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HOME DEPARTMENT

ORDER

The 21st November, 2015

No. 38943–HRPC (A) 65/2015/C P&M.—**Standard Operating Procedure (SOP) for protection of Good Samaritan in pursuance of direction of Hon'ble Supreme Court of India.**

A. PURPOSE:

In pursuance of the orders issued by Apex Court in W.P. (C) No. 235 of 2012 (Save Life Foundation and another vs. Union of India and another) as well as the Notification dated the 12th May, 2015 issued by Ministry of Road Transport and High Ways of Government of India, the following guide lines are framed by Home Department, Government of Odisha. They shall be followed until further orders in order to ensure that By-standers or Good Samaritan are not harassed or intimidated without any reasonable cause in any manner.

1. That the By-stander or Good Samaritan including an Eyewitness of a road accident may take an injured person to the nearest hospital for providing treatment. He / she be shown due courtesy and may be allowed to leave hospital without unnecessary delay unless he/she is an Eyewitness no question shall be put to him / her relating to the alleged accident. The Eyewitness shall be allowed to leave the hospital immediately after furnishing his present and permanent address besides contact phone number.
2. That the By-stander / Good Samaritan shall not be compelled to lodge FIR at Police Station nor the Eyewitness shall be asked to do so either by police agency or by medical authority.
3. The local police having jurisdiction to the alleged accident shall register FIR either on the voluntary report of the By-stander / Good Samaritan or on the basis of the report received from the hospital authority. The By-stander / Good Samaritan shall not be compelled to lodge FIR at Police Station nor be cited in the Charge sheet, if he is not willing.

If the By-standers or Good Samaritan is willing to be the Witness to the occurrence the following guideline be strictly be observed by the Police.

(i) The investigating agency examines By-stander / Good Samaritan on a fixed time and date convenient to the By-stander / Good Samaritan.

(ii) At the time of such examination utmost care need be taken by investigating officer to maintain decency, decorum and dignity. No intimidation or annoyance in any manner shall be caused to the By-stander / Good Samaritan or Eyewitness while examining them for collecting material evidence.

(iii) In view of the provision laid down under section 160 CrPC such By-standers / Good Samaritan, if a male person under the age of 15 years or above 65 years or if a woman or physically disabled, shall be examined only at his / her residence. The said examination should be concluded in limited sittings.

B. Method of Examination as witness in court of law.

In the event of avoidance / unwillingness by the By-stander / Good Samaritan/ Eye-witness as witness to attend the court of law physically, the recourse of law laid down u/s 284 CrPC may be resorted to. He/she may be examined on issuance of commission at the expense of State.

On receipt of written request seeking lawful protection by from the By-stander / Good Samaritan the officer in charge of local police station concerned shall extend all possible assistance for the required purpose.

On the approach of the By-stander / Good Samaritan concerned Public Prosecutor shall take steps to record the evidence in time. If found to be hear say, his evidence may be dispensed with.

Reasonable and necessary protection need be given by officer in charge for the safe court attendance of the By-stander / Good Samaritan in Court of law.

If necessitated the procedures laid down under section 296 Cr.PC be followed for adducing evidence by way of affidavit through concerned Public Prosecutor.

The above guidelines may please be circulated among all concerned to follow it scrupulously.

By Order of the Governor

LALIT DAS

Special Secretary to Government