

POLICE CIRCULAR ORDER NO. 254/83

Section 102 (3) Cr. P.C. makes provision authorising a Police Officer to give custody of certain types of properties, seized by him, to a person on his executing a bond undertaking to produce the same before the court as and when required. As a matter of practice the zimanamas (bonds) executed by the persons, concerned, are sent to the court by the thana officers under a Malchalan for taking necessary action during the trial of the cases.

(2) It has come to notice that the clerks-in-charge of court Malkhanas are not accepting the zimanamas as property and directing to send the same to the court for being filed with the records of the cases, concerned. Those are thus received back at the P.-Ss. and retained there as those could not be sent more documents to the court. Consequently, the prosecution is handicapped for want of the zimanamas and due to non-production of the property, released thereunder, during the trial of the cases. In order to obviate these difficulties the following instructions are issued, which should be scrupulously followed by all police officers henceforth.

(3) The zimanamas should be prepared in duplicate by the police officers while giving custody of seized properties to any person. The original copy shall be sent to the C.S.I. along with the seizure list, who shall grant a receipt for the same to the P.-S. The duplicate copy of the zimanama shall be retained at the P.-S. along with the receipt granted by the C.S.I. till final disposal of the property, concerned, under orders of the court.

(4) The C.S.I., while putting up the zimanamas or handing it over to the Magistrate shall ensure that an order is recorded in the order sheet of the case to that effect.

Whenever zimanamas are sent to the court along with the C.S. a specific mention should be made by the I.O. in the appropriate column of the C.S. about the same and it should also be included in the list of enclosures to the C.S.

(Law 18/03)
H/9/8

Director General of Police, Orissa