

(2021) 09 DEL CK 0223

In the Delhi High Court

Case No : Bail Application No. 1057 Of 2020

Kunwar Manoj Bhatia @ Bunty

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 24-09-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302, 323, 354, 354B, 452, 506, 509

Citation : (2021) 09 DEL CK 0223

Hon'ble Judges : Mukta Gupta, J

Bench : Single Bench

Advocate : Sumit Choudhary, Nitin Bansal, Ravi Nayak, Rajan Bhagat, Shivaji Chauhan

Final Decision : Disposed Of

Judgement

Mukta Gupta, J

1. By this petition, the petitioner had sought interim bail on medical grounds in case FIR No. 526/2019 under Sections 302/34 IPC registered at P.S.Jahangirpuri.

2. While dealing with this petition, nominal roll of the petitioner was called. In the nominal roll, petitioner was shown to be involved in only one other case being FIR No. 148/2015 registered at P.S. Jahangirpuri for offences punishable under Sections 354/354B/323/452/509/506/34 IPC. However, the status report filed noted that the petitioner was a bad character of the area and was involved in 20 other cases. This Court thus sought accurate and updated nominal roll as also the latest status of the cases as shown in the status report based on the report received from SCRB. The revised nominal roll received showed 5 other cases pending against the petitioner and the SCRB report generated on 29th May 2020 showed 19 other cases against the petitioner. The explanation rendered was that the petitioner may not have been in judicial custody in the other cases or they might have got quashed on the basis of settlement. Thus, this Court directed the Director General (Prisons), Delhi as well as DCP, SCRB to indicate

measures taken to avoid such discrepancies in future and to streamline the systems so that true and accurate picture of criminal antecedents are available across platforms and departments.

3. The present petition is pending consideration on this aspect as interim bail was granted to the petitioner by this Court vide order dated 7th August 2020.

4. One of the reasons for the disparity in the records of SCRB and Prison is that the prison record is maintained only for those who are lodged in prison whereas SCRB record is maintained for those who are arrested. Though every person arrested is statutorily required to be produced before the Court within 24 hours of the arrest, it is not necessary that every accused arrested is remanded to judicial custody such as accused released on police bail or even those released on bail by the court when on police remand. Hence there will be no record of the cases of an accused with the Prison if he is not lodged in the Prison.

5. As per the additional Status report, entries are made in SCRB record of the arrested accused immediately after the arrest. Further details of conviction are also fed in the CRO System as per the information received from the Prosecution Branch. It is stated that to store/reflect the present status of all criminal cases against the accused in the system Interoperable Criminal Justice System (ICJS) is being developed by the National Informatics Centre (NIC) which will be utilized through Court Information System. Till the time this automated inflow of status of Convictions/Involvement Reports from ICJS is received, Standing Operating Procedure have been issued to all the police stations to complete conviction/involvement report. A web interface is provided at the police stations level to search the conviction/involvement of a person.

6. Pursuant to the various hearings before this Court, on 4th September 2021, comprehensive guidelines in respect of the process to search previous involvement/conviction of a person in different data bases of the Delhi Police and ICJS have been compiled and necessary directions have been issued, which read as under:-

"A. Process to search Previous Involvement/Conviction in different Databases of Delhi Police

a. The officer making search has to open the web page <https://conviction.delhipolice.gov.in> on Cyber Highway network

b. Log in to the website with ID and Password provided to all SHOs of Police Stations and IOs

i. In case any officer requires additional ID and Password he may request SCRB to issue the same

c. The search can be made any one or all of the following 4 parameters:

i. Name

ii. Parentage

iii. Alias

iv. Address

d. The search can be made in any one or all the following 4 Databases of Delhi Police:

i. CCIS (Crime Criminal Information System)

ii. Dossier

iii. CADB (Criminal Attribute Data Base of Finger Print System)

iv. CCTNS (it also include the data of Reg. 9(iii) digitized by all Police Stations since inception)

e. The IO may get more than one search results for each Database

f. The IO shall satisfy himself to correctly identify and select the desired person row(s) from the displayed database(s)

