

POLICE ORDER No. 43

Misjoinder
of Charges
in Department
Proceedings.

Instances have recently come to notice of misjoinder of charges in departmental proceedings. The following instructions are issued for the guidance of officers :—

1. In cases where an accused is charged with more than one offence, every offence unconnected with the others in point of fact and of time must be the subject of a separate charge in a separate proceeding and each proceeding must contain the evidence, the defence and the finding relating thereto.

2. If a witness or document furnishes evidence in respect of more than one charge, a copy of the relevant portion of the evidence or document shall be placed in each of the proceedings to which the connected evidence or document refers.

3. The character of the accused and the final order need only be recorded in the proceedings form appertaining to the last of a series of charges, which should also contain a complete copy of the findings in the other proceedings in the series.

4. These instructions, however, do not apply to offences of different kinds committed at one time. For example, if an accused disobeys an order, assaults his superior officer and tears his own clothing, all within a period of a few minutes, all the offences may be dealt with in one proceeding. If, however he is drunk one day and in consequence of being reported assaults his superior officer on the next day and then tears his own clothing in support of a false accusation against the latter, the charges should be in at least two separate proceedings though the orders may be recorded in one only.

Manual reference

Appendix-49

(Previous Police Order Reference No. 6 of 1946)