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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 30th July, 2024

+ **CRL.REF. 4/2021**

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Sanjeev Kumar Dubey, Sr.
Advocate, Amicus Curiae.

versus

STATE

.....Respondent

Through: Ms. Nandita Rao, ASC (CrI.) for the
State with Mr. Amit Peswani,
Advocate.

Insp. Nitin Verma, Insp. SCRB.

Insp. Ratan Singh, P.S. V.K. South.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. This Court vide order dated 1st May, 2024, had appointed an *Amicus Curiae*. The Id. *Amicus* has appeared today and submits that he has not been provided with a copy of the electronic records. Let the same be provided upon simple request by the Id. *Amicus Curiae*.
3. As recorded in the previous order dated 1st May, 2024, the present criminal reference petition has been sent by the Id. Additional Sessions Judge/PO MACT Patiala House Courts, New Delhi under Section 395(2) of Cr.P.C for addressing three questions with respect to the issues faced in the criminal dossier system. The relevant portion of the order is set out below:

“1. As stated in the Office Note dated 25.10.2021, the present criminal reference petition has been sent by learned Additional Sessions Judge/PO MACT, Patiala



House Courts, New Delhi under Section 395(2) of Cr.P.C. on the following questions:-

“Q.a) Whether failure on part of State to update criminal dossier system regularly and from time to time is in violation of Articles 21, 19 and 14 of the Constitution of India and in breach of the fundamental rights guaranteed to an individual under the Constitution of India?

Q.b) Whether the State is bound to keep the criminal dossier maintained or updated and well maintained?

Q.c) Whether failure to update criminal dossier, whereby even after acquittal, the accused is shown as involved in particular case, can be considered defamatory or in breach of law or fundamental rights guaranteed under Article 21, 19 and 14 of the Constitution of India?”

4. A perusal of the above would show that the reference has been the result of non-updation of the Online Criminal Dossier System, maintained by the State Crime Record Bureau (hereinafter referred to as (“*SCRB*”)), where the Court was of the opinion that in respect of the particular accused, the above stated system showed that the accused was involved in several cases and the status of the accused was also shown as in Police/Judicial Custody. This according to the ASJ/PO, MCAT, Patiala House Courts was incorrect information.

5. *Vide* order dated 1st May, 2024, a status report was called for regarding the issues faced in the updation of the online criminal dossier system. The status report submitted by the Legal Division under the signature of Deputy Commissioner of Police dated 1st July, 2024 has been perused. The status report is relevant and is extracted below:

“1. That the record of criminal involvement is maintained in the Village Crime Register i.e., Register No. 9 as per



provision of the Punjab Police Rules (22.59) in the Police Stations.

2. That the accurate and authentic previous involvement / conviction report of an accused is generated from the State Crime Record Bureau (SCRB) web portal /database. The SCRBR reports of arrested / convicted persons are collected from multiple application software data base such as Crime Criminal Tracking Network System (CCTNS), Criminal dossier Cell, Crime Criminal Information System (CCIS) and finger printing data base.

3. That it is also pertinent to mention that the status/information regarding court cases is not updated several times. The same issue has been raised at several quarter and studies/discussions have been conducted with various stake holders to find the solution of the same. After much deliberation, a consensus of all stakeholders has reached to the conclusion that a technical/automated solution is the only reasonable solution to the issue raised.

4. That the ICJS (Inter-operable Criminal Justice System) is a common platform, whereby the system/applications of various pillars of the criminal justice system have been integrated across the nation and data is being shared among them as per the matrix approved by e-Committee of the Hon'ble Supreme Court of India, and connected through a secured network.

5. That currently, the court orders are being uploaded on E-Court/ICJS. NIC has been requested to create a technical solution whereby the status of the cases are synced automatically in the Criminal database of the police so that discrepancy can be reduced in SCRBR reports. At present, the NIC is working to create a technical solution as required.”

6. A perusal of the status report reveals that the SCRBR and the Police are working towards automatic updation of information relating to orders and judgments. As per the report, the Inter-operable Criminal Justice System (hereinafter ‘ICJS’) is the platform which is being used for updation of orders. However, the said system is not synced automatically with the Criminal Database of the Police. It is due to this reason, that there are discrepancies in



the SCRB's report and syncing of the same is therefore necessary. As per the DCP, the NIC is presently working with the SCRB for the creation of a technical solution to sync the ICJS system with the Criminal database of the Police. The same is being coordinated by the SCRB with the NIC.

7. The official from the SCRB, Insp. Nitin Verma, submits on behalf of the NIC that **Mr. Shashikant Sharma, Deputy Director General** (email Id- *Shashi_kant@nic.in* & M: 9868206649), is overseeing this matter.

8. Accordingly, let the SCRB and the NIC work on this issue in an expeditious manner and a technical solution be finalised for syncing the records, so that whenever Courts call for SCRB reports, the updated data is readily available.

9. The team from the SCRB and the NIC shall hold regular meetings within the next two weeks, and a status report be given with regard to the solution that NIC is suggesting for such syncing of data and a proper timeline for implementation of the same.

10. List on 9th September, 2024.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

JULY 30, 2024/bsr/pr/ks