

HIGH COURT OF TRIPURA
AGARTALA

No.F.3(35)-HC/2021/5908

Dated, Agartala, the 28th February, 2023

NOTIFICATION

In exercise of the powers conferred by Article 227 of the Constitution of India and in compliance of directions of Hon'ble the Supreme Court of India passed in Contempt Petition (C) No. 555 of 2022 in Special Leave Petition (CRL) No. 5073 of 2011 (**Eega Soumya Vs. M. Mahender Reddy & Ors**) dated 01.11.2022, Hon'ble the Chief Justice of the High Court of Tripura, is hereby pleased to make the following Rules:

1. (i) These Rules shall be called **The High Court of Tripura Criminal (First amendment) Rules and Orders 2023.**

(ii) They shall be deemed to have been come into force on and from the date of their publication in the official gazette.

2. After Rule 5 (i) of chapter-I (Investigation) of "**The High Court of Tripura Criminal Rules and Orders, 2021**" the following shall be inserted, namely;

(ii) Upon receipt of information relating to the commission of offence of rape, the investigating officer shall make immediate steps to take the victim to any Metropolitan/ Judicial Magistrate for the purpose of recording her statement under Section 164 CrPC. A copy of the statement under Section 164 CrPC should be handed over by the concerned Magistrate to the investigating officer immediately with a specific direction that the contents of such statement under Section 164 CrPC should not be disclosed to any person till appropriate orders are passed by the Court after charge-sheet/report under Section 173 CrPC is filed. The right to receive a copy of such statement will arise only after cognizance is taken and at the stage contemplated by Sections 207 and 208 CrPC and not before.

(iii) *The investigating officer shall as far as possible take the victim to the nearest Lady Metropolitan/ Lady Judicial Magistrate.*

(iv) *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 Metropolitan/ preferably Lady Judicial Magistrate as aforesaid.*

(v) *If there is any delay exceeding 24 hours in taking the victim to the 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 Magistrate.*

(vi) *Medical examination of the victim: Section 164-A CrPC inserted by Act 25 of 2005 in CrPC 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 Magistrate who records the statement of the victim under Section 164 CrPC.*

By Order,

Sd/-

(V. Pandey)

REGISTRAR GENERAL

No.F.3(35)-HC/2021/5909-971 Dated, Agartala, the 28th February, 2023
Copy to:-

01. The Secretary General, Supreme Court of India, New Delhi.
02. The Principal Secretary to Hon'ble the Chief Justice (Acting), High Court of Tripura, Agartala;
03. The Secretary to Hon'ble Mr. Justice Arindam Lodh, Judge, High Court of Tripura, Agartala;
04. The Private Secretary-I attached with the Registrar General, High Court of Tripura, Agartala;
05. The Registrar (Vigilance), High Court of Tripura, Agartala;
06. The District & Sessions Judge, Dhalai District, Ambassa/ West Tripura District, Agartala/ Sepahijala District, Sonamura/ North Tripura District, Dharmanagar/ South Tripura District, Belonia/

- Khowai District, Khowai/ Unakoti District, Kailasahar/ Gomati District, Udaipur for information. They are requested to circulate the same amongst all the Judicial Officers under their Judgeship for their information;
07. The Judge, Family Court, Dhalai District, Ambassa/ West Tripura District, Agartala/ Sepahijala District, Sonamura/ North Tripura District, Dharmanagar/ South Tripura District, Belonia/ Khowai District, Khowai/ Unakoti District, Kailasahar/ Gomati District, Udaipur for information. They are requested to circulate the same amongst all the Judicial Officers under their Judgeship for their information;
 08. The Registrar (Judicial), High Court of Tripura, Agartala;
 09. The Registrar (Admn., P & M), High Court of Tripura, Agartala;
 10. The Joint Registrar, High Court of Tripura, Agartala;
 11. All the Deputy Registrars, High Court of Tripura, Agartala;
 12. The Chief Librarian, High Court of Tripura, Agartala;
 13. All the Assistant Registrars, High Court of Tripura, Agartala;
 14. All the Officer-in-charge of Police Station.
 15. The System Analyst/ the Computer Programmer(s), High Court of Tripura, Agartala with a direction to upload the Notification in the official website of the High Court of Tripura;
 16. All the Superintendents (Bench Section), High Court of Tripura, Agartala;
 17. The Manager, Government Press, Agartala, Tripura. He is requested to published the said Notification in the next extraordinary issue of the Tripura Gazette and send at least 5(five) copies of the same to the undersigned after publication.
 18. Order File.

REGISTRAR GENERAL