

POLICE CIRCULAR ORDER No. 72

The staff of the Enforcement and Anti-Corruption Department consists of officers drafted partly from the Police Department and partly from the Department of Supplies. The officers of the former category being full-fledged Police officers have all the powers of arrest under the law. Those of the latter category, however, have no specific authorisation for making arrests and therefore stand on the basis of private persons and in that capacity can make arrest only under section 59, Cr. P. C.

Custody of persons arrested by the officers of the Enforcement and Anti-corruption Department.

2. However, when a person is arrested by an officer of the Enforcement and Anti-Corruption Department he should be produced before the officer-in-charge of the nearest police-station (Unless he produces him before the Magistrate himself) and the latter will then take charge of him, arrange for custody at the police-station and subsequent production before the Magistrate. This applies to arrests made by officers of both the categories. In connection with the arrests made by the officers drafted from the Supply Department, however, clause 3 of section 59, Cr. P. C., allows certain discretion to the officer-in-charge but it should be exercised with due caution and only in really deserving cases.

3. When producing an arrested persons before the officer-in-charge of a police-station an officer of the Enforcement and Anti Corruption Departments will furnish to the former two reports, namely, (i) one addressed to the Subdivisional Magistrate concerned stating facts and circumstances of the arrest and requesting for intermediate custody, and (ii) another to the officer-in-charge asking him to take charge of the accused and forward him to the Magistrate. The officer-in-charge will grant a receipt for the reports and the accused taken charge of and in due course will forward the same (excepting the report addressed to himself) to the Magistrate with a forwarding memo. of his own.

NOTE—The term officer-in-charge in this circular should be interpreted according to its definition in the Cr. P. C.

(Previous police circular order No. 6 of 1953)