

Warrant of Arrest Warrant in CrPC

- A warrant is an order that serves as a specific type of authorization issued by a Court or Magistrate or other authority to enable them to arrest, search a premise etc.
- The attendance of the accused can be procured by:
 1. summon
 2. arrest or detention
 3. proclamation and attachment
- In order to arrest and detain an accused, a warrant is issued by a court.
- A warrant is a written document issued by the court to compel the appearance or arrest of any person if the court requires.
- The warrant of arrest has been dealt with under section 70 to 81 in the Criminal Procedure Code.

Object of Warrant

- Warrant of arrest may necessarily not only be issued to compel the attendance of the accused but also as a precautionary measure.
- If a person commits a cognizable crime or is a habitual offender or an ex-convict, it is not in the public interest that he should be moving around freely.
- Even though the Criminal Procedure Code allows a person to be arrested without a warrant in certain cases, he cannot remain in custody for more than 24 hours from the time of the arrest.
- Further, if the person is prepared to give security to appear in court during trial, then in some instances a warrant of arrest is not necessary.
- A warrant of arrest remains in force until it is executed or cancelled by the court which issued it.
- Accordingly, it was held in *Emperor vs Bindra Ahir* that a warrant would not be invalid simply on account of non-attendance of the accused in court for the return of the warrant.

Essentials of Warrant

- According to section 70 of the Criminal Procedure Code:

2. It must specify the offence with which the person to be arrested is charged.
3. The warrant must clearly show the authority given to the person for arrest.
4. It may also include a direction that if the person arrested executes a bond and gives security, he shall be released.

Execution of Warrant

1. According to section 72 of the Criminal Procedure Code, a warrant may be directed to the police officer or any other person named in the warrant.
2. According to section 74 of the Criminal Procedure Code, a warrant directed to any police officer or any other person named in the warrant shall be executed by the police officer or other person whose name is endorsed upon by the police officer directed.

Execution outside the local jurisdiction

- According to section 78 of the Criminal Procedure Code, when the warrant is to be executed outside the local jurisdiction, the warrant will not be directed to the police officer.
- Instead, it will be directed to any Executive Magistrate, District Superintendent of Police or Commissioner of Police. If the warrant is to be executed in a place outside the local jurisdiction they may further endorse the name of the police officer.