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(BY FAX)

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

No. 462-567 /R- 33/DGP/LC/2013.

Dated, the 3rd, May, 2013.

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

SDPOs Sadar, Mohanpur, Jirania, Khowai, Teliamura, Bishalgarh, Sonamura, Jampajjala, Udaipur, Amarpur, Ompi, Karbook, Belonia, Shantirbazar, Sabroom, Ambassa, Kamalpur, Manu, Longtharai Valley, Gandacherra, Dharmanagar, Kanchanpur, Panisagar, Kailashahar, Kumarghat.

O/C, P.Ss. R.K. Pur, Killa, Kakraban, Women P.S. R.K. Pur, Birganj, Nutanbazar, Ompi, Taidu, Karbook, Shilachari, Belonia, P.R. Bari, Shantirbazar, Baikhora, Sabroom, Manubazar, Bishalgarh, Bishramganj, Sonamura, Jatrapur, Kalamchoura, Melagarh, Takarjala, West Agartala, East Agartala, Agartala Women P.S., Airport, Sidhai, Lefunga, Jirania, Ranirbazar, Mandai, Amtali, Srinagar, Radhapur, Bodhjungnagar, Teliamura, Kalyanpur, Mungiakami, Khowai, Champahowar, Kanchanpur, Vangmun, Anandabazar, Khedacherra, Damcherra, Panisagar, Churaibari, Dharmanagar, Kadamtala, Kailashahar, Kumarghat, Pecharthal, Kamalpur, Salema, Kachucherra, Ambassa, Gandacherra, Ganganagar, Raishyabari, Manu, Chamanu, Chailengta, Nepal Tilla, Manikpur, Dhumacherra.

Subject:- Judgment dated 18-04-2013 passed in Case No. Criminal Appeal (J) - 04 of 2010 (Shri Mrinal Bhowmik & Anr. - Vs - State of Tripura)

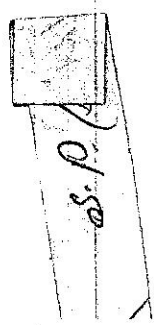
Hon'ble High Court of Tripura while hearing the appeal in case Cr. A. (J) No. 04 of 2010 (Shri Mrinal Bhowmik & Anr. -Vs - the State of Tripura) wherein one Ms. Shipra Das (Bhowmik) died due to serious burn injuries in the G.B.P. Hospital, Agartala, has made certain important observations in the judgement 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.P.C.

2. Following this judgment the Chief Secretary, Tripura communicated the enclosed order vide his instructions dated 2nd May, 2013, the operational part of which is reproduced below. A copy of his order is also enclosed for ready reference.

Category - A: Recording of FIR and application of Section 154 and 157 Cr.P.C.

- (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 shall be complied with and the copy of the FIR should be sent to the Magistrate immediately after recording the same.

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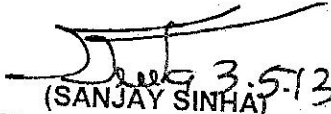
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Category - B: Handling of Medico-Legal Cases.

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 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.*

4. All District SsP, SDPOs and Os/C P.Ss. are advised to carefully note for strict compliance the instructions issued by the Chief Secretary which have been made following the order of Division Bench headed by Hon'ble Chief Justice of the High Court of Tripura in the aforesaid judgment.


(SANJAY SINHA)
Director General of Police.
Tripura.

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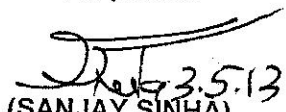
- (I) The Insp. Genl. of Police(L/O), Tripura, Agartala.
- (ii) The Insp. Genl. of Police (Int), Tripura, Agartala.
- (iii) The Dy. Insp. Genl. of Police, Range(SR/NR), Tripura.
- (iv) The Supdt. of Police(CID), Tripura.

.....for information and necessary action.

Copy also to:-

- (v) The Chief Secretary, Government of Tripura
- (vi) The Secretary, Home Deptt. Govt. of Tripura.

.....for information please.


(SANJAY SINHA)
Director General of Police.
Tripura.