


**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,  
NORTH-WEST DISTRICT, ROHINI COURTS: DELHI**

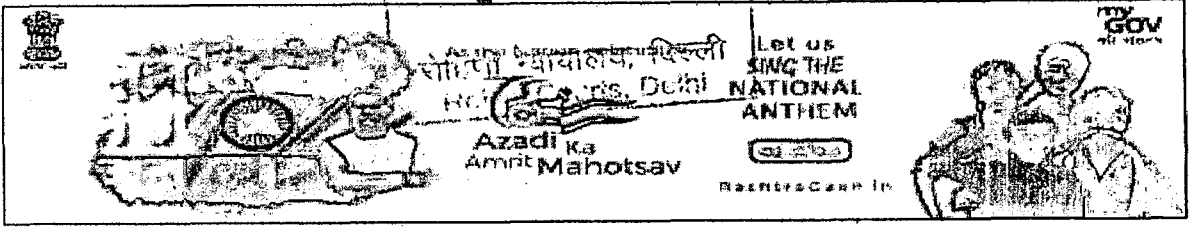
Genl./F 3(A)/N-W & N/RC/2021/252-255 (own) Delhi, dated the 27/9/2021.

Copy of the letter bearing no. 1319/28258-358 Genl./Misc./2021 dated 22.09.2021 alongwith copy of "Draft Standard Operating Procedure (SOP) for conducting inquest/Inquiry under section 176 Cr.P.C. by Metropolitan Magistrates " as received from the office of Ld. Principal District & Sessions Judge (HQs), Delhi is being forwarded for information and necessary action, if any to :-

1. All the Ld. Judicial Officers (DJS), North-West & North District, Rohini Courts, Delhi (through electronic mode).
2. The Personal Office, Ld. Principal District & Sessions Judge, North-West & North District, Rohini Courts Complex, Delhi (through electronic mode).
3. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS (through electronic mode).
4. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE (through electronic mode).

  
( RAKESH KUMAR-IV )  
Additional Sessions Judge (NDPS)  
Officer In-charge, General Branch  
Rohini Courts Complex, Delhi.

4791  
23 SEP 2021




**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs): DELHI**

No. 1319/28258-358/Genl./Misc/2021

Dated, Delhi the 22 SEP 2021

I have been directed by the Ld. Principal District & Sessions Judge (HQs.), Delhi to forwarded herewith a copy of Draft Standard Operating Procedure (SOP) for conducting Inquest/Inquiry Under Sec.176 Cr.P.C By Metropolitan Magistrates for information and necessary action to :-

1. The Registrar General, Hon'ble High Court of Delhi, New Delhi with reference to letter No.4660/DHC/Gaz./G-7/Misc./2018 dated 27.10.2018 for information.
2. All the Ld. District & Sessions Judges, Delhi/New Delhi (except Central-District) with the request to circulate the same amongst the Judicial Officers under your control. NDPH
3. The Ld. CMM/ACMMs/SCJ-CUM-RC/CCJ-CUM-ARCs/JSCC-CUM-ARC/ACJ-CUM-ARCs/ARCs/MMs/CJs/PRINCIPAL MAGISTRATE/SPECIAL MAGISTRATE, Judicial Officers posted in Central-District, Tis Hazari Courts Delhi.
4. The Medical Superintendent, Safsarjung Hospital, New Delhi.
5. The Medical superintendent, Deen Dayal Upadhyay Hospital, New Delhi.
6. The Medical superintendent, Govind Ballabh Pant Hospital, New Delhi.
7. The Medical superintendent, Dr. Ram Manohar Lohia Hospital, New Delhi.
8. The Medical superintendent, AIIMS Hospital, New Delhi.
9. The Medical superintendent, Lok Nayak Jai Prakash Hospital, New Delhi.
10. The Medical superintendent, Aruna Asaf Ali Hospital, New Delhi.
11. The Medical superintendent, Guru Teg Bahadur Hospital, New Delhi.
12. The ACP, Delhi Police, PHQ, IP Estate, New Delhi.
13. The ACP(Central), Delhi Police, PS, Daryaganj, Delhi.
14. The ACP(North), Dealing with Central District (Judicial) Delhi Police, PS Civil Lines Delhi.
15. The ACP(West), Delhi Police Rajouri Garden New Delhi.
16. The Director (FSL), Rohini, New Delhi.
17. The Chairman, Website Committee, Tis Hazari Courts, Delhi With the request to upload the same on the Website of Delhi District Courts as per rule.
18. Dealing official for uploading the same on Centralized Website through LAYERS as per rules.
19. P.S. to Ld. Principal District & Sessions Judges (HQs), Delhi for information.

