Weekly meeting

Dima Hasao District Judiciary

Dated: 15/05/2025

Proceedings of weekly meeting of Judicial Officers under Dima Hasao District Judiciary, held on 15.05.2025 at 3.30 PM in the office Chamber of the District & Sessions Judge, Dima Hasao.

Under the guidance of the District & Sessions Judge there was discussion on: - **Section 57 and 58 of BNSS (Section 56 and 57 of Cr.P.C)**

Section 57 of BNSS: A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police station.

Section 58 of BNSS: 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 187, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court, whether having jurisdiction or not.

DIRECTORATE OF ENFORCEMENT VERSUS SUBHASH SHARMA Citation : **2025 LiveLaw (SC) 137**

The ED's attempt to justify the arrest by citing a March 6th, 1:15 am arrest time was rejected by a bench of **Justices Abhay S Oka** and **Ujjal**

Bhuyan. The bench noted the individual was already in custody by 11 am on March 5th, making the arrest illegal.

"Admittedly, the respondent was not produced before the nearest learned Magistrate within 24 hours from 11.00 a.m. on 5th March, 2022. Therefore, the arrest of the respondent is rendered completely illegal as a result of the violation of clause 2 of Article 22 of the Constitution of India. Thus, the continuation of the respondent in custody without producing him before the nearest Magistrate within the stipulated time of 24 hours is completely illegal and it infringes fundamental rights under clause 2 of Article 22 of the Constitution of India. Therefore, his arrest gets vitiated on completion of 24 hours in custody. Since there is a violation of Article 22(2) of the Constitution, even his fundamental right to liberty guaranteed under Article 21 has been violated.

The Supreme Court declared the arrest by the Enforcement Directorate (ED) as illegal and unconstitutional because the agency failed to secure the presence of the arrestee before the magistrate within 24 hours of the arrest

Apart from the Legal Aspect there was discussion on the following topics which are as follows-

- Discussion related to the renovation of the Court buildings related to (Structural Repairs, Courtroom Upgrades, Technology Integration - CIS)
- Upcoming meeting related to JJB Stakeholders

With this the meeting ended with a formal vote of thanks.

MEMBERS PRESENT:

Name & Designation	Signature
Shri Dipankar Bora, Hon'ble District & Sessions Judge, Dima Hasao.	
Shri Nayan Jyoti Dutta, Civil Judge(Sr. Div.), Dima Hasao.	
Smt. Sonamoni Chanda, Chief Judicial Magistrate, Dima Hasao	15.05.2025.
Shri Kaushik Kamal Baruah, Secretary, District Legal Services Authority, Dima Hasao	
Shri Ashraf Ahmed Choudhury, Additional Chief Judicial Magistrate, Dima Hasao	
Shri Dharamchand Pareek, Sub-Divisional Judicial Magistrate (S), Dima Hasao	
Shri Hadi Alam, Judicial Magistrate First Class, Dima Hasao	
Shri Aditya Vikram Das, Civil Judge (Jr. Div.) No. 1-cum-JMFC, Dima Hasao	
Smti Kaushiki Das Civil Judge (Jr. Div) No 2, Dima Hasao	
Smti Prity Daimari Judicial Magistrate First Class, Dima Hasao	