



CIRCULAR

Sub: High Court, Madras - Order passed by the Hon'ble Division Bench in H.C.P.No.2520 of 2019 dated 23.03.2020 – Regarding taking of blood samples for DNA test – Placed before the Hon'ble the Chief Justice – Ordered to place before the Hon'ble Criminal Rules Committee – Meeting conducted - Minutes passed – Standard Operating Procedure formulated – Approved – Standard Operating Procedure communicated for compliance – Reg.

The Hon'ble High Court, Madras in H.C.P.No.2520 of 2019, dated 23.03.2020 have issued certain directions with regard to taking of blood samples for DNA Test. The Hon'ble the Chief Justice referred the matter to the Hon'ble Criminal Rules Committee. The Hon'ble Committee had deliberations with the Higher Officials of various Departments and formulated the Standard Operating Procedure (SOP) on 10.12.2020. The SOP was approved by the Hon'ble Administrative Committee, for being followed by the Courts and the Investigating Agencies with regard to drawal of exemplars from the accused/victims/third party in all criminal cases:

“In addition to the provisions adumbrated in the Code of Criminal Procedure, 1973 and also the Tamil Nadu Criminal Rules of Practice, 2019 and without prejudice to the same, the following procedure may be adopted by the Investigating Agency for drawal of exemplars of accused/victims/third party in all criminal cases during investigation:

- a) The Investigating Agency shall make a request in writing to the Tamil Nadu Forensic Science Laboratory for issuance of FTA cards (blood cards) stating the name and location of the Government Hospital where they propose to draw exemplars from the accused/victim/third party and the designation of the medical officer who is to draw exemplars. A copy of the

request shall be forwarded to the Court concerned for information.

- b) On such application being made, the Tamil Nadu Forensic Science Laboratory shall hand over the FTA card (blood card) to the Investigating Agency, after entering in their Register,
 - (i) Crime Number and the name of the Investigating Agency,
 - (ii) name of the accused/victim/third party, (iii) hospital and designation of the medical officer to whom the FTA card (blood card) is to be reached and (iv) the number of the FTA card (blood card) issued, after obtaining the name, number, designation and signature of the person representing the Investigating Agency, to whom the FTA card (blood card) is handed over.
- c) On receipt of the FTA card (blood card), the Investigating Agency shall approach the medical officer concerned with a request in writing for drawal of exemplars from the accused/victim/third party. The request shall be accompanied by an unfilled Form No.I, but, with the photograph of the person from whom the medical officer is required to draw the exemplar. There shall be a separate Form No.I (*as provided below*) for each person from whom an exemplar is required to be drawn.
- d) On such request by the Investigating Agency, the medical officer concerned shall make the following entries in a register and record the name and obtain both signature and thumb impression of the accused/victim/third party from whom the exemplar is drawn:
 - i. Date and time of drawal of exemplar;
 - ii. Name and designation of the official accompanying and identifying the accused/victim/third party;

- iii. Crime Number with name of the Investigating Agency;
 - iv. Name and designation of the medical practitioner who draws the exemplar;
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- e) The Investigating Agency shall videograph the process of drawal of exemplars by the medical officer, keep the videograph in an electronic form such as pen drive, compact disc, *etc.* in their case diary and also furnish a copy of it to the Court concerned. However, no videograph shall be taken of drawal of semen, vaginal swabs, pubic hair and other exemplars from the private parts of a person.
 - f) The medical officer shall confirm the identity of the person with his photograph affixed in Form No.I and after drawing the exemplar, shall fill the same, obtain the signature and thumb impression of the person and affix his signature and seal in Form No.I.
 - g) The medical officer shall hand over the exemplars in a sealed cover with his rubber stamp affixed on the cover, to the Investigating Agency to be submitted to the Court. The sealed cover shall be accompanied by Form No.I duly filled and certified by the Medical Officer.
 - h) After collecting the sealed cover and the duly filled Form No.1 from the medical officer, the Investigating Agency shall produce the same to the Court concerned with a request in writing for sending the same to the Tamil Nadu Forensic Science Laboratory for examination and report.
 - i) Where the accused is in judicial custody, the Investigating Agency shall cause production of the accused before the Medical Officer on the orders of the Court concerned. The photograph of such accused, if not already available with the

Investigating Agency, may be taken in the presence of the officer in charge of the prison for the purpose of affixing in Form No.I.

- j) The Court shall verify the sealed cover submitted by the Investigating Agency and place the sealed cover in another cover addressed to the Tamil Nadu Forensic Science Laboratory, seal the cover and affix its seal on the cover and send the cover with a covering letter containing the facsimile of the Court seal, to the Tamil Nadu Forensic Science Laboratory through the Investigating Agency, with a request for examination and report. The Court shall keep Form No.I received from the medical officer in the case records.
- k) The Investigating Agency shall hand over the covering letter and the cover entrusted to it by the Court, to the Tamil Nadu Forensic Science Laboratory, for examination and report.
- l) After examination, the Tamil Nadu Forensic Science Laboratory shall send the remnants of exemplars, if any, along with their report, to the Court concerned, with a copy marked to the Investigating Agency.

Note:

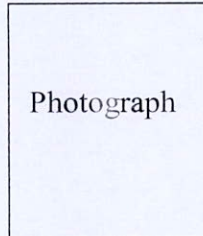
- i. The expression "exemplar" would include blood, saliva, nail, hair, tooth, skin scrapings, pubic hair, semen, vaginal swabs, *etc.*
- ii. It is reiterated that no videograph shall be taken of drawal of semen, vaginal swabs, pubic hair and other exemplars from the private parts of a person.

Form No.I

Certificate for drawal of exemplar from accused/victim/third party

This is to certify that at the request of (*Name of the Investigating Agency/Police Station*), in Cr. No....., (*blood, saliva, nail, hair, tooth, semen, pubic hair, vaginal swabs, skin scrapings, etc.*) exemplar was taken from (*name of the person from whom exemplar is drawn*), son of/daughter of/wife of, whose photograph is affixed below, on (*date*) at (*time*). The person was brought by (*name and number of the policeman /name of the official, who brought the person*) who identified him.

Videograph taken: Yes/No



.....
Signature & thumb impression of
the person from whom exemplar
was taken

.....
Signature of the Medical Officer

Medical Officer's Seal

Encl.:

Sealed cover containing the
exemplar with the rubber
stamp of this office

To:

..... (*Name of the Court*)

The abovesaid Standard Operating Procedure shall be scrupulously
adhered to.

HIGH COURT, MADRAS

DATED: 28/12/2020

Sd/- C.KUMARAPPAN

REGISTRAR GENERAL

// True copy // Forwarded by Order//


Assistant Registrar (Rules)

To

1. All the Principal District Judges/District Judges. }
 2. The Principal Judge, City Civil Court, Chennai. }
 3. The District Judge-cum-Chief Judicial Magistrate, }
 4. The Chief Judge, Puducherry. }
 5. All the Chief Judicial Magistrates in the State of }
 6. The Director, Tamil Nadu State Judicial Academy, R.A. Puram, Chennai-28. }
 7. The Court Manager, High Court, Madras (with a request to communicate the }
 8. The Section Officer, "B5" Section / Inspection Cell, High Court, Madras. }
 9. The Section Officer, "F" Section, Madurai Bench of Madras High Court, }
 10. The Record Keeper, A.D. Records, High Court, Madras and Madurai Bench. }
- With a direction to
communicate the
circular to all the
Criminal Courts
under your
control/unit.