveals that the accused was arrested on 4/3/2020 while he was in Jail and a Habeas Corpus petition was filed before this Court on 11/5/2020. Learned Government Advocate took time to seek instructions and on 15/5/2020, as informed by the learned Government Advocate, he has been produced before the Magistrate, meaning thereby, after the mistake was brought to the notice of the Police, they have hurriedly produced him on 15/5/2020. No reasonable explanation has been offered in the matter as to why he was not produced within 24 hours of the arrest, ie., within 24 hours from 4/3/2020.

15. The Division Bench of Madras High Court has dealt with a similar controversy in the case of State Vs. K. N. Nehru **CrI. O. P. (MD) No. 13683 of 2011**. Paragraphs, 10, 11, 12, 14, 18, 19, 31 and 42 reads as under :

10. Personal liberty is one of the cherished objects of the Indian Constitution and the deprivation of the same can only be in accordance with the procedure established by law and in conformity with the provisions thereof, as stipulated in [Article 21](#) of the Constitution of India. [Article 22\(2\)](#) of the Constitution mandates that every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of 24 hours of such arrest

excluding the time necessary for journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate. Similar provision is found in [Section 57](#) of the Code of Criminal Procedure, which also mandates that no police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under [Section 167](#), exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court. These two provisions came up for consideration on several occasions before the Hon'ble Supreme Court, as well as this Court and the Courts have in no uncertain terms held that without the authorisation of a Magistrate, no arrestee shall be detained in the custody of the police beyond 24 hours from the time of arrest excluding the time taken for the journey from the place of arrest to the Court. In this regard, there could be no controversy that when an accused is detained in the custody of the police after arrest beyond 24 hours excluding the time taken for the journey from the place of arrest to the Court, such detention beyond the said period is surely illegal.

11. As is mandated under [Article 22\(2\)](#) of the Constitution of India and under [Section 57](#) of the Code of Criminal Procedure, for getting the authorisation from the Court for detention, either in judicial custody or police custody, the accused has to be physically produced before the Magistrate under [Section 167](#) Cr.P.C. [Section 167\(1\)](#) of Cr.P.C. is the law which regulates and empowers a Magistrate to authorise the detention of the accused either in police custody or in judicial custody, as the case may be. It is too well settled that while passing an order of remand, either judicial custody or police custody, as mandated in [Section 167\(1\)](#) of Cr.P.C., since the said detention deprives the personal liberty guaranteed under [Article 21](#) of the Constitution of India, such order of remand shall not be passed in a mechanical fashion. The learned Magistrate is required to apply his mind into the entries in the Case Diary, representation of the accused and other facts and circumstances, and only on satisfaction that such remand is justified, the learned Magistrate shall pass such order of remand. [vide [Elumalai vs. State of Tamil Nadu](#) reported in 1983 LW (CrI) 121].

12. At this juncture, we may point out that in a case where an accused is arrested and detained in physical custody of the police, as mandated in [Article 22\(2\)](#) of the Constitution of India and [Section 57](#) of the Code of Criminal Procedure, undoubtedly the accused cannot be detained in police

custody for more than 24 hours. But in the case on hand, the contention of the learned Public Prosecutor is that though the respondents were formally arrested, the same cannot be equated to an arrest as adumbrated under [Section 46](#) of the Code of Criminal Procedure. The learned Public Prosecutor would submit that when only a formal arrest is effected in prison, the arrestee does not get into the custody of the police, and therefore, there is no question of detention in police custody beyond 24 hours. The learned Public Prosecutor would submit that if only the accused has been arrested and detained in custody, then such custody shall not be for beyond 24 hours from the time of arrest. But, in the case of a formal arrest, according to the learned Public Prosecutor, since there is only a formal arrest, the accused does not get into the physical custody of the police, and therefore, there is no police custody either for 24 hours or beyond that.

14. Since the rival contentions of the learned counsel centers around [Section 46\(1\)](#) of the Code of Criminal Procedure, let us have a cursory look into the same which is thus:-

"46.Arrest how made.-(1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action. Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman for making her arrest."

A reading of the above provision would make it undoubtedly clear that the term "arrest" denotes confinement of the body of the person either by a physical act or by words or action. [Section 46](#) does not indicate any other mode of arrest. Therefore, as per [Section 46\(1\)](#), the arrest necessarily involves the taking of the accused into physical custody by the person who effects the arrest.

