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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
MCRC No. 39865 of 2023**

(RADHE @ RADHESHYAM SINGH TOMAR Vs THE STATE OF MADHYA PRADESH)

Dated : 30-10-2023

Shri Mayank Pathak - Advocate for the applicant.

Shri R.S. Kushwaha - Deputy Advocate General and Shri Shiraz Qureshi
- Public Prosecutor for the respondent/State.

1 . Applicant is facing allegation of intimidation meted out to complainant/witness Omprakash Sikarwar.

2 . In the present case, this Court vide orders dated 25.09.2023 and 18.10.2023 issued certain directions to the Police, Head Quarter, Bhopal and State Informatics Center (SIC) to collaborate for synchronization of ICJS (Inter Operable Criminal Justice System) and "SANDES APP" which is created by the Government of India/NIC for Inter Departmental Communication. If ICJS and SANDES APP are connected then Police Authorities can create SANDES GROUPS with crime numbers (especially of heinous offences) in which SHO, Police Station, Investigating Officer, Public Prosecutor, Court Munshi and other material prosecution witnesses/eye witnesses and complainant/victim can be added. This Court has already issued directions vide order dated 28.09.2022 passed in MCRC No.41617/2022 (**Bantu @ Dharmendra Gurjar Vs. State of M.P.**) and thereafter, in the case of **Vijendra Singh Sikarwar Vs. State of M.P. and others** reported in **2023 SCC OnLine MP 3129** in which direction for creation of "WhatsApp Group" (Read- SANDES GROUP) was contemplated in which complainant, SHO Police Station, Investigating Officer, Public Prosecutor, Court Munshi and other material prosecution witnesses/eye witnesses/complainant were directed to be added (in first phase) and some

other witnesses like Doctors/Forensic Experts etc. were to be added in that WhatsApp Group (SANDES APP Group) in second phase.

3 . Purpose is to bring connectivity and communication of complainant/victim with the Investigating Office/Public Prosecutor and other stake holders. Through this mechanism, intimidation/threat to the prosecution witnesses regarding evidence would be minimized at the earliest and Witness Protection would also be ensured pro-actively. Spirit of order passed by the Apex Court in the case of **Mahendra Chawla and others Vs. Union of India and others** reported in **2018 SCC Online SC 2678** would also be ensured.

4. In conspectus of facts situation and for speedy trial and victim/witness protection, creation of "SANDES GROUP" for every heinous offence is imperative and need of the hour.

5. Therefore, Deputy Advocate General for the State is directed to seek instructions from NIC and SIC about the synchronization of "SANDES APP" with ICJS so that if any "SANDES GROUP" is created by Police Authorities like in the present case then it should be helpful for police as well as for prosecution witnesses for communication during pendency of trial. This way it would become part of ICJS and thus later on connected with C.C.T.N. and other related systems. Witness intimidation can also be looked into by the Police Authorities if any complaint is made in this regard by the complainant over the said Group. Detailed discussion has already been made in the case of **Vijendra Singh Sikarwar (supra)**.

6. Therefore, learned Deputy Advocate General is directed to send a copy of this order alongwith the orders as referred above to NIC and other stake holders to explore the possibility as contemplated by this Court.

7 . Director General of Police, Bhopal, Inspector General of Police,

Gwalior Zone and SSP, District Gwalior shall coordinate and cooperate in this regard for creation of SANDES Group.

8. Copy of this order be sent to Director/In-charge, N.I.C., Delhi, Director S.I.C., Bhopal, Director General of Police, Bhopal, Inspector General of Police, Gwalior Zone and SSP, District Gwalior for information and compliance.

9. List this case on **21.11.2023**.

(ANAND PATHAK)
JUDGE

Rashid

