

**WEST BENGAL POLICE DIRECTORATE
BHABANI BHAVAN, ALIPORE
KOLKATA-27**

A Circular on Standard Operating Procedure (SOP) to be followed for ensuring timely deposition of public servants-witnesses in criminal trials.

Ref. : Order dated 26.04.2023 passed by the Hon'ble High Court, Calcutta in CRM(DB) 939 of 2023 in the matter of Bimala Devi @ Bimla Devi Jaiswal @ Kamala Jaiswal arising out of Howrah Women PS Case No. 06 of 2017 dated 03.02.2017 under sections 498A/307/304-B/302/34 of Indian Penal Code.

Witnesses are the most important participants in the Criminal Justice System, set into motion the Criminal Justice machinery by providing proof of the commission of offence. Therefore, every witness has a very important role in the process of trial conducted by the judiciary in order to accord conviction against the perpetrator of crimes.

Repeated instances have come to notice of the Hon'ble High Court, Calcutta that in-spite of issuing Circular vide Memo. No. 428/Law Cell dated 20.07.2022 and Government Order No. 5547(53)/1-PL/PE/15S/452/17 dated 10.11.2017 and Org. No. 123/Law Cell dated 03.03.2020 and Memo. No. 4457(60)//ADM/CR/-845/17 dated 21.11.2017, the synergy could not be built up between the Investigating Officer (I.O.) and the respective department/officers. The Investigating Officers are often found quite ignorant of the whereabouts of a public servants, who is a witness to a criminal case and such enlargement of communication gap has been significantly affecting the smooth conclusion of trial of cases.

Considering the utmost necessity to bridge the communication gap and ensure speedy trial and in compliance with the order dated 26.04.2023 passed by the Hon'ble High Court, Calcutta the undersigned feels it expedient to formulate one Standard Operating Procedure (SOP) to be followed meticulously at the field level.

Hence it is ordered :-

- 1) While endorsing the Police report to the Trial Court, the Officer-in-charge of every Police Station under Districts/Police Districts/Govt. Railway Police Districts/ Commissionerates / Other units, will personally make entries in the "Witness Register" which shall be kept at every Police Station as per the proforma attached below taking necessary assistance from the Investigating Officer :-

Name of the Police Station : _____

Sl. No.	FIR No., Date, Under Sections	Charge Sheet details with date, number with Section of law	Details of the I.O.			Details of Public Servant-witnesses						
						Name	Designation	Place of posting	Residential address	Mobile No., E-mail ID & Aadhar No.	Ref. of communication made with the Head of the office where the public servant is attached	New place of posting as informed subsequently
(1)	(2)	(3)	(4)			(5)	(6)	(7)	(8)	(9)	(10)	(11)
			(i) Name	(ii) WBP ID	(iii) Mobile No.							

- (i) In all criminal cases where public servants are witnesses, their names, address, place of posting including their E-mail ID, Mobile No., Aadhar Card particular shall have to be stated in the Police report as well as in the "Witness Register" as per the above proforma.
- (ii) Upon submission of police reports wherein public servants are cited as witnesses, the Officer-in-charge shall intimate the heads of the offices where such public servants are posted that the later has been cited as a witnesses in a criminal case and particulars of

the case shall be entered against the name of the said public servant (As per column no. 10 of the above proforma).

(iii) In the event of any transfer of the public servant-witness, the Officer-in-charge upon receipt of such information from the concerned departmental head where the public servant was employed earlier shall immediately intimate such transfer or change in the place of employment of public servant-witnesses to the concerned Trial Court so that Summons to appear may duly been served upon the said public servant at his new place of posting. In such a situation, the Officer-in-charge will suitably amend column no. 11 by incorporating therein the particulars of the new place of posting of the public servant-witness.

2. Deputy Commissioners of Police (Head Quarter) of Commissionerates/ Additional Superintendents of Police of Districts/Police Districts/ Deputy Superintendents of Railway Police (Head Quarter) of GRP under West Bengal Police are hereby designated as Nodal officers who will communicate with the other agencies/departments for obtaining the disposition of the public servants who has been arraigned as witness.
3. Special Superintendent of Police (Legal & Operational), CID, West Bengal will act as State Level Nodal officer for the West Bengal Police for this purpose. He will also compile and monitor related data from his counterparts at Districts/Police Districts/ Commissionerates /Govt. Railway Police Districts under the supervision of Additional Director General of Police, CID, West Bengal.
4. Whenever the summons are issued by the trial Court and send to Superintendents of Police/Commissioners of Police/Superintendents of Railway Police, directing any public servant-witness to depose, the Nodal officer of the respective unit will make the necessary correspondence with the head of the department where such public

servant-witness is attached and after collection of the required particular shall send the same to the concern Police Station under intimation to Special Superintendent of Police (Legal & Operational), CID, West Bengal.