18. Now, this debate leads us to examine the question as to whether the terms "arrest" and "custody" are synonymous. For this, it would be useful to refer to the judgment of the Full Bench of this Court in [Roshan Beevi vs. Joint Secretary, Government of Tamil Nadu](#) reported in 1983 MLW (Cri) 289, wherein this Court had to examine the meaning of the word "arrest". After reference to various law Dictionaries and various judgments on this aspect, the Full Bench took the view that custody and arrest are not synonymous terms.

The Full Bench further held that though custody may amount to arrest in certain circumstances, but not under all circumstances. The said judgment came to be considered before the Hon'ble Supreme Court in [Directorate of Enforcement vs. Deepak Mahajan and Another](#), reported in (1994) 3 SCC 440. While confirming the stand taken by the Full Bench in Roshan Beevi's case, the Hon'ble Supreme Court in paragraph 48 of the judgment, has held as follows:-

"48. Thus [the Code](#) gives power of arrest not only to a police officer and a Magistrate but also under certain circumstances or given situations to private persons. Further, when an accused person appears before a Magistrate or surrenders voluntarily, the Magistrate is empowered to take that accused person into custody and deal with him according to law. Needless to emphasize that the arrest of a person is a condition precedent for taking him into judicial custody thereof. To put it differently, the taking of the person into judicial custody is followed after the arrest of the person concerned by the Magistrate on appearance or surrender. It will be appropriate, at this stage, to note that in every arrest, there is custody but not vice versa and that both the words 'custody' and 'arrest' are not synonymous terms. Though 'custody' may amount to an arrest in certain circumstances but not under all circumstances. If these two terms are interpreted as synonymous, it is nothing but an ultra legalist interpretation which if under all circumstances accepted and adopted, would lead to a startling anomaly resulting in serious consequences, vide Roshan Beevi."

19. A perusal of the above Supreme Court judgment would make it clear that in every arrest there is custody and not vice-versa. The question as to when a person gets into the custody of the Court for the purpose of exercising the power by the Magistrate under [Section 167\(1\)](#) of the Code of Criminal Procedure came up for consideration before the Hon'ble Supreme Court in [Niranjan Singh vs. Prabhakar Rajaram Kharote](#), reported in (1980) 2 SCC 559. Speaking for the Bench, Hon'ble Justice V.R.Krishna Iyer has declared the law as follows:- "He can be in custody not merely when the police arrests him, produces him before a Magistrate and gets a remand to judicial or other custody. He can be stated to be in judicial custody when he surrenders before the Court and submits to its directions."

31. In a case where the police officer deems it necessary to arrest when the accused is already in judicial custody in connection with a different case, in our considered opinion, there are two modes available for him to adopt. The first one is that, instead of effecting formal arrest, he can very well make an application before the Jurisdictional Magistrate

seeking a P.T.Warrant for the production of the accused from prison. If the conditions required under 267 of the Code of Criminal Procedure, are satisfied, the Magistrate shall issue a P.T. Warrant for the production of the accused in Court. When the accused is so produced before the Court, in pursuance of the P.T.Warrant, the police officer will be at liberty to make a request for remanding the accused, either to police custody or judicial custody, as provided in Section 167(1) of the Code of Criminal Procedure. At that time, the Magistrate shall consider the request of the police, peruse the case diary and the representation of the accused and then, pass an appropriate order, either remanding the accused or declining to remand the accused.

42. From the above discussions, the following conclusions emerge:-

1). When an accused is involved in more than one case and has been remanded to judicial custody in connection with one case, there is no legal compulsion for the Investigating Officer in the other case to effect a formal arrest of the accused. He has got discretion either to arrest or not to arrest the accused in the latter case. The police officer shall not arrest the accused in a mechanical fashion. He can resort to arrest only if there are grounds and need to arrest.

2). If the Investigating Officer in the latter case decides to arrest the accused, he can go over to the prison where the accused is already in judicial remand in connection with some other case and effect a formal arrest as held in Anupam Kulkarni case. When such a formal arrest is effected in prison, the accused does not come into the physical custody of the police at all, instead, he continues to be in judicial custody in connection with the other case. Therefore, there is no legal compulsion for the production of the accused before the Magistrate within 24 hours from the said formal arrest.

