



ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

POLICE CIRCULAR ORDER 343 /2013

No. 27143/SR'W'

Date 30.06.2013

To

All district SsP/DCsP Bhubaneswar & Cuttack/SsRP, Cuttack/Rourkela

Sub:

Standard Operating Procedure (SOP) for investigation of Crime against women

INTRODUCTION

Crime against women in general and rape in particular need our closest attention. In order to improve the quality of investigation and to secure a better conviction rate, a Standard Operating Procedure (SOP) is hereby prescribed which must be scrupulously followed by all concerned.

1. REGISTRATION OF FIR

No technicality should be allowed to come in the way of prompt registration of offences against women. As soon as information about such offences is received, FIR must be recorded in accordance with the provisions of Sec 154 CrPC. FIR, being an important document, should be drawn up with greatest care and caution, incorporating all material information / facts which are directly connected with the crime or are likely to form important evidence. The victim can lodge FIR in any police station of the State and subsequently it can be transferred to the

concerned PS for investigation. Proviso to Section 154 Cr.P.C. provides that information pertaining to offences given by woman victims shall be recorded by a woman Police Officer or any woman officer.

2. INVESTIGATION

(a) Investigating Officers

As far as possible, investigation of crime against women shall be conducted by a women officer. Whenever necessary, investigating team should be formed, consisting of three to four police personnel of whom one should be designated as Chief IO. There should be at least one lady officer in the team. Rape case should usually be investigated by the IIC or the senior SI.

(b) Handling of victim

(i) The victim should be dealt with utmost sympathy and sensitivity. Behaviour towards the victim should be extremely courteous. No embarrassing or indecent questions should be put to the victim. NGOs can be of immense help in extricating the victim from trauma and preparing her to cooperate with the investigation. Care should be taken to secure dignity and prevent embarrassing situation to the victims.

(ii) While talking to the victim, her psychology should be observed carefully and information elicited in such a manner that she remains calm and composed. Proper account of the incident should be recorded in plain and simple language as early as possible in the informant's own words. If the complainant, while making oral report suspects or alleges against a particular person, the ground on which such suspicion is based should be ascertained.

(iii) The victim should not be called to the Police Station. The I.O. should visit her home in plain clothes for ascertaining facts in presence of her relatives/family members. As per section 157(b) CrPC, the statement of the victim should be recorded at the residence of the victim or in the place of her

choice by a woman police officer in the presence of parents or guardians or near relatives or a social worker of the locality.

(iv) Efforts should be made to get the statement of victim recorded u/s 164 CrPC whenever expedient and necessary. Videography must be carried out during the recording of her statement.

(v) The victim as well as the accused person(s) should be sent for medical examination after filling of the medical examination form by the I.O. immediately.

(vi) A rape victim above 18 years of age can be examined only after her written consent and a rape victim under 18 years of age can be examined only after a written consent from her parents/guardians.

(vii) As far as possible, the victim should be medically examined only by a lady doctor.

(viii) As per section 164A CrPC, whenever it is proposed to get the person of the woman with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner, with the consent of such women or of a person competent to give such consent on her behalf and such women shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence.

(c) Inspection of the Scene of Crime

(i) It shall be the foremost duty of the I.O. to safeguard the scene of crime so that available clues are not disturbed.

(ii) Inspection and collection of valuable clues from the scene of crime plays a vital role in the successful investigation and prosecution of a case. The scene of crime should be thoroughly inspected clockwise and all out efforts should be made to collect maximum evidence from the spot. Scientific Team must be summoned to

lift finger/foot prints and other suspect items i.e. hair, blood, semen , body fluid, ornaments etc. found at the spot.

(iii) Exhibits collected/lifted should be properly packed/ preserved, sealed and sent to FSL for chemical analysis as quickly as possible. In this connection, instruction vide CB Circular no. 1/92 dated 02.11.92 for despatch of exhibits to the FSL must be followed scrupulously.

(iv) It is imperative that the scene of crime is photographed from all angles.

(v) Spot Map of the place of occurrence is an important document. It must be drawn properly, indicating distance between items found at the spot. The position of witnesses, if any, must be shown.

(vi) Requirement for DNA analysis should be also kept in mind in befitting cases.

