

# Case Reference Report

Query: Rights of accused under Article 21

*No internal references were found. Answer below is general guidance.*

## AI Analysis & Guidance

Article 21 of the Indian Constitution guarantees the right to life and personal liberty. For an accused, this translates to several crucial rights during criminal proceedings. No internal references were found; the following is general information and should be independently verified.

1. **\*\*Simple Explanation:\*\*** Article 21 ensures an accused person is not subjected to arbitrary arrest or detention, and is entitled to fair treatment throughout the legal process. This includes rights like the right to be informed of the grounds of arrest, the right to consult a lawyer, the right against self-incrimination, and the right to a speedy trial.
2. **\*\*Relevant IPC/Acts/Sections & Case Names:\*\*** Various provisions of the Code of Criminal Procedure, 1973 (CrPC), protect these rights. For instance, Section 302 IPC (murder) is a crime, but the accused has rights under Article 21 irrespective of the charge. Key CrPC sections include Sections 41 (arrest), 46 (search and seizure), 226 (procedure in case of trial before a Magistrate), and 304 (right of appeal). Landmark cases like *\*Maneka Gandhi v. Union of India\** expanded the scope of Article 21.
3. **\*\*Pros & Cons of Filing a Case:\*\*** Filing a case to enforce Article 21 rights (e.g., challenging an illegal arrest) can protect fundamental rights. However, it can be time-consuming, expensive, and require substantial legal expertise. The outcome is uncertain.
4. **\*\*Practical Next Steps:\*\*** If rights under Article 21 are violated, consult a lawyer immediately. Gather evidence (police records, witness statements). Depending on the violation, a writ petition under Article 32 (Supreme Court) or Article 226 (High Court) might be filed. Timelines vary greatly depending on the court and specific case.
5. **\*\*Points to Know:\*\***
  - \* Article 21 rights are not absolute and can be subjected to reasonable restrictions.
  - \* The burden of proving a violation of Article 21 rests on the accused.
  - \* Seeking legal aid is crucial if you cannot afford a lawyer.
6. **\*\*Disclaimer:\*\*** This information is for general knowledge and does not constitute legal advice.

## Procedure Snapshot & Approx. Cost

- 1) Draft complaint/petition with supporting docs.
- 2) File before the appropriate forum/court; pay court-fee/stamp duty.
- 3) Get case number; service of notice to opposite party; written statement/reply.
- 4) Evidence stage (affidavits, cross-examination); arguments; judgment.
- 5) Appeal/review (if needed). Costs vary by forum & city; expect court-fee + lawyer fees.

**Senior Legal Advisor (25+ yrs): Kamal Singh, +91 9782085181**

*Disclaimer: This report is for educational purposes only and is not legal advice.*