

Circular No.32/2010

Sub: - Cases Registered under Cr.P.C S.156 (3)–Investigation- Instructions –Reg.

There have been instances of improper investigation of cases registered under S.156 (3) of the Code of Criminal Procedure, 1973 reported from various parts of the State. The fact of registration can be used deliberately to manipulate a situation where by the accused are unnecessarily arrested. The investigation of such cases can be used to settle financial disputes, under coercion or the threat of arrest.

In this regard, the following instructions are issued for strict compliance:

- 1) In the event of a Magistrate directing the Police, under S.156 (3) Cr.P.C, to investigate a case, the Station House Officer concerned, shall forthwith register the case.
- 2) The Case should be investigated by an officer not below the rank of a Sub Inspector.
- 3) The arrest of the accused in such cases shall only be made after due investigation, and, after the Investigating Officer is fully convinced of the complicity of the accused in the crime and the need to arrest him. The need for the arrest shall be substantiated with reason in the Case Diary.
- 4) Prior information both in writing and personally over phone may be given to the immediate supervisory authority by the Investigating Officer, before proceeding with such arrest.
- 5) In cases, where a chargesheet is being submitted before Court, stating that the arrest of the accused could not be effected as the accused is absconding, sanction of the SDPO to submit the same, should be obtained, in writing, before submission to Court.
- 6) In cases, where the accused has already been released on bail from Court, the SDPO must scrutinise the investigation, and if fully satisfied, accord sanction for submission of the chargesheet to Court.
- 7) In cases where it is evident that the case has been instituted with mala-fide intent, and that there is no justifiable cause of action, the SHO concerned may take action to invoke S.182, Indian Penal Code after following mandated procedures. In such cases, the concurrence of the SDPO must be obtained before initiation of such action.

Supervisory Officers must ensure that these instructions are scrupulously adhered to. They will pay special attention to such case files during Visits/ Inspections and should deal stringently with any dereliction of the above directions. They will also review all such cases during the monthly crime conferences.

Director General of Police

To

All Officers in List 'B'.

Copy to: CAs to All Officers in PHQ
" : Circular Book/Stock File/Operation Cell