

POLICE ORDER No. 193

Delay in disposal of proceedings under the section of the Criminal Procedure Code.

The preventive provisions in the Criminal Procedure Code are meant to provide speed remedy in situations where breaches of peace and tranquility are apprehended. It is implied thereby that procedural action required to be followed therefor from the beginning till end have to be expedited at every stages. In other words whenever such a situation arises, the Thana Officers have to take speedy actions to submit the proceedings after remarking necessary enquires and collecting necessary materials and thereafter endeavour to get the proceedings expedited before the Magistrates. In emergent cases, special grounds should be made out for demanding interim bonds, for seizing the land, property or crops in dispute, as the case may be and special prayer should be embodied in the proceeding for passing necessary order in this respect. To avoid delay instead of sending the proceeding by post for obtaining necessary sanction from the Circle Inspectors/S. P. Os/S. Ps., this should be obtained through special messenger. The Court Officers should be prompt in putting up such proceedings before the Magistrates and press for passing necessary orders for taking interim bonds or for seizing the property, etc., in dispute as the the case may be where such prayers are made. It is again emphasized that such special orders cannot be passed in all the proceedings. Judicial matter of course, but special grounds have to be made out for the same and incorporate in the proceedings.

Pendency of large number of proceedings in the courts under Sections 107/145/147 Criminal Procedure Code, has become an usual feature almost everywhere and nobody seems to bother about it. There have been numerous instances where serious breaches of peace culminated in cases of rioting including murder have take place during the pendency of such proceedings in Court. Thana Circle and District Officers should not feel that their responsibility ceases after submission of proceedings, till the proceedings are disposed of in Court and necessary orders demanding bonds or declaring parties in possession, as the case may be, are passed, it means nothing. As there has to be sometime laps for observing the procedural requirements and inconducting the required enquiries after the proceedings reach the Magistrate, provision for obtaining interim bonds under section 117 (3) Criminal Procedure Code, for seizing property in dispute under section 146, Criminal Procedure Code have been made. While making prayers for taking such bonds or seizing such properties in deserving cases, the Thana Officers should take interest that the time laps for the disposal of the proceedings can be as short as possible. They shall not only ensure their attendance on due dates in Courts but also take steps so that the witnesses do also attend the Courts on due dates. They shall also take prompt steps to ensure proper service and execution of all notices, summons and orders issued in this connection.

Whenever there is any unnecessary delay the Subdivisional Police Officers and Circle Inspector shall take this up with the Subdivisional Officer at the Subdivisional level and the Superintendent of Police with the District Magistrates at district level.

For maintaining check about disposal of these proceedings it is hereby ordered that a quarterly statement of all pending proceedings under sections 107/145/117 Criminal Procedure Code shall be submitted so as to reach the C. I. D., Crime Branch by the 15th of January, April, July and October in the attached *pro forma*. The statement for the quarter ending, the 30th June 1964 showing all the cases pending till the 30th August 1964 should be submitted immediately.

It is presumed that proceedings under section 144, Criminal Procedure Code are disposed of with due expedition and necessary orders passed by the Magistrate. Whenever any delay is noticed, it should be brought to my notice through the Crime Branch giving all the necessary particulars.

There have been complains from some quarters that in many cases the Thana Officers submit proceedings under sections 107/145/147. Criminal Procedure Code not from the consideration of the real emergency but for other considerations and in some cases the first parties and second parties, in dispute are also shown in the proceedings in the reverse way for the same reason. If this is true even in a single case, it is utterly reprehensible and I would like to make it clear that very severe action will be taken against the Thana Officers concerned whenever such instances come to notice or the conduct of the officers is reasonably suspected. All Circle Inspectors should, whenever possible, supervise the cases or where supervision is not possible test them. In few cases, they should either themselves supervise or test or entrust some Gazetted Officer to do the same. Care should be S. Ps., taken to ensure that while in all deserving cases preventive actions are taken promptly, correctly impartially and honestly, in no case should it be resorted to unnecessarily for any motive, whatever.

In proceedings under sections 109 and 110, Criminal Procedure Code, also due interest and prompt action, should be taken both in the matter of submission of proceedings and their disposal in Court. All these cases must be entered in Daily Under Trial Case Reports enjoined in P. M. Rule 308 (a) and the Circle Inspectors/Subdivisional Police Officers/ S. Ps. should control the disposal of such cases from these reports. Any undue delay shall be brought to the notice of the S. D. Os./District Magistrates.

*Statement of proceedings under section 107, Cr.P. C., pending enquiry in the
Court for more than three months*

Sl. No.	P. S. and Non-F. I. R. case reference and Section.	Name of the persons	Date of submission of proceeding	Date of its receipt in Court	Magistrate C. C. of miscellaneous case reference.	Name of the Subdivision and the Court where pending.	Whether interim bond specifically prayed for and if so, the order passed by Court on the same.	State at which proceeding is pending in Court.	Reasons for pendency	Remarks (Here note step taken to expedite disposal; whether the notice of D.M. drawn regarding delay, etc.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

*Statement of Proceedings under section 145/147, Cr P. C. pending enquiry in
Courts for more than three months*

Sl. No.	P. S. and Non-F. I. R. case reference and section	Name of the parties	Date of submission of proceeding	Date of its receipt in Court	Magistrates C.C. or miscellaneous case reference.	Name of Subdivision and Court where pending.	Whether prayer for attachment of property made and if so, order passed by Court on the same.	State at which the proceeding is pending in Court	Reasons for pendency	Remarks (Here note step taken to expedite disposal, whether the notice of D.M. drawn regarding the delays etc.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)