

Inspection, Search & Seizure
and
Registering a PCPNDT case

Inspection of Sonography Center

- **Board display – Rule 17 (1)**
- **Copy of the Act at the centre - Rule 17 (2)**
- **Registration Certificate displayed – S.19 (1) & (4) , Rule 6 (2)**
 - 1. Date of Reg. & Renewal**
 - 2. Details of U/S machines & probes**
 - 3. Qualification of the Doctor**
- **Sonography Register –Five column register - Rule 9 (1)**
- **Form ‘D’ , (R.9-2), ‘E’ , (R.9-3), ‘F’ (R.9-4) & ‘G’ (R. 10-1 &2) maintained – S. 29 (A)**
- **Consent/declaration of patient (man/woman) S.5 (a), (b), (c)**
- **Declaration by the Doctor- Rule 10(1)A**

Inspection of Sonography Center (contd.)

- **Referral slip – ‘F’ form column -7**
- **Monthly Reports, Correspondance file with AA’ s office – S. 3 (B), R 3(A) ,(B) ; 9 (8)**
- **Quotation, invoice, purchase files of machine – S. 18, R. 4**
- **Code of conduct – R. 18 (8)**
- **OPD Register**
- **Receipt Books**
- **Birth Registration Register**

Note : Inspection report is to be prepared & filled considering all the above points, then & there itself. This is one of the important document to be attached with the case. This is important evidence.

SEARCH AND SEIZE

- AA have right to conduct search and seal - S. 30(1)
- Facilities for inspection - R.11(1)
- At all reasonable time R.11(1)
- No right to de-seal R.11(2) deleted
- All documents, register, u/s machines, computer, recorder of CCTV, registration certificate, papers, files about machine, correspondence with AA, etc. - S. 30(1), R.12(1,2,3)

SEARCH AND SEIZE (CONTD.)

- ‘*Panchnama*’ to be prepared in presence of ‘*Panch*’ - R.12(1,2,3)
- Copy of same to the accused - R.12(3)
- Right to seal premises - R.12(5)
- Procedure as per CRPC - S. 30(2)
- Protection, if action is in good faith - S.31

How to Register a criminal case

- Search & Seal
- Check the *Panchanama*
- *Panch* – trustworthy & independent
- Acknowledgement
- Suspension Letter
- Statements to be recorded (Decoy & other witnesses)
- Original Documents, CDs, records, etc.
- Show cause Notice

How to Register a criminal case (contd.)

- Inspection Report
- ‘Enquiry’, ‘Investigation’
- Meeting of DAC
- Resolution – cancellation of Registration
- Separate application for ‘material’
- Notification
- Legal Expert guidance
- Case to be registered (case no. JMFC)

How to Register a criminal case (contd.)

- Non-bailable (Challenge the bail)
- Oppose , if machine is released
- If released by the court, go & challenge in appeal
- Do not de-seal it
- Criminal case other than police
- AA or representative to be present for every date of *hearing*
- Daily Diary

How to Register a criminal case (contd.)

- Lacuna, Technical fault may be considered as help to Accused
- Address – decoy confidential
 - Police protection to witness
- Expenses
- Charge frame (Altering the charge)
- Application to State Medical Council for suspension & follow the same

Legal documentation checklist

REFER ANNEX 17 OF SOGs

Sr.No	Legal Issue and Document	Sections and rules
I	<i>TECHNICAL</i>	
1	Notification of Appropriate Authority	S.28(a), S.7
2	Appointment Letter	
3	Power Delegation Letter	
4	Statements- Witnesses	C. R. P. C
5	Inspection Report of appropriate authority	S. 20(a)
6	Suspension Letter	
7	Show cause Notice	
8	Notice of Advisory Committee meeting	S. 17 (4) (c)
9	Resolution for Cancelation	S. 20
10	Copy of the Answer received from the accused if any if supporting the case	
11	Cancelation Letter sent to the accused	S. 20

Legal documentation checklist

REFER ANNEX 17 OF SOGs

Sr.No	Legal Issue and Document	Sections and rules
II	PANCHANAMA	
	1. Documents	
	a) 5 point register of sonography	
	b) F Form Register	R. 9 (1)(4)
	c) OPD Register	
	d) Consent Register	S.5, R.10(2)
	e) Declaration Register	R. 10 (1-A)
	f) Referral Slips	S.29, R.9 (4)
	g) Birth registration register	
	h) Ultra Sonography Reports Register	S.29
	i) Monthly reporting file to Appropriate Authority	R. 9 (8)
	j) Photo of Board	R. 17 (1)
	k) Copy of the Book of the Act l) Receipts Book	R. 17(2)

Legal documentation checklist

REFER ANNEX 17 OF SOGs

Sr.No	Legal Issue and Document	Sections and rules
II	PANCHANAMA <i>2. Sonography Machine with details of number, company etc.</i>	S.30 – R.12- Search & Seize
	a) Probe	
	b) Computer	
	c) C.C.TV & Recorder	
	d) Currency notes if seized	
	e) Quotation File	
	f) Purchase File	
	g) Registration correspondence File	S. 18 , R.6(1)
	h)Registration Cetificates-2 Copies-Original	S. 19 (4), R.6(2)
	<i>3. Statements of Witness to the registration procedure</i>	C.R.P.C
	1)Panchnama- original	
	2)one of the Panch is Gov. servant	
	3) Whether the Panchnama is in Format	

Legal documentation checklist

REFER ANNEX 17 OF SOGs

Sr.No	Legal Issue and Document	Sections and rules
III	Statements duly signed by appropriate authority saying 'Before Me'	
1	Decoy Affidavit	
2	Decoy statement	
3	Statement of witness	
4	Revenue Officer	
5	unedited cd if spy camera and recorder used	
6	script of the conversation in cd and recorder	
7	Statement of the accused	
8	Confession Letter of the accused	
9	Statement of the paramedical staff	

How to handle the complaint

- After receiving complaint – Don't just enquire but investigate
- If complaint is on phone call – Ph. Number, Time and Recording (if possible)
- Visit the place Registered / unregistered & investigate as per Law & CRPC
- Conduct Search Seizure
- Record the statement, Conduct the *panchanama*, Inspection report
- File the case
- Suspend the Center
- Call urgent meeting of DAC to cancel the registration

How to handle the complaint (contd.)

- If 15 days notice along with complaint --
- Call the complainant
- Take his/her statement & then investigate the complaint
- Collect original documents / evidence (if any) from complainant
- Take cognizance of complaint as early as possible
- Ensure *Panch* & Witnesses are protected
- ‘Anybody’ who contravenes is punishable

How to conduct Decoy Operation

- Trustworthy woman – 14 to 20 weeks pregnant – Counsel her & her family
- Affidavit
- Two witnesses
- Audio , Video
- 2 *Panch* & 3 witness
- AA at Headquarter
- Phone number of Police station, media, other officials

How to conduct Decoy Operation (contd.)

- AA should visit the center immediately to ensure ‘evidence’ should not get vanished
- Accused to be taken – to custody ; detain & enquire
- Communication by accused is to be banned – Phone switched off
- Search currency notes
- Statement of accused
- Confession letter

How to conduct Decoy Operation (contd.)

- Statements of decoy & witnesses
- Proper inspection
- Script of Audio & Video recording during decoy operation
 - Not to 'edit' , may lose evidential value
- Video recording during investigation procedure
- Can take 'media' help



THANKS