



CRL A(MD) No.482 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty First day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Mr.Justice N.ANAND VENKATESH

Crl A (MD)Nos.482 and 513 of 2017

1. SATHEESH KUMAR
S/O.PONNUSAMY

2. SANKAR

... APPELLANTS/ ACCUSED NO.1&3
IN CRL A(MD) No.482/2017

SATHISHKUMAR
S/O.SEKAR @ KARADI SEKAR

... APPELLANT/ ACCUSED NO.2
IN CRL A(MD) No.513/2017

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY.

CR NO. 450/2014.

... RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

PRAYER IN CRL A(MD) NO.482/2017 :

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to call for records and set aside the judgment passed by the III Additional District and Sessions Judge (FAC), Trichy in S.C.No.114 of 2015 dated 06.11.2017 and acquit the appellants herein.

PRAYER IN CRL A(MD) NO.513/2017 :

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to call for records and set aside the



CRL A(MD) No.482 of 2017

sentence and conviction imposed by the Hon'ble III Additional District and Sessions Judge (FAC), Tiruchirappalli in S.C.No.114 of 2015 dated 06.11.2017 and pass appropriate order or orders as this Hon'ble Court.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.T.J.EBENEZER CHARLES, Advocate for the petitioner in CRL A (MD) No.482/2017 & MR.S.M.A.JINNAH, Advocate in CRL A(MD) No.513/2017 and of Additional Public Prosecutor and State Public Prosecutor on behalf of the Respondent in both petitions, the court made the following order:-

Pursuant to the earlier order passed by this Court on 20.06.2023, the matter was listed for hearing today.

2. In our earlier order, we had given directions pertaining to three issues and they are :-

- (a) Finalization of the Digital Evidence Manual
- (b) Identification of some more police stations for expansion of the operation of specialized investigation wing. and
- (c) The direction given to the Director General of Police, Tamil Nadu and the Director of prosecution to issue circulars regarding the scrutiny of final reports by Public Prosecutors in cases involving serious offences.



CRL A(MD) No.482 of 2017

WEB COPY

3. Insofar as the Finalization of Digital Evidence Manual is concerned, a status report has been filed by the Director General of Police, Tamil Nadu, along with draft Digital Evidence Manual which is said to have been approved by the committee formed in this regard chaired by Additional Director General of Police, CBCID. For proper appreciation, the relevant portions in the status report are extracted hereunder:-

4. Regarding Para 4 and Para 5 of the above directions of the Hon'ble High Court, it is respectfully submitted that

- i. A committee chaired by ADGP, CBCID was formed to formulate the digital evidence manual and a draft has been prepared (annexure C)
- ii. The draft digital evidence manual has been prepared by taking best inputs from CBI manual, income tax digital evidence manual, Internet and Experts.
- iii. Checklists have been prepared by CBCID on the lines of checklist in Income Tax Digital Evidence manual but with additional points in consultation with Computer Division experts in FSL, Chennai.
- iv. The checklists have been incorporated at the end of the relevant



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chapters under the topic handling of the digital evidence.

- v. The experts from the Gokulraj murder case given by the Hon'ble court about the checklists for acquisition of CCTV footage has been incorporated in the relevant portions in the manual.
- vi. A chapter has also been included on handling evidence on social media and email.
- vii. The draft manual must be designed as a booklet after proof reading, alignment corrections, graphics designing, front page designing etc., by giving it to a printing press.
- viii. It is submitted that training is already being imparted to Police personnel during basic induction course on Computer Training and Applications, IT Act, Cyber-crimes, etc., by Tamil Nadu Police Academy and PRS. It is also submitted that periodical refresher courses are being given to the officers in service by experienced officers as well as experts from private domains. The Digital Evidence Manual will be shared with the police training institutions across the state to incorporate the same in their syllabus and training courses.



CRL A(MD) No.482 of 2017

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4. Mr.Hasan Mohammed Jinnah, learned State Public Prosecutor, submitted that the committee that was chaired by the ADGP, CBCID, identified various categories of electronic evidence and dealt with it under different heads in the manual. That apart, separate checklist was also provided to ensure that the procedure is followed whenever the investigation officer deals with an electronic evidence. The learned State Public prosecutor submitted that the Digital Evidence Manual has been approved by the committee chaired by the ADGP, CBCID. The draft manual is now being once again scrutinized and ultimately, the finalized Digital Evidence Manual will be made ready within a period of six weeks and it will be circulated to all the police stations across Tamil Nadu.

