

प्रशान्त कुमार,
आई0पी0एस0



डीजी परिपत्र सं0 -18 /2024

पुलिस महानिदेशक,
उत्तर प्रदेश।

पुलिस मुख्यालय, गोमती नगर विस्तार,
लखनऊ-226002

दिनांक: अप्रैल/3, 2024

विषय: अप्लीकेशन अन्तर्गत धारा 482 संख्या- 9526/2024 अंजू मधुसूदन पिल्लई बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांकित 09.04.2024 के अनुपालन में पुलिस साक्षियों का बयान वीडियो कान्फ्रेंसिंग के माध्यम से अंकित कराये जाने हेतु दिशा-निर्देश।

प्रिय महोदय/महोदय,

कृपया परिपत्र के साथ संलग्न अप्लीकेशन अन्तर्गत धारा 482 संख्या- 9526/2024 अंजू मधुसूदन पिल्लई बनाम उ0प्र0 राज्य व अन्य में मा0 उच्च न्यायालय इलाहाबाद द्वारा पारित आदेश दिनांकित 09.04.2024 का संदर्भ ग्रहण करें। वीडियो कान्फ्रेंसिंग के माध्यम से पुलिस साक्षियों का बयान अंकित कराये जाने हेतु इस मुख्यालय के परिपत्र संख्या-09/2024 दिनांकित 05.03.2024 द्वारा निर्देश निर्गत किया गया था।

2- अप्लीकेशन अन्तर्गत धारा 482 संख्या- 9526/2024 उपरोक्त में मा0 उच्च न्यायालय द्वारा पारित आदेश दिनांकित 09.04.2024 में पुलिस साक्षियों के बयान वीडियो कान्फ्रेंसिंग से कराये जाने हेतु निम्नवत निर्देशित किया है-

7. The Director General of Police shall take necessary steps in respect of recording of evidence through video conferencing in respect of the prosecution witnesses who are posted outside the district where the cases are going on and in this respect necessary orders shall be issued. The Senior Superintendent of Police and Superintendent of Police shall ensure that applications are filed before the court concerned for recording of evidence through video conferencing in respect of the witnesses/government servants who are posted outside the district where the cases are going on. The Director of Prosecution shall also take necessary steps in this respect. A coordinate effort shall be made by the State, Police Authorities and Director of Prosecution so that there is minimal movement of the government officers from one district to another for the purpose of recording of evidence in cases and to ensure that the evidence are recorded through video conferencing. The fact that the infrastructure for Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 has been established from the State Ex-chequer and is for the benefit of the prosecution witnesses and private parties who are parties to the litigation and who are residing outside the jurisdiction of the court. The government servants are also the beneficiaries of the aforesaid Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 when they are posted outside the district where the case is going on.

8. It is further clarified that the court concerned in the facts and circumstances of each case can direct for personal presence of the witnesses before the court concerned, if the same is required. However, the endeavour of the court concerned should be to get the evidence of prosecution witnesses who are outside the jurisdiction of the court recorded through video conferencing.

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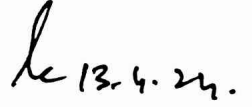
9. Let compliance report be filed by the State/Director General of Police and Director of Prosecution in this respect.

संकलित सूचना के अनुसार विगत तीन माह (01.01.2024 से 31.03.2024) में प्रदेश के विभिन्न जनपदों में कुल-512 पुलिस साक्षियों के बयान वीडियो कान्फ्रेंसिंग के माध्यम से अंकित कराये गये हैं, जिससे स्पष्ट है कि प्रदेश के न्यायालयों में वीडियो कान्फ्रेंसिंग से साक्ष्य अंकित कराये जाने का विकल्प उपलब्ध एवं क्रियाशील है। वीडियो कान्फ्रेंसिंग के माध्यम से पुलिसकर्मियों का साक्ष्य अंकित होने से समय और संसाधन की बचत होगी और सम्बन्धित साक्षी बिना अपना जनपद छोड़े अल्पसमय में अपना साक्ष्य अंकित करा सकेंगे। वीडियो कान्फ्रेंसिंग के माध्यम से साक्ष्य अंकित किये जाने से अभियोगों के निस्तारण में गति आयेगी, जिसका सकारात्मक प्रभाव प्रदेश की कानून-व्यवस्था पर भी पड़ेगा। इस मुख्यालय के पत्र संख्या:डीजी-दस-वि0प्र0-मिस-86/2021/1185 दिनांकित 19.03.2021 के क्रम में प्रत्येक कमिश्नरेट / जनपद हेतु Remote Coordinator (सुदूर समन्वयकर्ता) नियुक्त किये जा चुके हैं।

अतः आप सभी को निर्देशित किया जाता है कि मा0 उच्च न्यायालय द्वारा पारित आदेश दिनांकित 09.04.2024 के अनुपालन में पुलिस साक्षियों का बयान वीडियो कान्फ्रेंसिंग के माध्यम से अंकित कराने सम्बन्धी निर्देशों से अपने अधीनस्थों को भलीभाँति परिचित कराते हुये इन निर्देशों का कड़ाई से अनुपालन सुनिश्चित किया जाये।

