

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

No. 1077-93 /R-74/DGP/LC/2014(L-1)

Dated, the 12th May 2015.

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

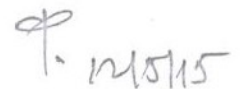
The Superintendent of Police (Traffic) / CID
/ GRP / EB / MTF.
West Tripura, Agartala:

Subject:- Transmission of Circular No. 3/91 circulated vide PHQ Memo No. 32843-937/C.41(1)-PHQ/89 dated 16-09-1991 along with copy of Order dated 11-09-1991 passed by the Hon'ble Supreme Court of India in case No. WP(Crl) – 517 of 1989 (Delhi Judicial Service Association, Tis Hazari Court, Delhi –Vs- The State of Gujrat & Ors).

Please find enclosed copy of Circular No. 3/91 which was circulated vide PHQ Memo No. 32843-937/C.41(1)-PHQ/89 dated 16-09-1991 along with copy of Order dated 11-09-1991 passed by the Hon'ble Supreme Court of India in case No. WP (Crl) – 517 of 1989 (Delhi Judicial Service Association, Tis Hazari Court, Delhi –Vs- The State of Gujrat & Ors) for information and strict compliance.

2. It is, requested to re-circulate the above mentioned circular along with copy of order dated 11-09-1991 passed by the Hon'ble Supreme Court of India to all the SDPOs / OsC PSs and to all IPS / TPS officers posted to your respective unit for strict compliance. Action taken in this regard may please be intimated to this office.


Enclo :- As stated.


(Lahminga Darlong)
Asstt. Inspr. Genl. of Police(Crime),
For Director General of Police.
Tripura.

Copy along with its enclosures for necessary action :-

1. The Inspr. Genl. of Police (L/O), Tripura, Agartala
2. The Dy. Inspr. Genl. of Police, (S/R), Tripura, Agartala
3. The Dy. Inspr. Genl. of Police, (N/R), Kumarghat, Unakoti District, Tripura,
4. The Principal, KTDS, PTA, Narsingarh. He is requested to make all trainee police officers aware of the directions of Hon'ble Apex Court given in the above mentioned order.

Circular file


(Lahminga Darlong)
Asstt. Inspr. Genl. of Police(Crime),
For Director General of Police.
Tripura.

CIRCULAR NO. 3 /91

RELATIONS WITH THE JUDICIARY

The Supreme Court of India has on 11th September, 1991 sentenced six Police Officers, including an IPS officer to imprisonment in a case of inhuman treatment of the Chief Judicial Magistrate of Nadiad (Gujarat). The Supreme Court also passed strictures on the DGP. The Court has laid down seven guidelines which should be followed by the Police if arrest and detention of a subordinate judiciary officer becomes necessary. The Court affirmed that no person, whatsoever his official rank or designation is above the law and he must face penal action for any offence committed by him. The guidelines meant to preserve the independence of the judiciary are:

- i) If a judicial officer is to be arrested, prior information should be sent to the District and Sessions Judge of the High Court.
- ii) If immediate arrest of a subordinate judicial officer is essential, a formal arrest only may be made.
- iii) Facts leading to the arrest must be immediately communicated to the District and Sessions Judge and the Chief Justice of the High Court.
- iv) A judicial officer under arrest shall not (not) be taken to the PS without prior order by the District and Sessions Judge.
- v) A judicial officer under arrest must be allowed to communicate with his family, colleagues and

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legal advisers.

(vi) No statement should be recorded nor medical examination done in the absence of the arrested judicial officers, relations, colleagues or legal advisers.

(vii) No judicial officer under arrest should be handcuffed. If handcuffing becomes absolutely essential, a report must be sent to the D&SJ and the CJ of the High Court.

(viii) The Supreme Court declared itself the protector of the entire judiciary since the subordinate and inferior courts lacked adequate powers to protect themselves. The Court observed that while the law requires the Police to scrupulously exercise its power in dealing with any offender, the judiciary is duty bound to ensure fair investigation and fair trial. The purpose and object of the Police and the magistracy are complementary to each other.

SITUATION IN TRIPURA : Lately I have observed that some Police officers have been consistently complaining that the JMFCs are not granting Police remand of accused persons. Some senior officers have also been relaying and repeating these accusations against the courts. On the other hand, I have learnt informally that judicial officers feel that the Police are not scrupulously following the requirements of sec.167 CrPC. I have no doubt in my mind that the courts are fully aware of the need to control crime and criminals. The courts are aware of the difficulties faced by the Police. There are appropriate methods of submitting the difficulties for the consideration of the courts. When remand is not granted

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in a case, it is for the Police to understand the reasons and not to repeat the mistake in subsequent cases. The Court is bound to take note of the effort made to adhere to the prescribed procedure. Sometimes the Court may even exceed its own authority and grant remand. But any expectation will be in vain that in each and every case the Court will overlook defects in procedure.

Individual aberrations apart, there are highly enlightened souls in both the judiciary and the Police who ensure by their conduct and character that human rights and Constitutional guarantees are upheld for the sake of society and that society is not put at the mercy of criminals and lawless elements. Supervisory officers have the responsibility of constantly training their subordinates in ensuring Police effectiveness by making full use of their legal authority. In short, law and order has to be maintained by order according to law.

Handwritten signature
(B. J. K. Tampi)
DIRECTOR GENERAL OF POLICE
TRIPURA

NO. 32843-937/C.41(1)-PHQ/89. DATED 16.9.91.

Copy to :

- (1) Addl. DG (Law & Order/Security/ HQ)
- (2) IG(Communication) (3) IG(ADMN)
- (4) DIG(AP/COMN) (5) DIG(CID) (6) DIG(Range)
- (7) SP/West District (8) SP/North District
- (9) SP/South District (10) Principal, PTC
- (11) Commandant, TAP I (12) Commandant, TAP II
- (13) SP/MTF (14) SP/EB (15) SP/SB (16) SP/CID
- (17) Commandant, HG Organisation (18) CO TSR I
- (19) CO TSR II Bn (20) SP(Provisioning)
- (21) Addl.SP(Traffic)
- (22) SP(Wireless)

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- (6) SDPO Khowai (7) SDPO Gandachera (8) SDPO Amarpur
- (9) SDPO Sabroom (10) SDPO Belonia (11) SDPO R.K.Pur
- (12) SDPO Dharmanagar (13) SDPO Kanchanpur
- (14) SDPO Kailasahar (15) SDPO Kamalpur

Copy to :

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- (4) CI Sonamura (5) CI Teliamura (6) CI Kailasahar
- (7) CI Manu (8) CI Ambassa (9) CI Kanchanpur
- (10) CI Dharmanagar (11) CI Udaipur (12) CI Ompi
- (13) CI Gandachera (14) CI Shantir Bazar
- (15) CI Sabroom

Copy to :

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- (36) OC Pecharthal PS (37) OC Kanchanpur PS
- (38) OC Vhangmun PS (39) OC Fatikroy PS
- (40) OC Manu PS (North Dist) (41) OC Chamanu PS
- (42) OC Ambassa PS (43) OC Salema PS (44) OC Kamalpur PS