g. The Previous Conviction/Involvement Report shall be printed containing all the cases displayed in the selected rows

h. The Status of the Case/Accused displayed in the Previous Conviction/Involvement Report may be different from the actual current Status of the Case/Accused due to following reasons:

i. The Status may not have been at all entered in the Database at the time of making entry or

ii. The Status entered in Database is old and has not been updated subsequently

i. The IO has to mandatorily manually verify the current Status of all the cases from the concerned Police Station(s), ICJS and Court(s)

j. The concerned Police Station and IO shall ensure that the current Status of all the cases/ accused persons are updated in the CCTNS/Digitized Database of 9(iii)/CCIS

k. The IO shall take the final print of Previous Conviction/ Involvement Report to submit in the Court only after he is satisfied that all the records have been verified manually and updated in the Database(s)

B. Process to search in ICJS Database

a. The officer making search has to open the web page <https://icjs.gov.in> on Cyber Highway network

b. The Officers can also login in ICJS through open network by using the VPN link provided to them through the website <https://saccess.nic.in>

c. Log in to the website with ID and password provided to all SHOs of Police Stations and other officers have already been generated

i. In case any officer requires additional ID and Password he may request CCTNS Core Team in the Distt/Unit or CCTNS Data Center Helpdesk No. 9643104838 to issue the ICJS ID/Password

d. The search can be made in the following Databases:

i. Police

ii. Court

iii. Prison

iv. FSL

v. Prosecution

e. The search can be made on various parameters in different databases like:

i. Name

ii. Parentage

iii. Address

iv. FIR No

v. Act/ Section

vi. PID-Prison Identification Number

vii. CNR No. -Issued by Court viii. Name of the Court

f. The IO may get more than one search results for each Database

g. IO may further filter down the data on various parameters like Date Range/ State/District/Religion/Age etc. to reach to his desired result

h. The details of FIR, Final Report, Jail/Bail release, Period of stay in various prisons in various cases, Persons visiting to meet in the prison, Photo, FSL results, Prosecution details etc can be searched in different databases

C. Process to Update the Status in Delhi Police Database(s)

a. Once the IOs has manually/physically verified the current Status of all cases against any person and finds that the Status mentioned in the different Databases of Delhi Police is not updated, he shall ensure that it is updated in these Databases

b. The IO shall inform the current status of the case/person to the concerned SHO

c. The concerned SHO shall ensure that the current status is updated in the Database(s)

d. The facility to update the Current Status has been made available in CCIS, CCTNS-IIF-VI (In case the IIF-III and IIF-V are entered, the data can be updated in IIF-VI) and the Digitized data of Reg. 9(iii).

e. The login ID to all these Databases are already available in Police Stations with SHOs, MHC(R) and IOs as per their roles in the applications

f. The IOs shall take final print of Previous Conviction/Involvement Report to submit in the Court only after he is satisfied that all the records have been verified manually and updated in the Database(s)

An online Training Session for DCsP/ADCsP all Districts/Units and ACsP was held on 27.08.2021 to familiarize with the process to search for previous involvement/conviction of a person in different Databases of Delhi Police and ICJS. About 200 officers attended this Training Session on VC.

Thereafter, regular online training sessions for all IOs of all Districts and Units are being held for 4 days w.e.f. 01.09.2021. About 980 IOs have attended the Training Session on VC in three days. The Training Session shall also be held on 06.09.2021 at 1500 HRS.

All the DCsP/Distt/Unit are requested to ensure that these instructions are made available to all the IOs. In case of any difficulty, the Officers may contact the CCTNS Core Teams in Distts/Units or CCTNS 24x7 Helpdesk No. 9643104838 and SCRB No. 011-23237006".

7. In view of the comprehensive guidelines issued indicating the manner in which the list of involvement and the latest status of the cases is required to be placed before the Court, it is hoped and expected that the guidelines will be scrupulously followed and proper details are placed before the courts in the status reports/reply affidavit.

8. Petition is disposed of.

9. Order be uploaded on the website.