

No.Q-1/139176/2017/PHQ.

Police Headquarters,
Thiruvananthapuram,

Dated, 25-08-2017.

Circular No. 22/2017

Sub:- Sexual offences against women and children – legal provisions and Supreme Court guidelines to be strictly complied with by the Police in investigation – directions issued - reg.

Ref:- Judgment of the Hon'ble Supreme Court of India dated 25-04-2014 in SLP (Crl.) No. 5073/2011 [*State of Karnataka by Nonavinakere Police V. Shivanna @ Tarkari Shivanna*].

The crimes against women and children are on the rise, especially sexual offences. There are also notable flaws in the investigation of such offences as there have occurred some instances of violation of established legal norms in the investigation of rape cases. It is, therefore, instructed that the guidelines issued by the Hon'ble Supreme Court of India vide reference cited shall be scrupulously adhered to in the investigation of rape cases by all Investigating Officers in addition to the compliance of the legal provisions relating to rape. The judgment contains the following procedure:

(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.