

No. ECF - 181771/165,

Dated Dispur, the 29<sup>th</sup> September, 2023

**OFFICE MEMORANDUM**

**Subject : Standard Operating Procedures (SOP) as regards to production of Case Diaries before the Hon'ble Court for consideration of Bail Application.**

In partial modification of this Department's earlier O.M. issued vide ECF No.181771/162, dated 25/07/2023 and in pursuance of the directions issued by the Hon'ble Gauhati High Court vide Order dated 03/01/2023 in PIL (Suo Moto) No. 05/2020, the following Standard Operating Procedure (SOP) is formulated for effective submission of case diaries before the Hon'ble Courts when called for and for return thereof SOP for assigning specific responsibility to the concerned Addl. Superintendent of Police of the district/organization under the general supervision of the Superintendent of Police of the Districts/Head of the organisation.

- 1) All Public Prosecutors of the Hon'ble High Court/District Courts shall send the order copies/letters calling for Case Diaries to the designated Addl. Superintendent of Police/Addl. Deputy Commissioner of Police of the concerned District/Commissionerate/(Crime/HQ)/Organisation via wireless message, e-mail or mobile phone directly and not to the Officer-in-charge of the concerned Police Station. The organizations like CID, V&AC or CM's SVC, BIEO, SB (SOU), STF shall notify an officer in the rank of Addl. Superintendent of Police as the nodal officer to receive such Orders/Letters/emails/ messages and take action upon them. The Orders/email should be sent at least 5 (five) days ahead of the fixed date when the Case Diaries have to be put up to the Court. All the Public Prosecutors in Hon'ble Courts are also requested to apprise the Courts regarding calling for Case Diaries from the Addl. Superintendent of Police concerned (Crime/HQ) of the district and not from the Officer-in-charge or the Investigating Officer.
- 2) The Superintendent of Police of the district/Head of the Organisation/Commissioner of Police shall make an order detailing the concerned Addl. SP(Crime/HQ)/Addl. Superintendent of Police/Addl. Deputy Commissioner of Police of concerned organisation to coordinate for the entire matter. The SsP of the districts shall authorize the Addl. Superintendent of Police (Crime/HQ) with intimation to all Public Prosecutors/Asstt. Public Prosecutors in Hon'ble Courts who shall send information through email/phone/order to the concerned Officer-in-charge of the Police Station through the Reader Sub-Inspector or the Head Mohora (HM) in the office. The concerned Officer-in-charge shall be instructed by Addl. Superintendent of police (Crime/HQ) to send the Case Diaries to the court on time, without fail.
- 3) In case of CID, BIEO and V&AC, etc., the Nodal Addl. Superintendent of Police concerned shall endorse the Order/email to the Officer-in-charge of the Police Station with strict instruction to send the Case Diaries in time.
- 4) The Officer-in-charge of the Police Station shall be fully responsible for sending the Case Diaries to the Courts on time. The Officer-in-charge shall collect the up to date Case Diaries from the concerned Investigating Officer and send the same to the Court with intimation to the Addl. Superintendent of Police concerned (Crime/HQ)/Addl. Deputy Commissioner of Police and send a message about compliance to the Public Prosecutor of High Court or the presiding officer of the concerned court.
- 5) The up to date Case Diaries of all cases in a Police Station should invariably be handed over to the Officer-in-charge, when an Investigating Officer goes on leave or if he proceeds for duties in connection with VVIP visits etc. It will be the duty of the Officer-in-charge of the Police Station to send these case diaries to the Court if called for, during the period of absence of the Investigating Officer.

