

Warrant of Arrest

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Warrant of Arrest Latest News

The Supreme Court recently clarified that when an arrest is made with a warrant, a separate communication of the arrest grounds isn't required, as the warrant itself serves this purpose.

About Warrant of Arrest

- This is a **written order issued by a judge** or magistrate, **supported by a sworn affidavit**, authorizing **the arrest** and custody **of a person** accused of committing a specific offense.
- A **police officer** who executes the warrant **shall notify the substance thereof to the person** to be arrested and **if he demands, shall show him the warrant**.
- The **officer** is also **obligated to promptly bring the arrested individual before the court** without unnecessary delays.
- Valid Warrant:
 - A **warrant** of arrest should be
 - in writing

- **signed by the presiding officer of the Court** and
- **should bear the seal of the Court.**
- It **should** also **contain the name of the accused, his address, the offence** with which he is charged.
- If any of these factors is absent, the warrant is not in order, and an arrest made in execution of such a warrant is illegal.
- Warrants are of **two kinds: Bailable and Non-Bailable.**
 - A **bailable warrant** is a Court's order which **contains a direction** that if the person arrested executes a bail with sufficient sureties for his attendance before the Court, he may be released from custody.
 - In that case it shall further **state the number of sureties, the amount of the bond, and the time for attending the Court.**
 - In case of a **non-bailable warrant, the direction for bail will not be endorsed on the warrant.**
- Arrest Without Warrant:
 - A police officer is empowered to arrest a person without a warrant **if there is reasonable suspicion of their involvement in a cognizable offense.**
 - However, in cases of non-cognizable offenses, a police officer cannot effect an arrest without a warrant issued by a magistrate.
 - Cognizable offenses **include serious crimes** such as murder, rape, robbery, theft, and offenses against the state.
- There are **several other situations** in which a **person can be arrested without a warrant:**
 - **Probable Cause:** If a law enforcement officer has probable **cause to believe that a crime has been committed** and that the **person to be arrested committed it**, they can make an arrest without a warrant.
 - **In the Act of Committing a Crime:** If an officer witnesses someone committing a crime, they can make an arrest without a warrant.
 - **Fleeing a Crime Scene:** If a person is fleeing from a crime scene and the officer has probable cause to believe they committed the crime, they can be arrested without a warrant.
 - **Escaping from Custody:** If a person has escaped or is attempting to escape from lawful custody, they can be arrested without a warrant.
 - **Violation of Probation or Parole:** If a person is on probation or parole and violates the terms of their release, they can be arrested without a warrant.
 - **Court Order or Summons Violation:** If a person fails to comply with a court order or a summons, they can be arrested without a warrant.
 - **Threat to Public Safety:** If there is an immediate threat to public safety or if delaying the arrest to obtain a warrant would result in the destruction of evidence or the escape of the suspect, an arrest without a warrant may be justified.

Warrant of Arrest FAQs

Q1: What is the meaning of arrest warrant?

Ans: It is a legal document giving permission to arrest someone.

Q2: Who is legally empowered to issue a warrant of arrest in India?

Ans: Judge or Magistrate

Q3: What is essential for a valid warrant of arrest?

Ans: It must be in writing, signed, and bear the court's seal.

Source: **TOI**

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