



ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

POLICE CIRCULAR ORDER NO.3 3 8/2013

No.21724 / SR "W"

Date. 30 -05-2013.

To

All district SsP / DCP Cuttack & Bhubaneswar / SRP Cuttack and Rourkela / SP, CID, CB, Cuttack.

Ref : Fox N o.17957/SR'W' date 6d.5 .6. 20t3.

Sub: Prompt investigation and prosecution of crime against women.

In pursuance of decisions of the meeting taken by Hon'ble Chief Minister, Odisha, it has already been informed that cases involving offences against women are to be promptly investigated and charge sheets filed in the court within sixty days. Conventionally, offences against women include the following:

1. Rape (Sexual assault)
2. Kidnapping / abduction
3. Molestation
4. Eve – teasing
5. Dowry homicide
6. Dowry suicide
7. Dowry torture
8. Non – Dowry torture

The Criminal Law (Amendment) Act, 2013 which came into effect from 03-02-2013 has made extensive amendment in Indian Penal Code and created large number of new offences. These offences include the following :

1. Acid attack, punishable under section 326 A which, of course, is gender neutral.
2. Public disrobing of women, punishable under section 354 B IPC

3. Voyeurism, punishable under section 354 C IPC
4. Stalking, punishable under section 354 D IPC
5. Comprehensive amendment have also been made in rape law. The word rape has been replaced by the terminology “sexual assault” which is gender neutral. Section 376A, 376B, 376C, 376D and Section 376E provide for punishment in respect of aggravated offences and makes the accused liable for stringent punishment including death.
6. Trafficking of women has been punishable under section 370 IPC which provides that whosoever for the purpose of exploitation recruits, transports, harbours, transfers or receives person by using threats or using force or by abduction or by practicing fraud of deception or by abuse of power and by inducement etc. shall be liable for imprisonment for seven to 10 years along with fine. The punishment of trafficking of minor has been made more stringent. The section is however gender neutral.

In the background of the decision taken by Government, it is hereby ordered that all offences against women, as indicated above, shall be promptly investigated and charge sheets filed in the court of law within sixty days.

It is true that in some cases like sexual assault, dowry homicide and trafficking of women, it may not be always possible to complete the investigation in all respects within sixty days in view of statutory formalities and the procedure of investigation. In such a scenario, the IO shall make a prayer to the district SP/DCP seeking extension of them after giving justifications for such extension. SP/DSP, after due examination of the request, may allow additional time after recording reasons in writing. Such extension of time should not be routine in nature and should be granted only in exceptional case with adequate justification.

While expedition in investigation is emphasized, it is reiterated that at no point of time, quality of investigation should be compromised. Cases involving offences against women must be entrusted to senior SI or Inspectors for investigation. Wherever possible and expedient, investigation should be entrusted to women officers. All such cases should be promptly and automatically supervised by SDPO / ACP who should associate himself in day to day investigation, including arrest of the accused. In all SR cases, orders for charge sheet should be issued after due scrutiny of compliance to ensure that the investigation does not suffer from any lacuna or omission.

Criminal Law (Amendment) Act, 2013 has also brought about comprehensive amendments in Cr.P.C. in respect of investigation of offences against women. The most salient of such amendments are as follows:

1. Proviso to section 154 CrPC under which information pertaining to offences given by women victims shall be recorded by a woman police officer or any woman officer.

2. Proviso in section 154 CrPC for recording of information either in the residence or at a convenient place in presence of an interpreter or a special educator, in case the victim is temporarily or permanently mentally or physically disabled.
3. Videography of such statements of the victim.
4. Amendment of section 161 CrPC for recording of statement of victim by woman police officer or any woman officer.
5. Amendment of section 164 CrPC to record statement of the victim before a Magistrate as soon as the commission of offence is brought to the notice of the Police.
6. Amendment of section 197 CrPC to dispense with sanction of prosecution in case of a public servant accused of an offence against women.
7. Amendment of section 273 CrPC to avoid confrontation of the victim of sexual offence under the age of 18 years by the accused.
8. Amendment of section 309 CrPC to complete enquiry or trial of some offences against women on the basis of day-to-day proceedings within a period of two months from the date of filing of charge sheet.
9. Insertion of section 375(C) under which all hospitals, whether run by Government or local body or any other person have been made duty-bound to provide first-aid or medical treatment free of cost to the victim.

Amendments have also been made in the Indian Evidence Act, 1872 and Protection of Children from Sexual Offences Act, 2012. It is hereby ordered that during investigation, all police officers shall strictly comply to the aforesaid amendments in letter and spirit.

Prosecution of cases should also deserve due attention of district SsP/DCsP. In cases like sexual assault, kidnapping / abduction, dowry homicide, acid attack, disrobing of women and trafficking of women. Holding IO (HIO) should be appointed and day to day trial closely monitored. Depending on the sensitivity of the case, proposal for appointment of Special Public Prosecutor should be submitted to Crime Branch Regular reports regarding progress of trial and final disposal of the case must also be sent to Crime Branch.

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