

POLICE CIRCULAR ORDER NO. 211/13

In Banamali Das's case reported in 1960 C. I. .L. 332, the Orissa High Court expressed the view, after analysing the principle of law, that it is the duty of a Police Officer, as soon as fresh facts come to light, to re-open an investigation which has already been closed. In such cases he should examine if the original prosecution report requires any modification or not. This sort of duty may continue even after the commitment proceeding is over. Further, after conviction, if fresh facts come to the notice to Police Officers, which may have a bearing on the innocence of the convicted persons, they should bring them to the notice of the appellate Court so that additional evidence may be recorded and innocent person can be saved from punishment. On the other hand if any person is convicted and subsequent facts coming to the notice of Police proves his innocence, Government should be moved to remit his sentence.

Thus after the submission of charge-sheet if fresh facts bearing on the innocence or otherwise of the accused is brought to light, there is no bar to reopen investigation or test the case by a supervising Officer. Action is being taken to amplify the P.H. Rule 48 (e) suitably.

Sd/ R. K. Padhi, I.P.
Inspector-General of Police, Orissa, Cuttack.