

You're under arrest!!

All our life, we have known that only the Police officer makes an arrest. Well, what if you were told that the CrPC provides that an Arrest can be made not only by a police officer but also by any private person like you and me! But such arrest should be made according to the prescribed norm. Would you indulge in the nostalgia of playing *chor-police*?



Section 43 of CrPC gives the right to a private person like us to make an arrest of a person who has committed a cognizable and non-bailable offence in our presence or who is a proclaimed offender. It is known as a 'Citizen's Arrest'. A citizen after making such arrest must, without any delay hand over the arrested person to a police officer or to the nearest police station. However, if the police officer finds no sufficient reason to believe that the arrested person has committed any offence, the person will be released forthwith.

The underlying principle is that, it is the duty of every citizen to ensure peace in the society and if any citizen sees it to be endangered, he may act in a way that will prevent such breach. So next time if you come across a person who is drunk and disorderly, or who is assaulting others and that such conduct is a grave danger to the general public, he can rightly be arrested by a private citizen and handed over to the authority.

The term "arrest" herein means restraint or taking a person into custody for the purpose of holding or detaining him. It may sound unusual, but the law states that, the person being arrested (even by the police) shall not be handcuffed, unless, he resists or attempts to evade the arrest or when there is a court orders in this regard.

In case you're making a Citizen's arrest, remember you are allowed to use only the force necessary to detain the person temporarily until the authorities arrive and take custody of the arrestee. If you keep the arrested person in your own custody and do not hand him over to the police, you would be committing the offence of wrongful confinement under S. 342 of the Indian Penal Code. Therefore, one should carefully analyse the situation before rushing out in action. Often, it makes better sense to simply call the police rather than getting physically involved with the alleged criminal.

Have doubts? Contact: +91 9284080169

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