

GOVERNMENT OF MEGHALAYA
OFFICE OF THE DIRECTOR GENERAL OF POLICE
MEGHALAYA  SHILLONG

CIRCULAR NO. 13 /2015

Dated Shillong the 6th October, 2015

The following Order dtd. 10.09.2015 of the Hon'ble High Court of Meghalaya passed in the criminal Appeal No. 3 of 2014 in ***Rajesh Rabha – Vrs – State of Meghalaya***: is hereby brought to the notice of the District Superintendents of Police:

“We have heard learned counsel for parties and perused the records. During the course of hearing, we found that the postmortem report suffers from serious infirmities, inasmuch as, no approximate time of death and description or rigor-mortis, have been provided therein. Thus, prima facie, it appears that the medical report itself can demolish the prosecution case. If this is the state of affairs in dealing with medico cases by the doctors and investigation, then perhaps none of the prosecution case may end in conviction”.

In the light of the above order, all the District SsP are hereby instructed to ensure that investigation of murder cases such as referred to in the above case is conducted with strict observance of the following guide lines so that any acts of omission and commission in the investigation of the cases is avoided in the interest of the foolproof investigation of case:

1. In order to avoid any discrepancies while forwarding all medico - legal cases to the hospitals for medical or post mortem examination as the case may be, the Rules 167 to 187 of Assam Police Manual Part-V as adapted by the Government of Meghalaya and the Schedules of forms prescribed thereto will be strictly adhered by all the investigating officers ;
2. While attending cases of homicides or suspected cases of homicides, investigating officers should draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any); such marks appear to have been inflicted.
3. The state in which body of the victim was found during inquest should be carefully mentioned.
4. Investigating officers should also be guided in respect of various points to be ascertained from the medical officer conducting PM examination in connection with the post mortem reports of the victims from the booklet issued by the NHRC on model post mortem report which is enclosed with this circular.

The above instructions should be strictly complied with both in letter and spirit and any deviance from them will be viewed seriously and the defaulting officers will attract Departmental actions against them.

Sd/-

(Rajiv Mehta, IPS)

Director General of Police,
Meghalaya, Shillong.

Dated Shillong, the 6th October, 2015

Memo No. MG/XX-118/2014/11-A

Copy to:-

1. The Spl. Director General of Police (SB/CID), Meghalaya, Shillong for information please.
2. The Addl. Directors General of Police (L&O) / (TAP) / (R/PR) / (Hqr/Admn), Meghalaya, Shillong for information please.
3. The Commissioner & Secretary to the Government of Meghalaya, Home (Police) Department, Shillong for favour of kind information
4. The Director of Health & Services (MI), Meghalaya, Shillong for favour of kind information and necessary action with a request to issue necessary instructions to all the District Medical and Health Officers and heads of Medical Institutions and Hospitals in the State to bear in mind the above quoted order of the Hon'ble High Court and extend all cooperation to the investigating officers in furnishing required information related to the post mortem and furnishing its report to them.
5. The Inspector General of Police (L&O) / (CID) / (TAP) Meghalaya, Shillong for information.
6. The Inspector General of Police (ER) Shillong / (WR), Tura for information and necessary action with request to supervise the cases to ensure that the above order of the Hon'ble High Court and the instructions appended thereto are strictly complied with and also that deviation are departmentally dealt with.
7. The Principal, PTS, Meghalaya, Shillong for information with a request to include the above instructions in the training curriculum of the police officers.
8. The Spl. Superintendent of Police (SB-I) / (SB-II) / (CID), Meghalaya, Shillong for information.
9. The Asstt. Inspectors General of Police (W) / (R) / (A) / (E), Meghalaya, Shillong for information and necessary action:
10. The Superintendents of Police E.K. Hills, Shillong / W.J. Hills, Jowai / E.J. Hills, Khliehriat / Ri-Bhoi, Nongpoh / W.K.Hills, Nongstoin / S.W.K. Hills, Mawkyrwat / W.G. Hills, Tura /S.W.G. Hills, Ampati / S.G. Hills, Baghmara / E.G. Hills, Williamnagar/N.G. Hills, Resubelpara for information and necessary action.
11. The Superintendents of Police (SCRB), Meghalaya, Shillong with a request to upload the circular in the Meghalaya Police Official Website.
12. Circular File.


Asst. Inspector General of Police (E)
Meghalaya, Shillong.