

Public (Law & Order-A) Department
Secretariat, Chennai-8

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Letter (Circular) No. 1975/L&O-A/2009-8, Dated 21.07.2010

From
Thiru K Gnanadesikan, I.A.S.,
Secretary to Government. (I/c)

To
The Director General of Police, Chennai 4
All District Collectors,
All Commissioners of Police in Cities,
All Superintendent of Police in Districts.

Sir,

Sub: Cr.P.C (Amendment) Act 2005, (Act 25 of 2005) -- Strict observance of new sub-sec 176 (1-A) by the implementing authorities -- Instructions -- Issued.

By the code of Criminal Procedure (Amendment) Act, 2005 (Central Act 25 of 2005) a new sub-section (1-A) has been inserted in section 176 of Cr.P.C and the same has come into force with effect from 23.06.2006. The provisions of the said sub-section (1-A) of section 176 reads as follows:-

(1-A) Where,-

- (a) any person dies or disappears, or
- (b) rape is alleged to have been committed on any woman,

while such person or woman is in the custody of the police or in any other custody authorized by the Magistrate or the Court, under this Code in addition to the inquiry or investigation held by the police, an inquiry shall be held by the Judicial Magistrate or the Metropolitan Magistrate, as the case may be, within whose local jurisdiction the offence has been committed.

The Director General of Police, Chennai in his Circular Memorandum No.63033/Cr IV(1)/2009, Dated 25.01.2010 had also issued instructions to the Commissioners of Police and others emphasising the need to comply with the provisions of newly inserted sub-section (1-A) of section 176 of Cr.P.C. It has, therefore, become imperative to reiterate the enforcement of the provisions of section 176 (1-A) of Cr.P.C for its strict implementation. All the Collectors / Commissioners of Police in Cities and all Superintendents of Police are therefore,

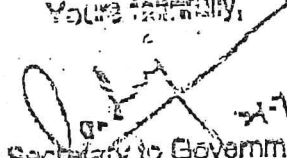
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requested to comply with the provisions of newly inserted sub-section (1-A) of section 176, relating to the inquiry to be held by the Judicial Magistrate or the Metropolitan Magistrate, in cases where any person dies or disappears, or rape is alleged to have been committed on any woman, while such person or woman is in the custody of the police or in any other custody authorized by the Magistrate or the Court.

Failure to comply with the above instructions will be viewed seriously.
The receipt of this letter may be acknowledged immediately.

Yours faithfully,


for Secretary to Government.

kg
5-11-2010