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URGENT

No.F.13 (38)-PD/14 11964
GOVERNMENT OF TRIPURA
HOME DEPARTMENT
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Ph & Fax -0381-241-4185

The 24th June, 2014

MEMORANDUM

Subject: - Compliance with the Judgment & Order of the Hon'ble High Court of Tripura in the matter of recording dying declaration.

Hon'ble High Court of Tripura in Criminal Appeal (J) No.01 of 2011 (Sri Joydeb Ghosh & Anr. -Vrs-The State of Tripura) in the judgment & order dated 06.05.2014(copy enclosed) has made certain observations on recording dying declaration by the Executive Magistrates and the attending Medical Officers as indicated below.

"We are constrained to observe that the way both the Executive Magistrate and the Medical Officer conducted themselves may impair the fair investigation resulting the miscarriage of justice. The Executive Magistrate ought to have attended the victim at the earliest after the requisition is made. He should have attached a certificate on the dying declaration as a measure of abundant caution that the injured was examined by the Medical Officer and had opined that the injured was in a fit state of mind to make the declaration. Even the observation of the Medical Officer could have optionally be attached to the said dying declaration. In future, it is directed that whenever a requisition is made for recording the dying declaration, the Executive magistrate shall give priority to such requisition over his other assignments for recording the declaration. He should have recorded the dying declaration at the earliest. If the person who is in critical stage is not attended without delay, the investigation may in some cases lose the vital or even the solitary piece of evidence to do justice to the victim and similarly when the Medical officer had examined the injured expecting death. he shall also give a separate not to be attached with the dying declaration by the Executive Magistrate as regards the state of mind of the injured person particularly in regard to the mental state to make the declaration. Those are extremely serious job. Casual approach be buried. In future, the procedure as indicated be followed to ensure that the justice is not denied to the victim for lapses as indicated."

2. The matter has been examined in consultation with the LR & Secretary, Law and Police Head quarter and it has been decided to take action on the following.

- (i) Copy of the judgment shall be sent to all Superintendents of Police, SDPOs and Officer-in-Charge of all Police Stations for taking necessary action by the Director General (Police).

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- (ii) All Medical Officers posted in Government managed institutions namely PHCs, Sub-Divisional Hospitals, District Hospitals and State level Referral Hospital shall be advised for taking necessary action by the Health & Family Welfare Department.
- (iii) All concerned Executive Magistrates shall take necessary action in compliance of the directions of the Hon'ble High Court.

S/d
(S.K. Panda)
Chief Secretary to the
Government of Tripura

To

1. The Director General of Police, Tripura.
2. The Secretary, Health & Family Welfare Department, Govt. of Tripura.
3. All the District Magistrate & Collectors, Tripura for necessary action.

Copy for favour of information to:-

1. The PS to the Chief Secretary, Tripura.
2. The PS to LR & Secretary, Law, Govt. of Tripura.
3. Ld. Advocate General, Tripura.

Barun Kumar Sahu 24/11/17
(Barun Kumar Sahu)
Secretary to the
Government of Tripura

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Government of Tripura
Office of the Director General of Police
Tripura :: Agartala.
(Legal Cell)

No. 1331-1461 /R-77/DGP/LC/2014,

Dated the 04th, July, 2014.

To
The Superintendent of Police,
West/Khowai/Shephijala/Gomati
/South/Unokoti/ North and Dhalai District,
Tripura.

The Superintendent of Police(CID)
Tripura, Agartala.

The Sub-Divisional Police Officers,

Sadar/ NCC/Amtali/Jirania / Mohanpur / Khowai / Teliamura/ Bishalgarh / Sonamura / Jumpajala /
Udaipur / Amarapur / Karbook / Ompi / Shantirbazar / Sabroom / Belonia / Ambassa / Kamalpur /
Gandacherra / Langtharai Valley / Manu / Kailashahar / Kumarghat / Kanchanpur / Damcherra /
Dharmanagar,

The Officer-in-charges,

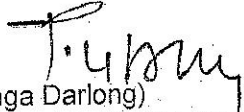
WestAgartala/East Agartala/Women P.S East Agartala/Women P.S WestAgartala/Airport/Sidhai/Lafunga
/Jirania/Ranirbazar/Mandai/Amtali/Srinagar/Radhapur/Budjungnagar/NewCapitalComplex/A.DNagar/Bis
halgarh/Takarjala/Bishramganj/Melagarh/Sonamura/Jatrapur/Kalamchoura/R.KPur/Women PS Udaipur
/Killa/Kakraba/Birganj/NatunBazar/Ompi/Taidu/Karbook/Silachari/Belonia/P.R Bari/Shantir Bazar/
Baikhura/Sabroom/ManuBazar/Teliamura/Kallanpur/Mungiakami/Khowai/Champahaur/Kamalpur/Salem
a/Kachucherra/Ambassa/Ganganagar/Gandacherra/Raisyabari/Manu/Chwmanu/Chailengta/Nepaltila/M
anikpur/Dhumachherra/Kailashahar/Kailashahar women P.S/ Kumargath/Pacherthal /Irani/Kanchanpur
/Nangmun /Anandabazar/Khedacherra /Damcherra/Panisagar/Churaibari/Dharmanagar/Kadamt-ala

Subject:-Compliance with the Judgment & order of the Hon'ble High Court of Tripura in the matter of
recording dying declaration.

Please find enclosed photo copy of Memorandum No. F.13(38)-PD/14 / 1964 dated 24-06-
2014 issued by Chief Secretary to the Government of Tripura and copy of Judgment and order dated 06-
05-2014 passed in case No. CRL. A(J)- 01/2011 (Sri Joydeb Ghosh & Anr -Vs- The State of Tripura) by
the Hon'ble High Court of Tripura.

It is therefore requested to take necessary action in accordance with the Memorandum of the
Chief Secretary, Government of Tripura and also in the light of the Judgment and order dated 06-05-
2014 of the Hon'ble High Court of Tripura.

Enclo:- As stated.


(Lalhminga Darlong)
Asstt. Insp. Genl. of Police(Crime),
For Director General of Police.
Tripura.

Copy along with its enclosures to:-

The Insp. Genl. of Police(L/O), Tripura
The Dy. Insp. Genl. of Police(S/R), Tripura
The Dy. Insp. Genl. of Police(N/R), Tripura
The Addl. Secy(Home), Govt, of Tripura
.....for information please.

(Lalhminga Darlong)
Asstt. Insp. Genl. of Police(Crime),
For Director General of Police.
Tripura.