5. We had a cursory look at the Digital Evidence Manual and we find that the committee chaired by the ADGP, CBCID, have exhaustively dealt with the electronic evidence and the manner in which the same is going to be handled by the police in the course of investigation. On a first blush, the manual looks very exhaustive and a lot of effort has gone into its preparation. Hence, we have to place on record our appreciation to the committee chaired by the ADGP, CBCID, for coming out with a Digital Evidence Manual which will detailedly pave the way for



CRL A(MD) No.482 of 2017

an effective investigation in future in cases involving electronic evidence.

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6. We are also inclined to go through the manual and give our suggestions, wherever it is required and the same shall also be incorporated while finalizing the manual.

7. After the Digital Evidence Manual is finalized, steps shall also be taken to bring out the Manual in Tamil language. This also includes preparing the checklist in Tamil language. This will go a long way in helping the police in the rural areas to understand the scope of the Digital Evidence manual and they will be able to carry out with the investigation in a proper manner. The learned State Public Prosecutor submitted that already a suggestion has been given for preparing the Digital evidence manual in Tamil language and that after the Digital Evidence Manual is finalized, this process will be undertaken and a Digital evidence manual in Tamil language will be brought out by the Director General of Police, Tamil Nadu.

8. The 2nd issue pertains to the identification of police stations for expansion of the operation of the specialized investigation wing. The relevant portions in the status report touching upon this issue is extracted hereunder :-

<https://www.mhc.tn.gov.in/judis>



CRL A(MD) No.482 of 2017

3. Regarding Para 3 of the above direction of this Hon'ble Court, it is submitted that the Commissioner of police, Greater Chennai Police has identified twelve (12) Police stations one each in twelve [12] Police districts for the functioning of specialized Investigation wings to investigate important cases like murder, dacoity, robbery etc., Necessary training regarding Investigation procedures, scientific aids to investigation, Firearms and Explosives, Electronic Evidence, Arrest Procedures etc, will be given to them accordingly.

S.No.	Police District	Police Station
1.	Flower Bazaar	C3 Seven Wells Crime
2.	Washermenpet	N1 Royapuram Crime
3.	Pulianthope	P4 Basin Bridge Crime
4.	Adayar	J13 Taramani Crime
5.	T.Nagar	R1 Mambalam Crime
6.	St.Thomas Mount	S4 Nandambakkam Crime
7.	Triplicane	F4 Thousand Lights Crime
8.	Kilpauk	G3 Kilpauk Crime
9.	Mylapore	E4 Abhiramapuram Crime
10.	Anna Nagar	F5 Choolaimedu Crime
11.	Kolathur	K5 Peravallur Crime
12.	Koyambedu	R9 Valasaravakkam Crime



CRL A(MD) No.482 of 2017

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9. The learned State Public Prosecutor submitted that apart from the 11 Taluk Police stations and the Coimbatore Commissionerate, 12 more police stations have been identified in 12 police districts and the specialized investigation wing will be extended to these police stations also.

10. We have carefully gone through the status report and considered the submissions made by the learned State Public Prosecutor. We appreciate the Director General of Police as well as the Commissioner of police, Greater Chennai, for acting with alacrity in adding 12 more police stations within the scope of specialized investigation wing. We have already observed in our previous order that there was a visible improvement in the completion of investigation on time and filing of final reports in the 11 Taluk police stations and the Coimbatore Commissionerate where the specialized investigation wing was started earlier. We expect that the same improvement will be shown in the 12 police stations which have now been identified and where the specialized investigation wing is being extended.

11. There shall be a direction to the Director General of Police, Tamil Nadu, to file a status report during the next date of hearing giving the particulars of the investigation conducted by the specialized wing. This will include the 11 Taluk



CRL A(MD) No.482 of 2017

WEB COPY

Police stations and the Coimbatore Commissionerate and also the 12 new police stations that have been added to the list. Ultimately, we will be able to ascertain the effectiveness of the specialized investigation wing only through the data provided to us.

