

POLICE CIRCULAR ORDER No. 186

SUBJECT—Institution of F.I.Rs. and investigation of cognizable offences under special laws.

Some instances have come to notice where Police submitted non-F.I.R. prosecution reports in cognizable offences under the special laws and did not institute any K.F.I.R. or conducted any investigation in accordance with the provisions in the Criminal Procedure Code. In some of the special laws such as the D.I.R. and Criminal Law Amendment Act, 1932, a report in writing by certain category of officer has been laid down as a proceeding condition for taking cognizance of an offence by the Court and this has presumably led to an erroneous assumption that simply a prosecution report in writing by such an officer would suffice, even though the offence may be cognizable by virtue of the punishment it carries or specifically made so by the statute itself. The fact that cognizance may be taken by a Court on such a written report, however, does not dispense with the necessity of a Police Officer registering and investigating the case in accordance with the relevant provisions of the Criminal Procedure Code, before he actually makes a report for the alleged offence. It is therefore, impressed on all Police Officers that in such offences the regular procedure of registration and investigation of cognizable crime should be followed. The report submitted after completion of investigation of such offences would no doubt satisfy the requirement of Section 173, Cr.P.C. as well as the special provision of the statute concerned in this behalf. The position would, however, be different when the special law itself is a self-contained one making provisions in detail as to the procedure of dealing with offences thereunder.

The above instructions have the concurrence of the Law Department of the Government.