5. All Superintendents of Police / Commissioners of Police / Superintendents of Railway Police are directed to obtain a declaration from every Police personnel who are going on superannuation and prior to release of his retiral benefits that he shall be duly bound to depose in the pending criminal cases where he has been cited as witness as and when summoned by the Court of law. While submitting such declaration he will furnish his address and other particulars including Mobile number etc. in the said declaration. He will further assure that he will properly intimate the concern Superintendent of Police of the Districts/Police Districts/ Commissionerates /Govt. Railway Police Districts etc. wherefrom he would go on superannuation, in the event of any change of his residential address / phone number etc.
6. All Superintendents of Police / Commissioners of Police / Superintendents of Railway Police are being provided with a "Search and View Only" access in the entire HRMS data for all in-service Police personnel working under different units of West Bengal Police. This limited access will enable the first district receiving the summons from trial Court to locate the present place of posting of the summoinee and in such situation, Summons can be sent directly to that unit to save time.
7. In terms of Govt. Order No. 5547(53)/1-PL/PE/15S/452/17 dated 10.11.2017, and in terms of direction of the Hon'ble High Court, Calcutta dated 26.04.2023, regarding video conferencing facility at district level, it has been learnt that substantial progress has been made for setting up video conferencing facilities with LAN connectivity

etc. at different courts at district and sub-division level, and hence all Superintendents of Police / Commissioners of Police / Superintendents of Railway Police are directed to take up the matter with the Ld. District Judges so that the facility of deposition of Police personnel (both retired and in-service) who are residing /posted at a far of place from the trial court can attend the trial proceeding from distant place. Such facilities, if can be availed at its optimal level will be cost effective as well as time saving.

All supervising officers including Superintendents of Police / Commissioners of Police / Superintendents of Railway Police of Districts/Police Districts/Commissionerates/Govt. Railway Police Districts are hereby directed to positively check the 'Witness Register' during their visit at Police Stations and also to sensitize the field level officers regarding importance of maintaining such registers as observed by the Hon'ble High Court, Calcutta.

They are further directed to review and evaluate the proper maintenance of Witness Register in every crime conference.

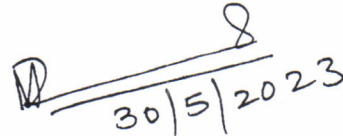
Failure on the part of the Officer-in-charge/Investigating Officer /the supervising officer to comply with the aforesaid directions shall be deemed to be dereliction of duty and will attract disciplinary action against him. Police officers being an important public servant-witness if willfully fails and neglects to appear before the trial Court in spite of issuance of summons, drastic action should be taken for such indiscipline conduct.

This Standard Operating Procedure (SOP) should be read with the Govt. Order dated 10th November, 2017 and message/Circular issued thereon.

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A compliance report regarding proper maintenance of Witness Register in terms of this Standard Operating Procedure (SOP) should be sent to the undersigned positively by 12.06.2023 through E-mail ID: **lawcellwbpd@gmail.com** and Special Superintendent of Police (Legal & Operational), CID, West Bengal.

This Standard Operating Procedure (SOP) is issued in partial modification of the earlier issued vide Memo. No. 334/Law cell/Adm/CR/LC-291-23 dated 03.05.2023 and with due approval of the DG & IGP, West Bengal.


30/5/2023

Additional Director General of Police
(Administration), West Bengal

Memo No. 390 /Law Cell Dated 30 /05/2023
Adm/CR/LC-291-23

Copy to :-

- 1) All Superintendents of Police (including ACB, WB & EOW, WB) / Special Superintendents of Police (CID, WB / EB, WB) / Superintendents of Railway Police/ Commissioners of Police.
- 2) All Range Deputy Inspectors General of Police and Zonal Inspectors General of Police.
- 3) Additional Directors General of Police, CID, WB / North Bengal Region / South Bengal Region/ Western Zone/ Special Task Force/ Enforcement Branch.
- 4) Director, Directorate of Anti Corruption Branch, WB/ Directorate of Economic Offences, WB.


30/5/23

Additional Director General of Police
(Administration), West Bengal