3). For the production of the accused before the Court after such formal arrest, the police officer shall make an application before the Jurisdictional Magistrate for issuance of P.T.Warrant without delay. If the conditions required in Section 267 of the Code of Criminal Procedure are satisfied, the Magistrate shall issue P.T. Warrant for the production of the accused on or before a specified date before the Magistrate. When the accused is so transmitted from prison and produced before the Jurisdictional Magistrate in pursuance of the P.T.Warrant, it will be lawful for the police officer to make a request to the learned Magistrate for authorising the detention of the accused either in police custody or in judicial custody.

4). After considering the said request, the representation of the accused and after perusing the case diary and other relevant materials, the learned Magistrate shall pass appropriate orders under [Section 167\(1\)](#) of the Code of Criminal Procedure.

5). If the police officer decides not to effect formal arrest, it will be lawful for him to straightaway make an application to the Jurisdictional Magistrate for issuance of P.T.Warrant for transmitting the accused from prison before him for the purpose of remand. On such request, if the Magistrate finds that the requirements of [Section 267](#) of the Code of Criminal Procedure are satisfied, he shall issue P.T.Warrant for the production of the accused on or before a specified date.

6). When the accused is so transmitted and produced before the Magistrate in pursuance of the P.T.Warrant from prison, the police officer will be entitled to make a request to the Magistrate for authorising the detention of the accused either in police custody or in judicial custody. On such request, after following the procedure indicated above, the Magistrate shall pass appropriate orders either remanding the accused either to judicial custody or police custody under [Section 167\(1\)](#) of the Code of Criminal Procedure or dismissing the request after recording the reasons.

7). Before the accused is transmitted and produced before the Court in pursuance of a P.T.Warrant in connection with a latter case, if he has been ordered to be released in connection with the former case, the jail authority shall set him at liberty and return the P.T.Warrant to the Magistrate making necessary endorsement and if only the accused continues to be in judicial custody, in connection with the former case, he can be transmitted in pursuance of P.T.Warrant in connection with the latter case.

16. The Division Bench of Madras High Court has taken into account the judgment delivered by the Hon. Supreme Court in the case of Manoj Vs. State of MP reported in **1999 (3) SCC 715**; T. Mohan Vs. State reported in **1993 MPJ (Crl)**; Madhu Limaye reported in **1969 (1) SCC 292**; A. K. Gopalan Vs. Government of India reported in **1966 (2) SCR 427**; Saptawna Vs. The State of Assam reported in **AIR 1971 SC 813**; Sadhwi Pragya Singh Thakur Vs. State of

Maharashtra reported in **SC 1101/2011** as well as other cases relating to life and personal liberty and the Division Bench has arrived at a conclusion that in case a person who is already in Jail, the Investigating Officer, in a later case decides to arrest the accused, he can go to the prison where the accused is already in judicial custody and when such a formal arrest is effected in person, the accused does not come into come into the physical custody of the police at all and, therefore, there is no legal compulsion for production of the accused before the Magistrate within 24 hours from the said formal arrest. However, for production of the accused before the Court, after such formal arrest, the Police Officer shall make an application before the jurisdictional Magistrate for issuance of PT Warrant without delay.

17. In the present case, the formal arrest was made in prison and no request was made before the jurisdictional Magistrate for producing the accused before the him and only after a Habeas Corpus petition has been filed, unholy haste has been shown to render the petition infructuous by producing him on 15/5/2020, that too after a hearing has already taken place in the matter.

18. It has also been argued by the learned counsel for the respondent State that once the accused was detained in connection with a criminal case in Jail, the writ of Habeas Corpus is not maintainable. This Court is of the considered opinion that the date on which the petition was filed and the day on which hearing took place, the detention was certainly

unlawful as it was violative of Article 21 and 22 (2) of the Constitution of India. The writ of Habeas Corpus has been described as a great constitutional privilege or the security of civil liberty, it provides for prompt and effective remedy against illegal detention and once this Court has arrived at a conclusion that the detention was illegal, the writ of habeas corpus was certainly maintainable.

19. This Court is of the considered opinion that keeping in view the judgment delivered by the Madras High Court in the case of K. N. Nehru (supra), the detention of the accused was certainly illegal and the accused deserves to be set at liberty forthwith.

20. Resultantly, the Writ Petition is allowed. The respondents are directed to release the detenu – Pawan Kumar Ajmera, who has been arrested in Crime No. 1435/2019, PS Lasudiya, Indore, forthwith. However, the State shall be free to proceed ahead in accordance with law. No order as to costs.

(S. C. SHARMA)
J U D G E

(SHAIENDRA SHUKLA)
J U D G E

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