- 6) Except in exceptional situations, no excuses should be made to the court to the effect that the Investigation Officer is busy with other duties and thus unable to send Case Diaries.
- 7) The Officer-in-charge shall detail a special dak runner who will take the Case Diaries with proper challan (duplicate) and over the same to the concerned Public Prosecutor/Addl. Public Prosecutor of the court. The Dak Runner will take the signature (full name) and phone number of the receiving officer of the Case Diary file with date and seal of the official concerned in the Hon'ble Court on the duplicate copy of the challan. On return, he shall hand over the challan to the Officer-in-charge who will send a photo copy of the same to the SR branch of SP office for record.
- 8) After the date fixed for production of the Case Diaries is over, the concerned Public Prosecutor/Prosecuting Inspector/Prosecuting Sub-Inspector will inform the Addl. Superintendent of police (Crime/HQ) concerned through email/letter to take back the Case Diaries. It shall be the responsibility of the Addl. Superintendent of police (Crime/HQ) of the district collect the Case Diaries centrally from the Court within 48 (forty eight) hours of the receipt of information from the Public Prosecutor. On receipt of the Case Diaries at Superintendent of Police office, the Addl. Superintendent of police (Crime/ HQ) shall inform the concerned Officer-in-charge of the Police Station to collect the same from SP office within the next 24 (twenty four) hours.
- 9) In CID and other organizations, the Public Prosecutor may inform the Addl. Superintendent of Police (Nodal) who shall instruct the Officer-in-charge to collect the Case Diaries and hand those over to the Investigating Officers.
- 10) Any delay in sending or bringing back the Case Diaries from the concerned Court shall be viewed very seriously and responsibility for the same shall be fixed on the Addl. Superintendent of police (Crime/HQ)/Addl. Deputy Commissioner of Police and the Officer-in-charge concerned. In case of the CID and other organizations, the responsibility shall be fixed on the Officer-in-charge.
- 11) The Commissioner of Police/Superintendent of Police of the concerned district/Head of the organization shall monitor the whole issue once every fortnight.
- 12) The Public Prosecutors are also requested to intimate the orders which are passed by the Hon'ble Court in relevant cases to the Addl. Superintendent of police, (Crime/HQ)/Addl. Deputy Commissioner of Police of concerned district/organisation for immediate necessary action.
- 13) As the whole issue involves sending of wireless messages, the role of the APRO is crucial and suitable instructions may be issued in this regard by Office of the Special Director General of Police (Communication) to all concerned WT stations.

**Sd/-**

(Shiladitya Chetia)

Secretary to the Govt. of Assam,  
Home & Political Department,  
Dispur, Guwahati – 6

**Memo No. ECF-181771/165 - A,**

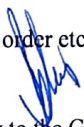
**Dated Dispur, the 29<sup>th</sup> September, 2023**

Copy to:-

- 1) The Id. Advocate General, Assam, Hon'ble Gauhati High Court, Guwahati.
- 2) The Id. Addl. Advocate General, Assam, Hon'ble Gauhati High Court, Guwahati-1 for kind appraisal of the Hon'ble Court.
- 3) The Registrar General, Hon'ble Gauhati High Court, Guwahati.
- 4) The Director General of Police, Assam, Ulubari, Guwahati-7.

- 5) The Spl. Director General of Police (Communication), Assam, Ulubari, Guwahati - 7.
- 6) The Addl. Director General of Police, (BHO), Assam, Srimantapur, Guwahati -32.
- 7) The Addl. Director General of Police (CID), Assam, Ulubari, Guwahati-7.
- 8) The Addl. Director General of Police (SB) Assam, Kahilipara, Guwahati - 19.
- 9) The Addl. Director General of Police (Vigilance & Anti-Corruption) Assam, Ghy - 32.
- 10) The Addl. Director General of Police (STF), Assam, Guwahati - 32
- 11) The Commissioner of Police, Guwahati.
- 12) The L.R. cum Commissioner & Secretary to the Govt. of Assam, Judicial Department.
- 13) Secretary to the State Vigilance Commission, Assam.
- 14) The Superintendent of Police, Chief Minister's Special Vigilance Cell, Assam.
- 15) The District Commissioner (All).
- 16) The Deputy Commissioner of Police/ Superintendent of Police (All).
- 17) The L.d. Public Prosecutor, Assam, Gauhati High Court, Guwahati.
- 18) The L.d. Sr. Govt. Advocate, Assam, Gauhati High Court, Guwahati.
- 19) The Deputy Registrar, Gauhati High Court, Guwahati.
- 20) The L.d. Public Prosecutor, District Court (All).
- 21) The Secretary Co-ordination to the Chief Secretary, Assam.
- 22) The Deputy Commissioner of Police (Crime), City, Guwahati.
- 23) The Addl. Superintendent of Police (Crime) ...All.
- 24) PS to the Principal Secretary, Home & Political Department, Dispur.
- 25) PA to the Secretary, Home & Political Department, Dispur.

By order etc.,

  
Joint Secretary to the Govt. of Assam,  
Home & Political Department,  
Dispur, Guwahati - 6