

POLICE CIRCULAR ORDER No. 174

Prosecution
of witnesses
who retracts
from their
statements
recorded
under
section 164,
Cr. P. C.

Instances are on the increase where the witnesses whose statements are recorded under section 164, Cr. P.C. retract from the same during trial. In such cases they should not escape from the punishment for perjury.

2. In this connection attention of all Officers are drawn to the provision under section 479-A., Cr. P.C., under which the trying Courts are authorised to initiate proceedings with a view to institute prosecution under section 193, I.P.C. against such witnesses for the eradication of the evils of perjury.

3. The District Superintendents of Police should issue suitable instructions to the proceeding staff to move the Court in time for necessary action under section 479-A., Cr.P.C. in such circumstances with a view to prosecute the witnesses concerned under section 193, I.P.C. In case the trying Court refuse to do so, the orders be obtained in writing and revision against the order be filed in suitable cases.

(Previous Police Circular Order No. 3 of 1964)