

POLICE CIRCULAR ORDER NO. 246/82

Subject : Maintenance of a Register known as "Register of accused persons shown as absconding in the charge sheet".

The absconder register, which is being maintained at the P.-S. and D.P.O., relates to persons who are declared to be absconding after exhausting all legal processes. In cases in which the accused persons are reported to be absconding at the time of submission of C.S., warrants are issued by the Magistrates after taking cognizance of the cases for the appearance of the accused persons concerned. On receipt at the P.-S. the warrants are entered in the Process register and necessary action is taken to execute the same.

2. Under the existing procedure relating to the maintenance of the Process Register at the P.-S. the local police is found to be losing track of accused persons who are not available to them till the submission of C.S. and consequently effective follow-up action is not being taken by them after submission of the C.S. to obtain warrants from the courts against the accused persons shown as absconding in the C.S. and to pursue matters relating to execution of processes in respect of them with a view to ensuring their appearance/production in the courts.

3. In order to overcome the above mentioned difficulties, it is ordered that a register known as the "Register of accused persons shown absconding in the charge sheet" should be maintained at each P.-S. as per the following *pro forma* in which entries should be made showing the names of accused persons shown absconding in the charge sheet, in column 1 and the relevant case reference etc. in column 2. the O.I.C. of the P.-S. and the C.S.I. of the Court should pursue the matter and ensure receipt of N.B.Ws. against those persons at the P.-S. As soon as N.B.W. is received at the P.-S., an entry to that effect should be made in columns 3 and 4 against the name of the persons concerned giving the cross reference of the relevant entry of the process register and the G.R. case reference at column 5. the N.B.Ws. should be executed promptly by the P.-S. staff and an entry made against the name of the person in column 6 about the date of arrest and forwarding to Court. Whenever any accused surrenders in the court and is released on bail by the Court, the C.S.I. should intimate the fact to the P.-S., whereupon an entry to that effect should be made in column 7.

4. In order to pursue the matter relating to issue of N.B.Ws. against persons shown as absconding in the C.S., C.S.Is. should also maintain a similar register, P.S. wise. If the person concerned directly appears or surrenders in the Court and is released on bail the C.S.I. shall note the same in the Register and intimate the fact to the concerned P.S. Whenever any N.B.W. is recalled by the Court, the fact should be noted by the C.S.I. and the O.I.C. of the P.-S. column 8 of their respective Registers.

5. The Registers should be inspected and scrutinised by superior officers who should satisfy themselves that concerned police officers have not lost track of the accused persons shown absconding in the C.S. and have taken prompt and effective action for their apprehension and production in courts.

PRO FORMA

"Register of accused persons shown absconding in the chargesheet"

Name of accused persons shown absconding in the C.S.	Relevant case ref.	Date of issue of N.B.W. by court.	Date of receipt of N.B.W. at P.-S.	Cross ref. of the relevant entry of the process Register & G.R.ref.	Date of execution of N.B.W. date of forwarding to court.	Date of surrender of accd.in the court and release on bail by the court	Date of recall of N.B.W.	Remarks
1	2	3	4	5	6	7	8	9

Director-General of Police, Orissa, Cuttack

COLUMNS OF THE REGISTER

Name of Accd. person	Case in which arrested	Date of arrest	Date of release on bail	Date of receipt of C. S.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Whenever an accused is released on bail by the court in the normal course before expiry of the said period, an entry should be made the C.S.I. to that effect in the register in Col. (4) and he shall intimate this fact to the I.O., C.I./I.I.C., S.D.P.O. and S. P. Entry should be made in Col. (5) of the register by the C.S.I. as soon as C.S. is received in the court office in the case. It shall be the responsibility of the C.S.I. to prepare a report daily, 15 days in advance of the due date of expiry of 60/90 days from the the date of arrest of the accused persons in respect of all cases in which final form has not been received by him and send copies thereof to the I.O.,C.I./I.I.C., SDPO and the S.P. by name. This report should be scrutinised by the controlling officers daily who should take necessary action, sufficiently in advance, to close the investigation of the case concerned, in time and ensure receipt of the final form in the Court Office, before the due date of release of the accused persons. It should be the responsibility of the C.S.I. to put up the F.F. before the Court without any loss of time.

Where on account of wholly unavoidable reasons it is not possible to complete the investigation within the prescribed period, the prosecuting agency may be advised in advance to move the court for imposing such conditions for release on bail as might effectively prevent any prejudice to the investigation or prosecution and attempt to jump bail. This procedure should particularly be followed in respect of cases where charge-sheet is likely to be submitted or it is reasonably apprehended that on being released on bail, the accused persons might tamper with the evidence, intimidate the witnesses or resort to similar other activities. Credit-worthiness/solvency of sureties offered by accused persons should be promptly and carefully scrutinsed and objections on this account, if any, should be placed before the court through the P.P./A.P.P. concerned. The C.S.Is. of Court offices should maintained proper liason with the A.P.Ps. concerned in these matters and take prompt action to collect information about solvency of sureties and furnish the same to the A.P.Ps. in time. The A.P.Ps. may be requested to take time from the courts for the purpose whenever it is felt necessary.

In the light of the above, you are requested to pay special attention to this aspect of the matter and ensure that the instructions are scrupulously followed by all concerned. All cases in which investigation has been prolonged beyond 60 days or 90 days, as the case may be, should be reviewed by you with a view to finding out the lapses, if any on the part of the Investigating Officers concerned and stringent action should be taken against the defaulters in appropriate cases.

In this regard your attention is also drawn to P.C.O. 214, wherein the provisions of the Cr.P.C. relating to expeditious investigation of cases by Police as well as the need to alert the I.Os. of their responsibilities in that regard have been emphasised.

Director-General of Police, Orissa.