CIRCULAR

No. 28-A /Record Branch/PHQ

It has been observed that the Investigating Officers, while carrying out investigation of the cases registered under POCSO Act-2012, are not affectively implementing the mandate of Section 40 of the Act as well as Rule -4 of POCSO Rules and the child victim, his/her parents or guardian are not kept informed of the developments of the case. They are not informed even about the application for Bail preferred by the offender/accused despite the fact that there is a clear provision in this regard under rules.

Similarly, the Investigating Officers of rape/dowry and other cases of sensitive nature do not inform the complainants/victims about the listing of bail application in the court in their cases, which attract complaints alleging collusion with the accused party. In order to maintain transparency, it is imperative on the part of investigating Officer to keep the victims/complainants informed about the developments of their cases to enable them to defend their cases and oppose the bail if they so desire.

Also there are instances where the Investigating Officers inform the child victim, his/her parents or guardian about the application for Bail etc. preferred by the offender/accused and child victim, his/her parents or guardian attend the Hon'ble Court during the hearing but their presence is not reflected in the court orders.

Henceforth, all the Investigating/Enquiry Officers shall inform the complainant/victim/parents or guardian of a child victim in the cases of rape/dowry/POCSO Act etc. through any possible means of communication about listing of Bail matter in order to facilitate them to put their version before the Hon'ble Court and enable the Hon'ble Court of pass an informed order. Besides, the Investigating Officers will make a specific request before the Hon'ble Court to reflect the presence of the complainant/victim, parent or guardian etc. of the victim in the order.

This supersedes this Hdqrs. circular No. 53/2011 issued vide No.5701-5800/Record Branch/PHQ dated 15.11.2011.

This has the approval of Commissioner of Police, Delhi.

R. Deo.

(RAJESH DEO)
DEPUTY COMMISSIONER OF POLICE,
LEGAL CELL: DELHI.

No. 3464-3613/Record Branch/PHQ, dated 17-11-/2017.

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