



ODISHA POLICE
CID, CRIME BRANCH, CUTTACK.

POLICE CIRCULAR ORDER NO. 349 / 2014

No. 19878 /CID-PS

Dt. 19 .06.2014.

To

ALL District SsP/ DCP, Cuttack & Bhubaneswar/ SsRP,
Cuttack & Rourkela.

Sub: - Procedure to be adopted during investigation of Rape / Gang
Rape Cases.

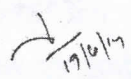
The Hon'ble Apex Court in its orders dated 25.04.2014 in SLP (Crl.) No.5073 of 2011 - State of Karnataka by Nonavinakere Police - Vrs - Shivana @ Tarkari Shivana while dealing with the matter of speedy justice to the victims of rape/ gang rape cases has been pleased to issue interim direction in the form of Mandamus to all the Police Stations In-Charge in the entire country, which are as follows:-

- (i) Upon receipt of information relating to the commission of offence of rape, the Investigating Officer shall make immediate steps to take the victim to any Metropolitan / preferably Judicial Magistrate for the purpose of recording her statement under Section 164 Cr.P.C. A copy of the statement under Section 164 Cr.P.C. should be handed over to the Investigating Officer immediately with a specific direction that the contents of such statement under Section 164 Cr.P.C. should not be disclosed to any person till charge sheet / report under Section 173 Cr.P.C. is filed.

- (ii) The Investigating Officer shall as far as possible take the victim to the nearest Lady Metropolitan / preferably Lady Judicial Magistrate.
- (iii) The Investigating Officer shall record specifically the date and the time at which he learnt about the commission of the offence of rape and the date and time at which he took the victim to the Metropolitan / preferably Lady Judicial Magistrate as aforesaid.
- (iv) If there is any delay exceeding 24 hours in taking the victim to the Magistrate, the Investigating Officer should record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate.
- (v) Medical Examination of the victim: Section 164 A Cr.P.C. inserted by Act 25 of 2005 in Cr.P.C. imposes an obligation on the part of Investigating Officer to get the victim of the rape immediately medically examined. A copy of the report of such medical examination should be immediately handed over to the Magistrate who records the statement of the victim under Section 164 Cr.P.C.

You are requested to circulate the order of the Hon'ble Supreme Court earlier issued in S.P., C.I.D., C.B., letter No.18263/CID-PS dt. 05.06.2014 along with this PCO to all the field posts including all the Inspector In-Charge of Police Stations and all the supervising officers for strict implementation.

Further you are requested to furnish a certificate regarding service of order of the Hon'ble Court to all the In-Charge of the Police Stations for information of the Hon'ble Apex Court in the aforesaid case.


(Prakash Mishra)
Director General of Police,
Odisha, Cuttack.