

CIRCULAR No. 09/2011

Sub:- **Medical Examination of Arrested Persons & other Injured Persons in Custody- Instructions** - Regarding.

Ref: (1) PHQ Circular No. 09/2010 dated 18.02.2010
(2) PHQ Circular No. 07/2011 dated 16.03.2011

01. The law relating to medical examination of arrested persons and other injured persons in custody has undergone drastic changes on account of the recent amendments of the CrPC and the commencement of Kerala Police Act 2010.

02. Medical Examination of Arrested Persons, including the injured among the arrested:

As per section 54 CrPC, as amended now, medical examination of all arrested persons is compulsory and the Police has no discretion in this regard. Soon after the arrest is made, the arrested person has to be examined by a medical officer in the service of Central or State Government. If a Government doctor is not available, a registered medical practitioner can also conduct the examination. If the arrested person is a female, the doctor in question has to be a female. The doctor conducting the medical examination has to prepare a record of such examination, mentioning any injuries or marks of violence found on the arrested person and also record the approximate time when such injuries or marks may have been inflicted. The doctor shall also furnish a copy of that record to the arrested person or his nominee.

03. In addition to the above provisions of CrPC, Police officers have also to follow the procedures as specified in Section 50 of Kerala Police Act 2010. In the case of persons in custody who are accused in offences the person shall be taken before a doctor as prescribed under Section 54 CrPC. But, if there are injuries, the doctor has to further record not only the details of the injury but also the manner of its causation as per the Police Act. Further, as per the Police Act, if the arrested person is injured and is in a condition to be moved, he should be produced before the Judicial Magistrate having

jurisdiction in the matter. In case he is not in a condition to be moved, then the circumstances should be immediately brought to the notice of the Magistrate concerned with copies of such report being given to the doctor and to the injured person under acknowledgement.

04. Medical Examination of Injured Persons in Protective Custody:

Sometimes certain individuals who are unable to take care of themselves or who require police assistance may have to be taken into protective custody of the Police vide Section 47 of Kerala Police Act 2010, or vide Section 57 of the Police Act. In case such persons are found to be injured in any manner, then also, they have to be taken before a competent doctor who should record the details of injury and manner of its causation as envisaged in Section 50 of the Police Act. After that they have to be taken before the Judicial Magistrate having jurisdiction in the matter or before the competent Executive Magistrate as the case may be. If the injured is not in a condition to be taken before such Magistrates, the SHO should give the details of the incident and the circumstances of the injury as a report to such Magistrate. A copy of such report to the Magistrate should be given under acknowledgement to the doctor as well as to the injured person.

**STATE POLICE CHIEF,
KERALA**

To

All Officers in List 'B'

Copy to: CAs to all Officers in PHQ.
Stock File/Circular Book/Office Copy/OPs Cell, Police Information Centre,
Records.