

THE GAUHATI HIGH COURT AT GUWAHATI

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

NOTIFICATION

Dated Guwahati, the 7th August, 2023

HC.XI-11/2022/357/RC ## The Gauhati High Court has been pleased to amend the Gauhati High Court Criminal Rules and Orders in the following manner:

In the Gauhati High Court Criminal Rules & Orders Vol. - I Part - A Chapter 12 INVESTIGATION, the following shall be added after existing Rule 3:

"4. RECORDING OF STATEMENTS OF VICTIMS OF RAPE:

- i. Upon receipt of information relating to the commission of offence of rape, the investigating officer shall make immediate steps to take the victim to the jurisdictional Chief Judicial Magistrate for the purpose of recording her statement under Section 164 of the Cr.P.C.
- ii. On production of the victim before the jurisdictional Chief Judicial Magistrate, the Officer shall record the statement of the victim immediately or direct a Judicial Magistrate, preferably a lady Magistrate, to record such statement. A copy of the statement under Section 164 of the Cr.P.C. should be handed over to the investigating officer immediately with a specific direction that the contents of such statement under Section 164 of the Cr.P.C. should not be disclosed to any person till charge-sheet/report under Section 173 of the Cr. P.C. is filed.
- iii. The investigating officer shall record specifically the date and the time at which he learnt about the commission of the offence of rape and the date and time at which he took the victim to the jurisdictional Chief Judicial Magistrate as aforesaid.
- iv. If there is any delay exceeding 24 hours in taking the victim to the jurisdictional Chief Judicial Magistrate, the investigating officer should record the reasons for the same in the case diary and hand over a copy of the same to the Chief Judicial Magistrate.
- v. Medical examination of the victim: Section 164-A of the Cr.P.C. inserted by Act 25 of 2005 in the Cr.P.C. imposes an obligation on the part of investigating officer to get the victim of the rape immediately medically examined. A copy of the report of such medical examination should be immediately handed over to the office of the jurisdictional Chief Judicial Magistrate and thereafter, the office shall tag the same with the case record.

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- vi. The right to receive a copy of the victim's statement by the accused will arise only after cognizance is taken and at the stage contemplated by Sections 207 and 208 of the Cr.P.C. and not before."

By Order,
Sd/- Aparna Ajitsaria
REGISTRAR GENERAL

Memo HC.11/2022/358-374/RC

Dated 07.08.2023

Copy to:

1. The L.R. & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.
2. The Secretary to the Govt. of Nagaland, Department of Justice and Law, Kohima.
3. The Secretary to the Govt. of Mizoram, Law and Judicial Department, Aizawl.
4. The Secretary to the Govt. of Arunachal Pradesh, Law and Judicial Department, Itanagar.
5. The Registrar (Vigilance)/ Registrar (Admn.)/ Registrar (Judicial)/Registrar (Estt.), Gauhati High Court, Guwahati.
6. The Registrar -cum- Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.
7. The Registrar, Gauhati High Court, Kohima Bench, Kohima/ Aizawl Bench, Aizawl/ Itanagar Bench, Naharlagun.
8. The District and Sessions Judge, Kamrup (M) / Kamrup, Amingaon / Nagaon / Morigaon / Golaghat / Jorhat / Sivasagar / Dibrugarh / Tinsukia / Dhemaji / Lakhimpur / Sonitpur, Tezpur / Darrang, Mangaldol / Udalguri / Bongaigaon / Barpeta / Nalbari / Dhubri / Goalpara / Baksa / Hailakandi / Karimganj / Cachar, Slichar / Chirang / Dima Hasao/ Karbi Anglong / Kokrajhar / Hojal / Charaideo / South Salmara Mancachar / Biswanath/West Karbi Anglong.
9. The Joint Registrar, _____, Gauhati High Court, Guwahati
10. The Chief Judicial Magistrate, _____
11. The Deputy Registrar, _____, Gauhati High Court, Guwahati
12. The Deputy Director (Printing & Stationary), Assam Govt. Press, Bamunimaidam, Guwahati-21. (He is requested to publish the Notification in the next issue of the Assam Gazette)
13. The Project Manager, Gauhati High Court, Guwahati, (He is requested to upload the notification in the High Court website.)
14. The P.S. to Hon'ble Mr./Mrs. Justice _____, Gauhati High Court, Guwahati.
15. The Librarian -Cum- Research Officer, Gauhati High Court, Guwahati.
16. The AO(J), _____, Gauhati High Court, Guwahati
17. The C.A. to the Registrar General, Gauhati High Court, Guwahati.

Aparna Ajitsaria
REGISTRAR GENERAL

20/08