12. The last and the final issue is with regard to the directions given to the Director General of Police, Tamil Nadu and the Director of Prosecution to issue circulars regarding the scrutiny of the final reports by the Public Prosecutors in cases involving serious offences. The learned State Public Prosecutor placed before this Court the circular Memorandum issued by the Director General of Police, Tamil Nadu dated 21.07.2023 and also the circular issued by the Director of Prosecution dated 05.07.2023. For proper appreciation, the relevant portions are extracted hereunder :-

(a) Circular Memorandum of the Director General of Police :-

3. In view of the above judgement of the Hon'ble Court, the investigating officers are hereby directed to get the final report scrutinized by the Public Prosecutor/Additional Public Prosecutor before filing it in the concerned jurisdictional court in the following heads.



CRL A(MD) No.482 of 2017

WEB COPY

i) Murder.

ii) Murder for gain.

iii) Dacoity.

iv) SC/ST Act cases.

v) Assault on Police.

vi) POCSO Act.

vii) Rape.

viii) NDPS Act cases above commercial quantity.

ix) Any other case deemed fit by the SP/COP.



CRL A(MD) No.482 of 2017

WEB COPY

4. The investigating officer shall furnish the final report to the Public Prosecutor/Additional Public Prosecutor providing reasonable time to him to go through the papers and to rectify the defects, if any.

5. All the Commissioners of Police in Cities and all the Superintendents of Police are directed to ensure strict compliance to the above directions given by the Hon'ble Court.

(b) Circular of the Director of prosecution.

5. In compliance to the aforesaid Order, it is hereby directed that whenever the final reports are placed before the Public Prosecutors concerned, they shall scrutinize the same within a period of 3 days for all cases triable by Magistrate Court and Court of Sessions. In cases of serious offence and Special Cases where the investigation is carried out by specialized agencies involving voluminous documents and records, 5 days period may be taken for scrutiny so as to enable the police to file the final report within the statutory period prescribed as per Sec.167(3) Cr.P.C

6. Further, it is made very clear that any delay in scrutiny of final reports by the Public Prosecutors which ultimately result in delay in filing of final



CRL A(MD) No.482 of 2017

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reports before the Court will be viewed seriously. It is also made clear that all the Public Prosecutors including the Tenure Public Prosecutors are to maintain the Registers for receipt and despatch of the Final reports in their respective Offices. Endeavour shall be made to dispose the final reports as early as possible not later than the above said period.

7. A copy of this circular is also sent to the Director General of Police, Tamil Nadu to issue necessary instructions to all the police officers concerned across the State to place the final reports before the Prosecutors as per this Circular to effectively implement the Order of the Hon'ble High Court.

8. All the Deputy Directors of Prosecution and Assistant Directors of Prosecution are also instructed to communicate the above order to all the Law officers under their control and report compliance.

13. It is seen from the circular issued by the Director General of Police as well as the Director of prosecution that a process has been set up to ensure that the public prosecutors scrutinize final reports in cases involving serious offences. The time limit has also been fixed in the circular and the Public Prosecutors / tenure Public Prosecutors have been clearly told that they have to strictly comply with the time



CRL A(MD) No.482 of 2017

limit prescribed and they must also maintain the registers for the receipt and despatch of the final reports.

14. In view of the above circulars, we hope that there is no delay on the part of the Public Prosecutors in scrutinizing the final reports and the same does not become a reason for filing the final reports beyond the statutory period. By scrupulously following this procedure, the final reports which are ultimately filed before the Court will have more authenticity.

15. Post this case for further hearing on 22.09.2023 at 2.15 p.m.

sd/-
21/07/2023

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/07/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE(FAC),
TRICHY.



CRL A(MD) No.482 of 2017

2. THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION, TRICHY.

3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

1. THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2. THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3. THE DIRECTOR GENERAL OF POLICE,
MYLAPORE, CHENNAI - 4.

4. THE STATE PUBLIC PROSECUTOR,
MADRAS HIGH COURT, CHENNAI.

ORDER
IN

Crl A (MD)Nos.482 and 513 of 2017

Date :21/07/2023

RK/MR (31/07/2023) 14P / 9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023