

POLICE CIRCULAR ORDER No. 37

During the past year a number of dacoity cases have ended in acquittal, and an examination of the records indicate that the acquittals were justified and were largely due to the lack of sufficient care on the part of the Police in which both investigating and supervising officers were to blame.

Acquittal of
dacoity
cases—
Instructions

Defects in the drawing up of the F.I.Rs. were noticeable in almost all these cases. In some instances, the F. I. Rs. did not contain any description whatsoever either of the culprits or of the stolen property, indicating that the informant was unable to give any information on these important points. But during the investigation the informant identified suspicious property recovered as well as the suspects apprehended. In the absence of any particulars in the F. I. R., this evidence of identification created suspicion and naturally the benefit went to the accused.

Gross in identification parades have also adversely affected the results in some cases. In a Sambalpur case, the identification parade was not only held piece-meal but what was worse, it was presided over by a private individual whose respectability was not evident. During trial the identifying witnesses stumbled badly and failed to identify the accused, so that the whole show was looked upon with great suspicion and it cast a reflection upon other evidence also.

In some cases, house searches were conducted without sufficient care and precaution. Too many persons, who were invited to witness searches and were produced in Courts for examination, made discrepancies in their statements giving rise to suspicion, while careless preparation of search lists allowed loopholes to creep in and gave considerable advantage to the defence. The careless examination of recovered properties was also damaging to the prosecution in some cases. All these defects and irregularities indicated that while investigating officers have generally failed to perform their duties carefully and in accordance with the rules, supervising officers have been far from thorough in their supervision and control.

The serious attention of all officers is directed to these comments and the excuse of inexperience will no longer be accepted.

(Previous Police Circular Order No. 2 of 1950)