  
22/09/21  
(RAKESH PANDIT)

Officer In-Charge, General Branch, Central  
Additional District & Sessions Judge,  
Tis Hazari Courts Delhi

**Draft Standard Operating Procedure (SOP)  
with respect to Inquiry to be carried out by Metropolitan Magistrates  
under section 176 CrPC (Inquest Proceedings)**

**PURPOSE & SCOPE:**

This SOP pertains to the inquest/inquiry proceedings conducted by a Metropolitan Magistrate (MM) under section 176(1A) CrPC and not to the inquiries conducted by Executive Magistrates under other provisions of CrPC.

This SOP is primarily concerned with the procedure to be adopted by various authorities whenever MM is required to conduct inquiry to ascertain the cause of death where a person has expired while in custody of police or in any other custody authorized by a Magistrate or Court.

This scope of this SOP is only advisory in nature for the MM and shall not be construed as any binding direction for the MM while conducting the inquiry and he shall be at liberty to conduct inquiry as per the demand of situation, with a view to ascertain the cause of death, while being governed by the applicable legal provisions. The MM shall take care that least inconvenience is caused to other authorities involved while carrying out their functions. All the other authorities are also ensure that all assistance is provided to the MM while conducting the inquiry proceedings to ascertain the cause of death.

**FOR POLICE AND IO**

It may be noted that under section 176(1A) CrPC, an inquiry being conducted by the MM shall be 'in addition' to the inquiry/investigation held by the police. This is as against the other inquiries being conducted under section 176(1) CrPC where the inquiry by a Magistrate may be "either instead of or in addition to" the investigation held by the police. Therefore, the investigation/inquiry by the police shall run concurrently with the inquiry by the MM.

As soon as the factum of death of a person covered under section 176(1A) CrPC is established, a DD entry of the same shall be immediately recorded with the local police station (under whose territorial jurisdiction the person has expired) and a police official of appropriate rank shall be immediately deputed by the SHO (or any other officer exercising his powers in his absence) to carry out the inquiry/investigation (hereinafter called as the IO).

As per Section 176(4) CrPC, a Magistrate shall, wherever practicable, inform the relatives of the deceased and shall allow them to remain present at the time of inquiry. Thus, the IO shall immediately ascertain the details of the family members of the deceased and duly inform them about his death, about the initiation of inquiry proceedings by MM and about their participation in such proceedings.

The IO shall move an application before the concerned CMM (or any other officer as per the applicable duty roster, in case of his non-availability) at the earliest, who shall assign the inquest/inquiry to MM for conducting inquest. In case of court holiday or after the court hours, such application shall be moved before the concerned Duty MM, who shall conduct the inquiry himself, unless otherwise specified in applicable duty roster.

Subject to further orders of the MM, the IO shall simultaneously inform the other authorities about the initiation of inquest proceedings, including the Crime Team, the Forensic Experts, Jail Superintendent, hospital authorities, mortuary authorities etc wherever applicable. The IO shall ensure that names and contact numbers of concerned officers / officials are available with him. The IO shall assist the MM in execution and enforcement of his orders and also to co-ordinate with all the authorities during the inquest proceedings. He shall remain available with the MM during the spot proceedings.

Upon an application of the IO to conduct inquiry to ascertain the cause of death being marked to him by the CMM or having put up before him being the Duty MM, the MM shall proceed to determine his jurisdiction and if he is satisfied about his jurisdiction, the MM shall initiate the inquiry proceedings.

The MM shall direct the IO to inform the family members/relatives of the deceased and wherever practicable, shall allow them to join the inquiry. MM may direct the IO to co-ordinate with such authorities as he deems fit for the purpose of inquiry. The MM may give directions with respect to joining of crime team and forensic team where ever required, if not yet joined.

The MM shall proceed to the spot where the dead body of the deceased is lying, without delay. IO shall be informed of the time and place of visit of the MM and he shall be directed to remain present at the spot.

The MM shall maintain appropriate order sheets / proceeding sheets during the course of inquiry. These proceeding sheets shall be duly numbered and signed by the MM. The relevant persons joined in the inquiry shall be allowed to mark their presence/attendance by putting their signatures/thumb impressions on the relevant proceedings sheets, as deemed fit by the MM.

At the spot where the dead body is lying, the MM may inspect the site wherever required. If the spot is a scene of crime, the MM shall ensure that the crime scene is not disturbed before arrival of the crime team and forensic team, wherever applicable. Whenever such teams reach there, they shall be allowed to carry out their functions, including taking of samples, seizure of weapons (arms/fire arms/ammunition), hand wash of deceased, necessary swabs, chance prints etc., as per their protocol, in prescribed formats and under proper seals.

The MM shall proceed to physically examine the dead body. The MM shall take care that all the persons present at that time maintain strict regard to the dignity of the dead body. In case the deceased is a female, the dead body shall be examined in the presence of a female, as far as possible.

