

16

**Government of Tripura  
Home Department**

F.13(19)-PD/13

2<sup>nd</sup> May, 2013

**ORDER**

**Subject: Guidelines for implementing the Judgment of the Hon'ble High Court of Tripura in handling medico legal cases by Government Hospitals and recording of FIR by police under Section 154 Cr.Pc.**

Hon'ble High Court of Tripura while hearing the appeal in case CrI. A(J) No.04 of 2010 (Shri Mrinal Bhowmik & Anr. Vrs the State of Tripura) wherein one Ms Shipra Das (Bhowmik) died due to serious burn injuries in the G.B.P. Hospital, Agarta, has made certain important observations in the judgment dated 18/04/2013 on handling of medico-legal cases and steps to be taken by police for recording FIR under Section of 154 Cr.Pc.

2. The Hon'ble High Court has inter-alia observed that- "*In the State of Tripura we have found that the First Information Reports (FIR's) are not being recorded by the police officials who always wait for a complaint to be made in writing to them by a complainant. This is totally contrary to the provision of Section 154 of the Code of Criminal Procedure...*"

3. The matter has been examined in the Government and it has been felt that the matter raised by Hon'ble High Court is of grave and severe concern. Accordingly it has been decided that a system shall be put in place to **operationalise, review and monitor the steps to be taken by different agencies on the directions issued by the Hon'ble High Court.**

4. Keeping in view the directions of the Hon'ble High Court, the following instructions are issued for compliance by all concerned:-

4.1 Category-A: Recording of FIR and application of Section 154 and 157 Cr. PC

- i. The in-charge of the police station shall himself record or cause to be recorded the First Information Report as soon as such information is brought to his notice in relation to a cognizable offence.
- ii. No police official shall, compel the complainant to file a complaint in writing.

- iii. The provisions of sections 154 and 157 Cr. PC shall be complied and the copy of the FIR should be sent to the Magistrate immediately after recording the same.

DGP shall issue these instructions to all Superintendents of Police, SDPOs and Officer In-charge of Police Stations. A monthly review shall be taken by DGP for compliance of the directions in para 4.1 above.

#### 4.2 **Category-B:** Handling of Medico-Legal Cases

As soon as a person is brought to the hospital in a condition wherein it is apparent that he or she has suffered injuries which may be the result of use of violence, whether accidental or by the person himself or caused by any other person, it shall be the duty of the doctor to report the matter immediately to the police. Further, in all such cases, the following procedure shall be followed by Medical Officers/Hospitals and Police:-

- i. The treatment of patient shall not be delayed to await the police, and the doctor is duty bound to first treat the patient. However, the Medical Officer concerned must simultaneously make arrangements to inform the police.
- ii. Once the information is given to the police, the police official must visit the hospital and ascertain from the doctor whether the victim is in a condition to make a statement or not.
- iii. If the victim is in a position to make a statement then the police official should record the statement and try to associate independent witnesses with the recording of the statement. In case the victim is a lady as far as possible one lady police official must be present when the statement is recorded.
- iv. The statement should be recorded in the local language and dialect of the victim and translation can be made later on.
- v. If the statement so recorded discloses the commission of a cognizable offence the FIR shall be recorded immediately without waiting for any formal written complaint.
- vi. In case the doctor declares a person unfit to make a statement then the police official should make an effort to repeatedly visit the hospital.

and find out from the doctor when the patient is fit to make the statement.

vii. The medical officer should maintain a record that a request for recording the statement of the victim has been made and as soon as the victim is in a fit condition to make the statement, the medical officer shall inform the concerned police official about this fact and thereafter the police official can record the statement of the victim.

viii. In cases of dying declaration, if time is available, the police official(s) must make an effort to associate a Judicial or Executive Magistrate with the recording of the statement.

5. **Health Department** shall circulate the instructions contained in Category-B to all Medical Officers those posted in Government managed institutions namely PHCs, Sub-Divisional Hospitals, District Hospitals and State level Referral Hospitals as well as in privately managed hospitals for strict compliance. Further, **DGP** shall suitably instruct Police Officers to take steps as above (sub paras under Para 4.1 and 4.2) above for handling the cases of the injured persons admitted in the hospitals.

(S.K. Panda)  
Chief Secretary,  
Government of Tripura

To:

- 1) The Director General of Police, Govt of Tripura
- 2) The Addl. Chief Secretary, Health & FW Department, Govt of Tripura
- 3) The Secretary, Law Department, Govt of Tripura
- 4) The Director, Department of Health Services, Govt of Tripura
- 5) The Deputy Secretary, Home Department, Govt of Tripura

Copy forwarded to:

- The PS to the Chief Secretary, Govt of Tripura.
- The Addl. Chief Secretary, Govt of Tripura.

(Y. Kumar)  
Secretary to the  
Government of Tripura