

Standing Order

No.	Issue Date	Issued By	Issuing Unit	Issuing Branch
341/2008	08/02/2008	COMMISSIONER OF POLICE	Police Head Quarters	C&T(AC-5)/PHQ

Subject : GUIDELINES FOR REGISTRATION CASES UNDER SECTION 341 OF IPC

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Standing Order No.341/2008
GUIDELINES FOR REGISTRATION CASES
UNDER SECTION 341 OF IPC

In 2007, as many as 3729 cases were registered u/s 341 IPC. Out of this, there were 10 stand alone cases with 3719 cases were conjunction with other cases. A summary of such cases made by the Crime Branch is as under:-

SNo	Under Section	No. of cases
1	341 or 341/34 IPC	10
2	341 read with 427 or 427/34 IPC	75
3	341 read with 323 or 323/34 IPC	1,915
4	341 read with one or more following Sections of IPC: 302/306/307/308/309/324/325/326/328/337/342/348/354/363/ 365/376/379/380/384/385/392/394/395/397/406/411/420/425 426/427/428/447/448/451/452/500/506/509/511/120-B/147/148/149 IPC	1,729
	Total	3,729

This extent of application of section 341 IPC for committing non cognizable cases in to cognizable one indicates perhaps a lack of due application of mind or even misuse in many cases. It is interesting to note that 1915 cases were of section 341 and 323 IPC and the application of this section gave the net effect of making a non -cognizable offence into a cognizable offence and resulting in the arrest of the accused by the police in most of the cases. Examination of some FIRs indicates that section 341 IPC has been invoked by the introduction of complaints such as "MERA HATH PAKAR LITA" "MUJHE ROKA" etc. like wise, 75 cases were registered of section 341 IPC and Sec. 427 IPC also making a non- cognizable offence of section 427 IPC in to a non-cognizable offence of section 427 IPC into a cognizable one.

Under the circumstances, no case using section 341 IPC which has the net effect of converting a non-cognizable case to a cognizable one would be registered without the prior concurrence of the District DCP.

In the land mark judgment in the case of Joginder Kumar Vs. State of UP, the Hon'ble Apex Court stated that ".....No arrest can be made because it is lawful for the police to do so. The exercise of the power to arrest is one thing. The justification for the exercise of it is quite another. The police Officers must be able to justify the arrest apart from his power to do so" The police officer arresting a person must mention these facts in the case diary giving the reason for justification of arrest. Under the circumstances, in no case, which had become cognizable only by the application/addition of section 341 IPC shall any arrest be effected. Such cases shall be put of for trial, if warranted by the evidence on record, without arresting the accused. In exceptional cases, where arrests are felt necessary, approval would be required to be taken from the District DCP.

These instructions must be strictly implemented both in letter and spirit. The District DCsp and joint CsP/Range may closely monitor compliance of the same and take deterrent action if any violation is observed.

(YUDHBIR SINGH DADWAL)
COMMISSIONER OF POLICE
DELHI:

No. 7490-7581/C&T/AC-5/PHQ dated Delhi the 8/2/2008