

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRIMINAL) NO.3543 of 2020

PARAMVIR SINGH SAINI

...PETITIONER

VERSUS

BALJIT SINGH & OTHERS

...RESPONDENTS

R.F. Nariman, J.

1. We have heard Shri K.K. Venugopal, learned Attorney General for India, Ms. Madhvi Divan, learned Addl. Solicitor General of India, Shri Siddhartha Dave, learned Senior Advocate (appointed as Amicus Curiae, vide Order dated 16.7.2020), Ms. Nitya Ramakrishnan, learned counsel appearing on behalf of the intervenor and the learned counsel appearing on behalf of the respective States and Union Territories.
2. This Court, vide Order dated 03.04.2018 in SLP (Crl) No. 2302 of 2017, reported as **Shafhi Mohammad v. State of Himachal Pradesh** (2018) 5 SCC 311, directed that a Central Oversight Body (hereinafter referred to as the "COB") be set up by the Ministry of Home Affairs to implement the plan of action with respect to the use of videography in the crime scene during the investigation. This Court,

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while considering the directions issued in **D.K. Basu Vs. State of West Bengal & Others** (2015) 8 SCC 744, held that there was a need for further directions that in every State an oversight mechanism be created whereby an independent committee can study the CCTV camera footages and periodically publish a report of its observations thereon. The COB was further directed to issue appropriate instructions in this regard at the earliest.

3. This Court further directed that the COB may issue appropriate directions from time to time so as to ensure that use of videography becomes a reality in a phased manner, the first phase of which be implemented by 15.07.2018. The crime scene videography ought to be introduced at least at some places as per viability and priority determined by the COB.
4. Pursuant to the aforesaid directions a COB was constituted by the Ministry of Home Affairs on 09.05.2018 (as per the Affidavit dated 26.07.2018) to oversee the implementation of the use of photography and videography in the crime scene by the State / Union Territory Government and other Central Agencies, to suggest the possibility of setting up a Central Server for implementation of videography, and to issue appropriate directions so as to ensure that use of videography becomes a reality in a phased manner. Accordingly, directions were issued to the Administrators of the Union Territory, State