

POLICE CIRCULAR ORDER No. 168

Copy of letter No. 9929 915) CB, dated the 26-7-1960 from the Inspector-General of Police Orissa, Cuttack to all Superintendents of Police, Orissa, Additional Superintendent of Police, Rourkela and Deputy Superintendent of Railway Police, Orissa, Cuttack.

A question has been raised that in order to avoid delay in investigation, the A.S.-Is, in charge of out Posts should be authorised to register and investigate cases independently within their respective jurisdictions in view of the fact that they are usually selected from amongst the well-experienced personnel of the rank.

Investigation
of cases by
A.S.-I. in
charge of
Orissa
Police

As the law stands at present, the A.S.I or even an S.I. in charge of an outposts, which is a subordinate post under a police-station, has got no legal status so far as the initial action of recording the F.I.R. under section 154, Cr. P. C. is concerned. Further Section 154 Cr.P.C. read with sections 256 and 157 therefore, clearly indicate that the O.I.C. of a police-station alone has the power to take cognizance and investigate a cognizable case. The Officers left in charge of O.Ps. derive their authority for investigation from the O.I.C. of the parent police-station under section 157, Cr.P.C. and as such, they cannot legally draw up F.I.Rs. and take up investigation *sou-motu*, even if they come across the same. They can only reduce the version of the complainant/informant into writing, as any scribe does, and send the same, the O.I.C. of the parent police-station for taking necessary action thereon. It is, however, incumbent on them to take such preliminary steps of investigation, viz., guarding the scene of crime, apprehension of offenders, seizure of property as envisaged under section 550 Cr.P.C. etc., pending the orders/direction of the O.I.C. of the police-station.

In view of the above it will be irregular/illegal to invest the powers of registration and investigation of cognizable cases upon the S.Is./A.S.Is. in charge of O.Ps. under the existing provisions of the law.

(Previous Police Circular Order No. 10 of 1963)