## जावीद अहमद, <sub>आई०पी०एस०</sub>



## पुलिस महानिदेशक, उत्तर प्रदेश 1 तिलक मार्ग, लखनऊ। दिनांकः लखनऊः अप्रैल न ,2017

विषय:-क्रिमिनल (कैपिटल )अपील संख्या:-5298/2015 श्री विनोद व अन्य बनाम उ०प्र० राज्य क्रिमिनल (कैपिटल) अपील संख्या:-5299/2015 श्री चन्द्रदेव यादव बनाम उ०प्र० राज्य, क्रिमिनल (कैपिटल) अपील संख्या:-5300/2015 श्री पवन बनाम उ०प्र० राज्य एवं क्रिमिनल रिफरेंस नं0: 11/2015 में मा० उच्च न्यायालय इलाहाबाद द्वारा पारित आदेश दिनांक 17.02.2017 के अनुपालन के सम्बन्ध में।

प्रिय महोदय,

प्रदेश में घटित अपराधों के शीघ्रता से पंजीकरण, विवेचना की गुणवत्ता बढ़ाने एवं अधिकाधिक वैज्ञानिक विधियों का समावेश किये जाने के सम्बन्ध में समय-समय पर मुख्यालय द्वारा पार्श्वाकित परिपत्र पूर्व में अनुपालनार्थ निर्गत किये गये है एवं समय-समय पर सम्पन्न विभिन्न बैठकों में भी आवश्यक जानकारी उपलब्ध करायी जाती रही है।

डीजी परिपन्न संख्या : 13/2013 दिनांक 17.4.2013 डीजी परिपन्न संख्या : 16/2013 दिनांक 29.4.2013 डीजी परिपन्न संख्या : 19/2013 दिनांक 06.5.2013 डीजी परिपन्न संख्या : 19/2013 दिनांक 01.8.2013 डीजी परिपन्न संख्या : 38/2014 दिनांक 07.6.2014 डीजी परिपन्न संख्या : 27/2015 दिनांक 19.4.2015 डीजी परिपन्न संख्या : 31/2015 दिनांक 28.4.2015 डीजी परिपन्न संख्या : 44/2015 दिनांक 15.6.2015 डीजी परिपन्न संख्या : 51/2015 दिनांक 12.7.2015 डीजी परिपन्न संख्या : 52/2015 दिनांक 12.7.2015 डीजी परिपन्न संख्या : 66/2015 दिनांक 26.9.2015 डीजी परिपन्न संख्या : 66/2015 दिनांक 26.9.2015 डीजी परिपन्न संख्या : 66/2016 दिनांक 13.4.2016

आप सहमत होगें कि अपराधों के सही पंजीकरण व विवेचना की गुणवत्ता में सुधार होने से जहाँ अपराधियों को मा0 न्यायालय में दिण्डत किये जाने का प्रतिशत बढ़ेगा वही अपराधियों पर दवाब बढ़ने के साथ-साथ अपराधीं पर नियन्त्रण भी होगा।

रिट याचिका संख्याः- क्रिमिनल (कैपिटल) अपील संख्याः-5298/2015 श्री विनोद व अन्य बनाम उ0प्र0 राज्य क्रिमिनल (कैपिटल) अपील संख्याः-5299/2015 श्री चन्द्रदेव यादव बनाम उ0प्र0 राज्य, क्रिमिनल (कैपिटल) अपील

संख्या:-5300/2015 श्री पवन बनाम उ0प्र0 राज्य एवं क्रिमिनल रिफरेंस नं0: 11/2015 में मा0 उच्च न्यायालय इलाहाबाद खण्डपीठ में अपराधों के पंजीकरण व विवेचनाओं की गुणवत्ता में सुधार लाने हेतु आदेश पारित किये गये है। उक्त निर्णय के सुसंगत अंश निम्नवत है:-

In view of the above, as our humble contribution, in order to make investigation of Criminal cases more effective, reliable and flawless We are passing following directions:

- (I) All the Investigating Officers shall endeavor/make their best efforts to record the statements of informant, victim/injured and other important witnesses of fact, of the case as far as possible at the earliest and If it is not possible to do so within 24 hours from the registration of First Information Report, they shall furnish separate explanation for late recording of the statement of each witness alongwith statement of the witness concerned.
- (II) With a view to curtail delay in recording the statements of informant/victim and witnesses, to curb the growing tendency of the witnesses to disown their

earlier statements recorded under Section 161 Cr.P.C. and turning hostile and to ensure their reliability, the Investigating Officer and State Government shall without fail inform the informant and all the witnesses that they may submit their evidence by e-mail/speed post or registered post on affidavit, sworn before the Oath Commissioner or Public Notary. If such affidavits are filed by the informant and the witnesses, same will be received, taken into consideration and needful will be done in respect of those by the I.O. In such cases, I.O. will also be at liberty to make further queries with the informant/witnesses if need arises to do so.

