

OFFICE OF THE ADDL. DIRECTOR GENERAL OF POLICE, CRIME, PUNJAB,  
CHANDIGARH

CIRCULAR ORDER No. 1/2005

In criminal appeal No.144-145 of 2004; Jacob Mathew versus State of Punjab & Others, the Hon'ble Supreme Court while delivering the judgment on Aug. 05, 2005 laid down following guidelines which should govern the prosecution of doctors for offences of which criminal rashness or criminal negligence is an ingredient:-

1. The investigating officer should, before proceeding against the doctor accused of rash or negligent act or omission, obtain an independent and competent medical opinion preferably from a doctor in government service qualified in that branch of medical practice who can normally be expected to give an impartial and unbiased opinion applying Bolam's test to the facts collected in the investigation. (Bolam's test is summarised at Annexure - A).
2. A doctor accused of rashness or negligence, may not be arrested in a routine manner ( simply because a charge has been levelled against him).
3. Unless his arrest is necessary for furthering the investigation or for collecting evidence or unless the investigation officer feels satisfied that the doctor proceeded against would not make himself available to face the prosecution unless arrested, the arrest may be withheld.

These instructions shall be meticulously complied with while investigating cases of medical negligence.

*Sd/-*  
For Addl. Director General of Police,  
Crime, Punjab.

No. 18172-95/CR/LA-1, dated, Chg. the: 5-10-05  
Copy of the above is forwarded to the following for meticulously compliance:

1. All distt. SSPs in Punjab.
2. AIG/GRP, Punjab, Patiala.

*Sd/-*  
For Addl. Director General of Police,  
Crime, Punjab.