संलग्नक:यथोपरि।

भवदीय,



(प्रशान्त कुमार)

1. पुलिस आयुक्त,
कमिश्नरेट-लखनऊ/कानपुर/वाराणसी/गौतमबुद्धनगर/आगरा/गाजियाबाद/प्रयागराज।
2. समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक,
प्रभारी जनपद/रेलवेज, उत्तर प्रदेश।

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु :-

1. अपर पुलिस महानिदेशक (अपराध), उ0प्र0 लखनऊ।
2. अपर पुलिस महानिदेशक (रेलवेज), उ0प्र0 लखनऊ।
3. अपर पुलिस महानिदेशक (अभियोजन), उ0प्र0 लखनऊ।
4. अपर पुलिस महानिदेशक (तकनीकी सेवाएँ), उ0प्र0 लखनऊ।
5. समस्त जोनल अपर पुलिस महानिदेशक, उ0प्र0।
6. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक / पुलिस उपमहानिरीक्षक, उ0प्र0।

Court No. - 88

Case :- APPLICATION U/S 482 No. - 9526 of 2024

Applicant :- Smt Anju Madhusoodanan Pillai

Opposite Party :- State Of U.P. Through Secretary Home At Lucknow And Another

Counsel for Applicant :- Vijit Saxena

Counsel for Opposite Party :- G.A.,Ramesh Kumar Pandey

Hon'ble Vikram D. Chauhan,J.

1. Heard learned counsel for the applicant, Sri Ramesh Kumar Pandey, learned counsel for opposite party no. 2 and Sri Ashok Mehta, learned Senior Advocate and Additional Advocate General for the State of U.P.

2. It is submitted by learned counsel for the applicant that the recording of evidence through video conferencing in respect of prosecution witness nos. 2 and 3 have been permitted by the court concerned and the next date fixed is 12.04.2024.

3. Learned counsel for opposite party no. 2 does not dispute the aforesaid fact.

4. In pursuance to the order dated 28.3.2024 passed by this Court, the District Judge, Ghaziabad has submitted his report informing that video conferencing facility is available in the court concerned. He has also given details of the various instructions being issued by him to the judicial officers for effective implementation of the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020. **One of the points noted in the aforesaid report pertain to the fact that the prosecution is not requesting for leading evidence by video conferencing.**

5. The Central Project Co-ordinator (CPC) has also submitted his report where it has been stated that **the facility for video conferencing has been established in the District Court, Ghaziabad and in all the courts of State of Uttar Pradesh. A perusal of the data of recording of evidence through video conferencing submitted by the CPC in respect of the District Judgeship, Ghaziabad requires attention of District Judge, Ghaziabad as smaller districts have secured more evidence through video conference.** The Ghaziabad is a district in the national capital region and is required to be more proactive in implementation of the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020.

6. Sri Ashok Mehta, learned Senior Advocate and Additional Advocate General for the State of U.P. has stated that the State is ready to extend all cooperation for recording of evidence through video conferencing. He submits that the Director General of Police is also taking steps in the matter so that the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 are implemented in letter and spirit. He has further agreed to the fact that the government servants including the police officers and doctors whose evidence are to be recorded will endeavour to secure the same through video conferencing in pursuance to the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020. He submits that the prosecution will take proactive role for recording of evidence through video conferencing where the officers of the State are posted in a district outside the jurisdiction of the court concerned. It is further been assured to the Court that endeavour would be made by the officers and the Director General of Police to hold a meeting with the Commissioner of Police, Senior Superintendent of Police and Superintendent of Police in this respect so that the prosecution can move to the court concerned for recording of evidence through video conferencing in respect of the government servants who are posted outside the district where the case is going on.

7. The Director General of Police shall take necessary steps in respect of recording of evidence through video conferencing in respect of the prosecution witnesses who are posted outside the district where the cases are going on and in this respect necessary orders shall be issued. The Senior Superintendent of Police and Superintendent of Police shall ensure that applications are filed before the court concerned for recording of evidence through video conferencing in respect of the witnesses/government servants who are posted outside the district where the cases are going on. The Director of Prosecution shall also take necessary steps in this respect. A coordinate effort shall be made by the State, Police Authorities and Director of Prosecution so that there is minimal movement of the government officers from one district to another for the purpose of recording of evidence in cases and to ensure that the evidence are recorded through video conferencing. The fact that the infrastructure for Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 has been established from the State Ex-chequer and is for the benefit of the prosecution witnesses and private parties who are parties to the litigation and who are residing outside the jurisdiction of the court. The government servants are also the beneficiaries of the aforesaid Rules for Video Conferencing for Courts in the State of Uttar

Pradesh, 2020 when they are posted outside the district where the case is going on.

8. It is further clarified that the court concerned in the facts and circumstances of each case can direct for personal presence of the witnesses before the court concerned, if the same is required. However, the endeavour of the court concerned should be to get the evidence of prosecution witnesses who are outside the jurisdiction of the court recorded through video conferencing.

9. Let compliance report be filed by the State/Director General of Police and Director of Prosecution in this respect.

10. List this case on 18.04.2024 as fresh.

11. The present matter shall be treated as part heard and tied up to this Bench.

Order Date :- 9.4.2024

VMA