3. SUPERVISION OF RAPE CASES

Supervision should preferably be done by SP or Addl. S P. In districts with large number of such cases, a Dy.S.P. may supervise. It is desirable that in Dy. SP supervised cases, SP monitors the progress of investigation closely. Supervision of such cases should be thorough and comprehensive. In this connection, attention is invited to Crime Branch Circular no. 1/92 dated 2.11.92 wherein reasons for acquittal in rape cases and remedial measures have been suggested.

4. COLLECTION OF EVIDENCE

a) When suspect is known to the victim

(i) Rebuttal or corroboration of facts, as alleged by victim, is to be done after carefully examining the whole circumstances and by continuously keeping the trauma of victim in mind.

(ii) Help of experienced police officer can be taken in interrogation of suspect.

(iii) Suspect should be sent for medical examination along with injury sheet mentioning injury, scratch, bruise or nail mark etc found on his body.

(iv) Personal clothes of the accused worn at the time of crime should be seized and sent to FSL for examination.

(v) The accused should be medically examined to prove his physical capacity for committing the alleged crime.

(vi) Documentary proof of age of accused as well as victim should be collected and ossification tests done, if proof of age is not otherwise available.

b) When suspect is not known

(i) Description of accused should be ascertained from the victim and portrait of the suspect should be prepared immediately at SCRB and circulated.

(ii) A message should be flashed on wireless for look out of the accused.

(iii) Local secret / open enquiries should be conducted for the suspect.

(iv) When accused is arrested, he should immediately be sent to judicial custody for test identification. The court should be requested to fix an early date for identification. It shall also be ensured that face of the accused is covered, while being taken to the court for production.

c) Collection of other evidence

(i) Witness, who reached the spot of the incident on hearing shouts of the victim, if any, must be examined and their statements recorded.

(ii) Persons to whom the victim might have narrated the incident just after the occurrence should be examined and cited as witnesses.

5. REHABILITATION OF THE VICTIM

(i) Female victim needs help in rehabilitation. Rehabilitation has to be in four folds i.e. physical, mental, psychological and social.

(ii) Victim is likely to suffer social stigma and possible alienation from the family. Necessary counselling to her and her family members should be provided.

(iii) Victim is entitled to compensation under "The Odisha Victim Compensation Scheme -2012" as amended vide Govt. of Odisha, Home Department, Notification No. 49915/CDHR dt. 27.12.2012 and 21390/C&HR dt.13.06.2013. Victim should be apprised of the provision of this scheme for getting compensation.

6. HANDLING OF MEDIA

Sex offences attract wide media and public attention. While briefing media about sex crimes, identity of victim should not be disclosed. Under no circumstance, the victim should be produced before the media. Only authorized officers should brief the media.

7. CHARGE SHEET AND TRIAL

- (i) As far as possible, charge sheet should be filed in the court within a period of 60 days since the date of registration of the case.
- (ii) If the investigation has to extend beyond a period of 60 days for genuine reasons, written permission for the same must be obtained from the SP of the district/establishment. SP shall accord such permission only after examining the reasons of delay and not in a routine manner. In this connection PCO 338/2013 may please be referred to.
- (iii) Views and opinions of PP/APP may be taken, whenever felt necessary, before filing of charge sheet.
- (iv) One officer should be appointed as Holding IO to monitor the progress of trial of the case. Ideally, he should be the IO of the case. He shall submit Progress Report on each date of trial which should be put up to the Supervising Officer or the SP.
- (v) In sensitive cases, Special Counsel can be engaged to conduct trial of the case for which SP may submit a proposal alongwith consent letter of the lawyer containing terms and conditions of appointment, to the CID, Crime Branch.
- (vi) Presence of witnesses should be ensured in the court, as and when summoned. Service of summons should be monitored.

(vii) Witnesses should be properly briefed and their memory refreshed so that they depose before the court correctly and fearlessly.

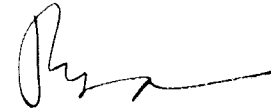
(viii) During trial, safety and security of the victim and witnesses should be ensured.

(Prakash Mishra)
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Odisha, Cuttack

Memo No. 101/44 /SR'W"

Date 30.06.2013

Copy to Additional DG of Police, HRPC, Cuttack /Commissioner of Police, Bhubaneswar-Cuttack, Bhubaneswar/ IGP, Railways, Cuttack /All Range IsGP/DIsG of Police, Odisha for information please.



30/6/2013
(B.K.Sharma)

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