All the noteworthy points and observations during inspection of the body shall be recorded in the proceeding-sheets, particularly the injury marks (fresh and old, if any) and signatures of the witnesses to such inspection shall be taken on the proceeding-sheet. Wherever possible and practicable, photographs of injuries or relevant spots shall be taken.

After physical inspection of the body, the MM shall direct autopsy to be conducted on the dead body. Necessary orders in writing be passed in this regard requesting the doctor or board of doctors to do the needful. A copy of the order shall be provided to the IO for compliance and follow up.

The MM shall take in his possession the necessary documents. If the original documents are not necessary or possible to be seized, a photocopy thereof shall be taken and the facts be recorded in proceeding sheets. Such records may include the details of entry/exit of the concerned persons in any particular establishment, the medical records of the deceased (if any), the duty rosters of concerned officials, etc.

The MM shall record the statements of the necessary witnesses examined by him. Wherever possible and practicable, statements shall be taken during the spot proceedings. If not feasible or possible, MM may record statements subsequently at any other place and may summon the witnesses to appear before him and/or produce documents, within the provisions of CrPC. Oath may be

administered by the MM wherever necessary. MM may also take signatures / thumb impressions of such persons on their statements. Wherever practicable, MM shall allow the relatives of the deceased to participate in the inquiry proceedings.

Upon receipt of postmortem report, MM may examine the concerned doctors to ascertain cause of death. He may examine, recall and re-examine the witnesses as per the demand of the situation, with a view to ascertain cause of death. MM may issue summons/notices/request letters/warrants to all concerned as per his powers appropriately. Every effort shall be made to ensure that the doctors are called in later part of the day, so that they may finish their morning duties and no inconvenience is caused to their patients, as per extant rules/guidelines/orders/directions.

Upon conclusion of inquiry, the MM shall prepare a detailed report, touching on all material points of the inquiry and shall give a specific finding as to the cause of death, which might be natural or suicidal or homicidal or an act of negligence. Pages of such report shall be numbered and shall bear the signatures of the MM.

Copy of report shall be sent to the CMM, NHRC, etc. as per applicable directions/circulars/orders.

#### AT POLICE STATION

The timings of visiting the PS, or any part thereof, or any person therein, shall not apply to the MM carrying the inquest proceedings.

The SHO, or any other police official in charge of the PS in his absence, shall render all assistance to the MM when he visits the PS to carry out the inquiry proceedings.

The SHO shall make available all the records of the PS, shall give access to all places/spots at PS, as and when required by the MM. MM may take photographs of the spot/article/document and/or photocopies of documents if necessary. SHO shall make available the relevant witnesses whenever asked by the MM including police officials and staff members posted there or any person in custody at the PS.

The SHO shall also allow the Crime Team and Forensic Team to conduct their proceedings wherever required. All assistance shall be rendered by the SHO to ensure that no difficulty is faced by the MM while conducting inquest proceedings at the PS and adequate staff is available to ensure safety and security of all concerned and to execute the orders of the MM passed at the spot.

#### AT JAIL COMPLEX

The visitation timings in the Jail complex or any part thereof, shall not apply to the MM carrying out inquest proceedings.

The MM shall make arrival and departure entries in the Jail register wherever required.

The Jail Superintendent or any other officer working in his absence shall render all assistance to ensure that no difficulty is faced by the MM in conducting inquest proceedings.

All the relevant registers/documents with respect to the deceased shall be made available to the MM, which may include the jail records of entry/exit of prisoners, duty rosters of staff, entry/exit of ambulance, jail dispensary records, medical records of the deceased (if any), etc. The MM shall be entitled to take



photographs of site/spot/article/document or photocopies of documents, wherever required as deemed fit and practicable.

The MM shall be given access to all the spots for inspection as he deems necessary, including the place where deceased expired or had been kept before his death.

The jail officials shall render all assistance to the MM while he records statements of any witness found inside the jail premises, including the jail authorities, staff posted there or any other prisoner lodged there.

In case the dead body is still lying in the jail premises, the jail superintendent shall ensure that the concerned medical officer / doctor is available to assist the MM during inquest proceedings. All medical records of the deceased shall be made available to the MM, including medical history, medical notes, details of medications given etc. The MM may record the statements of other inmates admitted to the Jail Dispensary if fit to give statement.

Crime Team and Forensic Team shall be allowed by the Jail Superintendent to carry proceedings, subject to any specific orders of the MM.

#### AT HOSPITAL

All the hospitals shall depute a nodal officer or assign the work to any official by virtue of his post, for assisting the MM in inquest proceedings.

The name and contact number of such official shall be immediately communicated to the IO as soon as information is received by the hospital about initiation of inquest proceedings. In the absence of any such nodal officer, the responsibility to do the needful shall be that of the MS/Addl. MS during the

hospital duty hours, and of the concerned CMO on duty after the duty hours or on holidays. Appropriate standing orders may be passed by the hospital authorities in this regard.

