

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

MCRC No. 24900 of 2023

(VIJENDRA SINGH SIKARWAR Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 08-08-2024

Shri Harshit Sharma - Advocate for the petitioner.

*Shri Deependra Singh Kushwaha- Additional Advocate General for
the respondent-State.*

*Shri Praveen Kumar Newskar - Deputy Solicitor General, Shri
Ravindra Singh Kushwaha and Shri Rajeev Upadhyay - counsel for the
Union of India.*

Shri Shashikant Sharma, A.D.G. NIC, Delhi, Shri G. Mayil Muthu Dy.
D.G. NIC, Delhi, Shri Deepak Kumar, Director (IT) NIC and Ms. Pranjali
Shukla, AIG, SCRB, PHQ, Bhopal, Shri R.S. Prajapati AIG SCRB and Shri
Ashok Singh Jadon, DSP (HQ) Gwalior OIC of this case are present before
this Court.

1. This Court intends to synchronize "ICJS" (Inter-Operable
Criminal Justice System) with "SANDES APP" for effective conduct of
crime investigation, criminal trial and victim protection besides other related
benefits. All authorities have to work in tandem to bring effective results.

2. Today NIC Team appeared in person before this Court and
demonstrated the steps taken for synchronization of "ICJS" with SANDES
APP. Total six steps were demonstrated right from the creation of
synchronization of the App to making of the said group inactive. Certain
salient features of discussion are as under:-

(i) Synchronization of Data from all verticals like Police, Jail, Forensic and Prosecution is under way. Soon all verticals would be synchronized so that Data Transfer and its use would be facilitated without delay. Synchronization includes sorting out the case in which SANDES APP Technology and its synchronization is to be required. This sorting would enable the officers to include only those cases which are punishable for seven years sentence or above.

(ii) Communication can only be effected within close group with all stake holders which are duly verified under the SANDES APP because it is government of India mechanism therefore, unless a person is duly verified, he cannot have access to it.

(iii) Complainant/ Victim/ Private Prosecution witnesses can avail the facility of Uni Directional Communication by which complainant/ victim would be apprised with the latest development of the investigation and trial by way of sending messages to them from time to time. However, victim/ complainant would not be able to communicate to the different verticals as referred above through this process because it is an Encrypted App as well as App with High Security Features. Therefore, to maintain privacy, safety and security of the data and other variables, Uni Directional Messaging is for ensuring latest updates to the complainant/ victims as well as victim protection from intimidation.

(iv) To ensure victim/ witness protection in an effective manner, an **OTP based Web Link** can be conceptualized. By this, any victim/ witness can share his anxiety/ incident on such web link which can be forwarded to

the concerned Investigating Officer/ SHO. It can be reconciled with Emergency Response App "112" and E-रक्षक also.

(v) Prison is the place where details of all persons are confined through police (on the basis of FIR), through individuals (on the basis of private complaint), through other establishments (like Lokayukta, EOW etc.), and/or through District Magistrate (purportedly under different provisions of Cr.P.C./ other criminal enactments). Therefore, one 'Prisoner ID' can be created for different Jail Inmates and that would be a record for posterity till appeal is preferred at High Court or even if matter goes to the Supreme Court. Through that Prisoner ID, all related data and information sharing can be facilitated and provided to different stake holders. That Prisoner ID can be reflected in the Vakalatnama by the said accused while serving confinement (endorsed by concerned Jail Superintendent).

(vi) Copy of the judgment passed by the trial Court can be sent to the Investigating Officer after he is transferred to some other place and to the Higher Officers of the Unit where I/O is posted at the time of judgment, so that the Superior Officers as well as I/O may come to know about the nature of investigation carried out and shortcomings in investigation. The Superior Officer can also assess the performance of I/O as per investigation carried out in a case.

(vii) Profiling of the Investigating Officer and Public Prosecutor can also be done by this mechanism so that performance of a Police Officer can be assessed *qua* crime investigation. Same profiling can be done in respect of the Public Prosecutor/ Government Advocate at Sessions Courts/ District

Courts as well as High Court level. Similar mechanism can be utilized in assessment of Forensic Science Experts who are investigating the case. Medical Examination and its clarity during Medico Legal Cases (MLC) performed by the Government duty Doctors can also be assessed by profiling their performance.

For this purpose, all stake holders viz, Police Personnels, Doctors, Forensic and Prosecution are to be taken on Board.

3. Shri Shashikant Sharma, A.D.G. NIC, Delhi informs this Court that earlier vide order dated 26-04-2024, four Police Stations of the Gwalior were included as test case for implementation of this project. Shri Sharma displayed the work done through 'SANDES APP'. It is a type of Virtual Rojnamcha in which undergoing investigation and its steps are shared by the Investigating Officers with different stakeholders. He further informs this Court that now video recording is also started at the scene of crime.

4. At this stage, this Court raises some thoughts for consideration and to address. Said thoughts are as under:-

(a) Under the Bhartiya Nagrik Suraksha Sanhita (BNSS), videography of the crime scene for the offences which are punishable for more than seven years is mandatory. Therefore, whether any protocol for various steps for recording on the scene of crime can be conceptualized for recording important features at scene of crime with the help of Law Enforcement/ Investigating Agency, some steps or protocol can be formulated or whether **Artificial Intelligence Induced App** can be created to analysis the videography data so recorded so as to give necessary clues/ indications to the

Investigating Officer to investigate the case in a particular direction or in respect of particular person whose evidence is left at the scene of crime.

(b) Whether another Artificial Intelligence enabled App can be conceptualized which can interpretate sign language of Persons With Disability (PWD) so that whenever any victim/ complainant of (PWD) comes to the Police Station or to Police Officer for registering any complaint, then his sign language with the help of this App can be interpreted and the concerned Police Officer may come to know about the plight of the complaint/ victim.

5. Shri Shashikant Sharma, A.D.G. NIC, Delhi and his Team showed enthusiasm about such concept and assured this Court that in co-ordination with the Ministry of Home Affairs, Ministry of Information and Technology and Ministry of Social Justice, this task can be undertaken and such concept can be turned into reality. The NIC Team sought eight weeks' time to complete the project of Synchronization of "ICJS" with "SANDES APP".

6. At the request of NIC Team, matter is placed on 16th October, 2024. Meanwhile, a concept note in this regard may be submitted by the NIC Team.

7. Before parting, this Court records its appreciation for the efforts undertaken by Shri Shashikant Sharma, A.D.G. NIC, Delhi and his NIC Team for doing such work in the interest of Administration of Justice and Society at large.

8. Shri Praveen Kumar Newskar - Deputy Solicitor General is directed to co-ordinate with the Ministry of Home Affairs, Ministry of

Information and Technology and Ministry of Social Justice and discuss about this project and if possible, this project may be implemented not only for the State of Madhya Pradesh but may also for the whole Nation. Necessary communication be carried out.

9. The NIC team shall also co-ordinate for facilitation of this project at All India level.

10. Office is directed to reflect name of Deputy Solicitor General on behalf of Union of India in the cause list.

11. List on 16th October, 2024.



(ANAND PATHAK)
JUDGE

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