

POLICE CIRCULAR ORDER No. 68

Disposal of
Criminal
Proceeding
in Court.

On the basis of discussions held in a Conference in the Secretariat on the 26th August 1952, the following instructions are issued for the guidance of all Police officers concerned in connection with the disposal of Criminal Proceedings in Court :—

(1) All possible attempts should be made for the disposal within the next 6 months of all cases pending trial; for more than a year.

(2) In warrant cases the charge may be framed as soon as a *prima facie* case is made out, without waiting for the completion of the examination-in-chief of all the prosecution witnesses. Prosecuting Officers should request the court for such action when necessary.

(3) The present practice of sending complaints in non-cognizable cases to the Police for enquiry under section 202, Cr. P. C., is to be discouraged. S. Ps. will report to their range D. I.-Gs., instances of misuse of the power under this section for being taken up by the latter with the Commissioners (Members. Board of Revenue).

(4) Enquiry into proceedings under section 107, 109 and 110 Cr. P. C. should be held locally either by the Subdivisional Magistrates or by a first class Magistrate other than those who try Police cases, Prosecuting Officers will move the S. D. M. accordingly.

(5) The Investigating Officers will fix the dates of first hearing in each case of charge-sheet and will be responsible for arranging appearance of all their witnesses (excepting those who require summons) on that date. For attendance on subsequent dates, necessary bonds are to be taken by the court concerned.

(6) The strength of the prosecuting staff necessary at each station where trials are held should be examined and if necessary, augmented, the yard-stick being I. C. S. I. for each 150 G. R. cases. S. P's will submit their reports in this connection as soon as possible through their Range D. I.-Gs'.

(7) Issue of summons for the appearance of witnesses and accused persons should be checked by the C. S. Is. with reference to connected registers maintained in the Munshi Khana and Nizarat of the Magistracy.

(8) The Dairy Report of under-trial cases prepared by the C. S. I. in accordance with P.M. Rule 308 will be shown to the S. D. M. or in his absence to the Magistrate-in-charge, before being submitted to the S. P.

(9) Absence of accused persons and witnesses without good reason should be suitable dealt with.

(10) High priority should be given to the enquiries and trials of cases against Government servants specially Police Officers.

(11) When opposing applications for bail, if is necessary for the C. S. I. concerned to put in a petition giving specific grounds in support. Instance in which bail is granted to persons repeatedly committing serious offences against property should be brought to the notice of the Board of Revenue by the range D. I.-Gs. and for this purpose the Superintendents will report such instances to the latter whenever they occur. Instances in which C. S. Is. are not consulted by the Magistrates when granting bail and are not allowed opportunity to verify the fitness of sureties before they are accepted should also be similarly reported to the Board.

(12) When a date is to be fixed for the examination of a Police Officer, the C. S. I. should check up the dates on which the officer is required to give evidence in other cases and request the Magistrate to fix the new date so that the officer may not have to come too frequently for the purpose of giving evidence.

(13) Co-operation meetings between Magistrates and Police Officers should be held at different levels once a quarter, so as to synchronise with the Police Crime Meetings. All outstanding matters should be discussed on such occasions. This does not preclude the constant consultation and contact between them.

Manual reference

.. Rules 156 (c) 177,246,305,306,308 and 323.

(Previous Police Circular Order No. 2 of 1953)