- (III) Copies of statements recorded under Section 161 Cr.P.C. shall be simultaneously provided by the Investigating Officer to the first informant and witnesses with intimation that if they have any objection in respect of their statement or any discrepancy is found in the same, it shall be brought to the notice of the I.O. at the earliest, preferably within a week alongwith supporting evidence. An endorsement to this effect shall also be made by the I.O. in the case diary.
- (IV) The above directions (I), (II) and (III) will also apply in respect of recording statements of accused and defence witnesses.
- (V) All the Investigating Officers will collect each and every material and piece of evidence available at the place of incident and at the earliest and if not done so within 24 hours, they will furnish their explanation to that effect.
- (VI) I.O. will prepare site plan of each and every place connected with the crime showing all the necessary details thereof like distance of witness/injured/aggressor etc.
- (VII) As directed by Hon'ble Apex Court in Prakash Vs. State of Karnataka (supra), the prosecution must lay stress on scientific collection and analysis of evidence, particularly since there are enough methods of arriving at clear conclusions based on evidence gathered. In view of above, all relevant material and evidence collected from the site, shall be sent for Hand Writing Expert, Ballistic Expert, Forensic Science Laboratory, Finger Print Expert, D.N.A. Expert etc. as the case may be, by the I.O. for obtaining expert opinion/report in respect to such articles collected from the place of incident.
- (VIII) Where ever it is possible and necessary the I.O. will collect 'Call Details Record' (C.D.R.) of Mobile Phones/Land Line phones of the victim/ witnesses/accused as the case may be, footage of C.C.TV cameras available on the spot/near by locations and put phone numbers/mobile numbers of suspected persons likely to be involved in the offence concerned on surveillance, without any undue delay.
- (IX) In all cases I.O. will adhere strict compliance of various provisions of Cr.P.C., Police Act and the Regulations related to the 'investigation'.
- (X) Superior Police Authorities shall develop effective monitoring system to ensure strict compliance of relevant rules, provisions and above directions by the Investigating Officers during investigation. In the cases of willful and intentional violation of the aforesaid by the Investigating Officer concerned same shall be cured at the earliest and appropriate action may be taken against the erring Investigating Officer.

(XI) The State Government shall ensure vide publicity of these directions by its publication in the news papers, electronic media and display on notice

boards at the offices of superior Police Officers.

(XII) A copy of this order shall be sent to Chief Secretary and Secretary (Home), Government of Uttar Pradesh for compliance of this order. They will submit their compliance report on affidavit within 3 months from the date of receipt of this order, to this Court.

(XIII) The Registrar General of this Court is directed to send a copy of this order to the Chairmen of all the District Legal Services Authority and the State Legal

Services Authority for vide publicity of above directions.

मै चाहूंगा कि मा0 उच्च न्यायालय द्वारा पारित आदेश का आप स्वंय अध्ययन कर लें तथा इन निर्देशों का समुचित पालन आपके एवं आपके अधीनस्थ अधिकारियों द्वारा किया जाए। इस सम्बन्ध में किसी प्रकार की कोई शिथिलता न बरती जाए। यदि इन निर्देशों का अनुपालन करने में कोई ठिलाई संज्ञान में आती है तो उसे अत्यन्त गम्भीरता से लिया जायेगा। इस सम्बन्ध में आप अपने अधीनस्थों को विशेष रूप से अवगत करा दें कि प्रत्येक दशा में मा0 न्यायालय द्वारा पारित आदेशों का अक्षरशः पालन किया जाना सुनिश्चित करे।

भवदीय

समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, प्रभारी जनपद,

<u>उत्तर प्रदेश</u>।

प्रतिलिपि-निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1.पुलिस महानिदेशक, अभियोजन उ०प्र० लखनऊ।
- 2.अपर पुलिस महानिदेशक, कानून-व्यवस्था, उ०प्र० लखनऊ।
- 3.समस्त जोनल पुलिस महानिरीक्षक, उ०प्र०।
- 4.समस्त परिक्षेत्रीय पुलिस उपमहानिरीक्षक, उ०प्र०।