

CrPC , S. 173(2)(i)(g) - Thus, the only meaning of Sub-clause (g) of Sub-section (2)(i) of CrPC S. 173 “whether the accused has been forwarded in custody under CrPC S. 170 ” is with regard to the information that whether the accused is being forwarded under custody or not. Nothing more nothing less. [Section 173, Cr.P.C.](#) confines to providing the said information - Thus, at the most the Magistrate, for that purpose the Court empowered to take cognizance has the power to ask the prosecution to provide with further information in respect of Clauses (a) to (g) of Sub-section (2)(i), if these are deemed deficient and in no case has the power to return the charge-sheet on the ground that the officer-in-charge of the police station or CBI has while filing the charge-sheet not forwarded the accused in custody in “cognizable” and “non-bailable” offence where there is evidence to try the accused in spite of the fact that the IO did not deem it necessary to arrest such a person even for the purpose of completing the investigation

[2004 PLRonline 0003 \(Del.\)](#)