

POLICE CIRCULAR ORDER No. 167

Court
attendance of
Police
Officers

The Hon'ble High Court have brought to the notice of Government instances of Police Officers not attending the Court even after the receipt of summons. Such absences are not only detrimental to the interest of the case, that also given ample opportunity to the defence to gain-over the witnesses and spoil the prosecution evidence. The several instances I Os. and other Police Officers have remain absent from Courts without any reasonable cause or intimation. as a result of which were compelled to issue warrants of arrest against them to obtain their attendance.

2. The reasons for absence from Courts may be on account of leave, transfer, late receipt of summons, engagement in important duty, sudden illness, late running of public conveyances, etc., but in most cases it should certainly be possible to send information about the reasons for absence to the Courts concerned by the appointed day. Failure of Police Officers to attend Courts without sending an intimation should deserve serious notice against the defaulters concerned.

3. In order to avoid the absence of Police witnesses consequent on transfers, officers going on leave or transfer must themselves hand over a list of cases in which they have to give evidence, to the C.S.I. (s) concerned so as to enable them to arrange their evidence in a number of cases on one trip or at a stretch. They should also give their addresses during leave to them. In case no adjustment on this account is possible, the C.S.I. (s) should arrange to send the summons direct to the Officers concerned by registered post instead of through his district S.P. or his home P.S. which may involve delay and at times unnecessary expenditure as well.

4. Ordinarily both the Prosecuting Officers and the defence desire to examine the I.O. last of all during the course of a trial. In case the I. O. is summoned to attend the Court at the initial stage, his evidence is not generally taken and it is postponed from day to day till all the witnesses have been examined. Summoning the I.O. in this fashion is not only determined to the public interest, but also entails heavy and avoidable expenditure under head T.A. and causes loss of man-power as well. This can easily be avoided if the Court Officers arrange the examination of the witnesses in a planned manner.

5. In many instances services= returns of the Summons issued to Police Officers are not sent back to the Court in time. Consequently the Courts are kept in the dark about the reasons for the absence of the Police Officers concerned and are inclined to make comments thereon. The non-receipt of service returns of Summons in time speaks of negligence in the office of the S.P., S.D.P.O. and the Circle Inspector through whom the Summonses pass as well as at the office/post of the Summoned officers.

6. The service return of the summons should invariably be sent to the issuing Courts through the office from which these were received. In case of short notice the summons may be sent direct to the issuing Court under due intimation to the office of the S.P./S.D.P.O. and the Circle Inspector about it.

7. It is ordered that a Summons Register for the summons issued to Police Officers showing date of receipt of the summons, name of the summonees, name of the Courts from which received, date of their despatch to the persons concerned returnable date, date of service, date of return to the issuing Courts etc. should be opened in all district Police Officers. A similar register should also be maintained by the S.D.P.O. and the Circle Inspector in respect of the summons that pass through them.

8. The D.S.P. in charge of the Crime Section in the D.P.O., the S.D.P.O. and the Circle Inspector should be held personally responsible for the proper maintenance of this register. They should go through it every day and see that the service returns have been sent back to the Courts concerned in time. If not, they should take necessary action about it early. During their absence on tour, this work may be entrusted to some particular officer named by him.

(Previous Police Circular Order No. 9 of 1963)