The nodal officer shall be available to assist the MM and IO in conducting the inquiry/inquest and to execute his orders appropriately.

The hospital visiting timings shall not apply to the MM conducting inquests. The hospital shall give access to any part of the hospital as directed by the MM for the purpose of inquiry into the cause of death of the deceased. The MM shall however ensure that adequate care and precaution is exercised by all concerned not to violate the hospital rules while entering sensitive areas, keeping in view the hospital hygiene and the interests of other patients.

The hospital authorities shall ensure that all the relevant records are made available to the MM, including medical records of the deceased (medical notes, medical history, medicines administered, medical investigations reports, or other treatment papers), duty rosters of the staff, records related to admission of deceased, records of arrival and departure of ambulance etc. If not feasible to supply original records, a copy thereof shall be supplied to the MM whenever demanded. The hospital shall allow the MM to take photographs of any spot/site/document/thing if required.

If the treating doctors are available, they shall make themselves available for the MM to record their statements, if so directed. The MM shall however take into account their duty timings and their being occupied in attending to the patients / emergency / casualty / OT etc. In such eventuality, the MM may not insist on their immediate presence, unless the situation is so urgent that demands their immediate presence.

In case the MM requires the assistance of the attending doctor(s) at the time of inspection of the body, he shall pass appropriate orders and the nodal officer shall make necessary arrangements if the said doctor is available. The attendance of the doctor may be marked by obtaining his signatures on the proceeding sheet.

In case the MM needs the requirement of some other doctor (who might not be the treating doctor), either to assist him or to understand the medical records while inspection of the body or otherwise, appropriate orders shall be passed requesting the MS/Addl. MS/HOD/CMO on duty to do the needful. A copy of the same shall be handed over to the nodal officer who shall make necessary arrangements and obtain necessary orders from the MS/CMO on duty. The doctor so deputed by the MS/CMO on duty shall then make himself available to assist the MM.

The MM shall ensure that presence of the doctors may be insisted only when extremely necessary, as such presence of the doctors would be at the cost of their duties and responsibilities towards the patients at the hospital.

While recording any observations of the doctor during spot proceedings, the MM shall make a specific note as to if such observations are preliminary in nature (subject to final opinion after autopsy by forensic experts) or conclusive. If required, the doctor may also write his disclaimer on the proceeding-sheets to that effect.

Necessary arrangements shall be made by the nodal officer to ensure availability of appropriate staff to carry out the inspection of the body, including female staff in case the deceased is a female.

## AT MORTUARY/DEPARTMENT OF FORENSIC SCIENCE

As soon as information about initiation of inquest proceedings is provided to the mortuary authorities by the IO, appropriate orders shall be issued by the officer in charge of mortuary to ensure that adequate staff is available to assist the MM in carrying out the inquiry.

Appropriate staff shall be available to assist the MM in carrying out physical inspection of dead body. In case of female deceased, female staff should also be made available.

Ordinarily, there should be no need to call the doctors from forensic department at the stage of inspection of the body. However, if the Magistrate feels that presence of any doctor from forensic department is necessary to assist him at any stage, subject to availability of such a doctor, direction in this regard shall be given to the IO who shall make necessary arrangements by coordinating with the concerned department.

After physical inspection of the body, the MM shall order the body to be subjected to postmortem examination, to be carried out by the Department of Forensic Medicine attached to the concerned hospital/mortuary or any other place as directed by the MM. The MM may request the body to be subjected to the postmortem either by a doctor or a board of doctors having specific number of doctors, and if deemed necessary, may direct such examination to be photographed or videographed for future record. The MM shall pass such orders in writing and furnish a copy thereof to the IO who shall serve the orders upon the MS or HOD or the concerned authorities in his absence to execute the same. The MM may simultaneously authorize the IO to hand over the body of the deceased to the relatives/family members after the postmortem examination.

The postmortem examination shall be conducted at the earliest without delay, and wherever possible, on the same day when the orders are received from the MM. In case the orders are received after the duty hours of the hospital/mortuary or in case of consecutive holidays during that period, and it is not possible to conduct postmortem on the same day, the MS or HOD shall make arrangements to ensure that the postmortem is conducted at the time specified by the MM or otherwise at the earliest possible point of time.

The doctors conducting the postmortem shall not insist on personal presence of the MM during postmortem examination, though the MM shall be at liberty to remain present if he deems it necessary.

The postmortem report shall be prepared at the earliest and be submitted before the MM as soon as it is ready. Viscera, if preserved, be forwarded to the FSL at the earliest and under proper seals and formats. The FSL shall furnish its report to the MM at the earliest. A copy of post mortem report and the FSL report be also provided to the IO. In case of photography or videography, the same shall also be forwarded to the MM with the autopsy report.

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