



CHANDIGARH
POLICE

OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE UT CHANDIGARH
ADDL. DELUX BUILDING, SECTOR-9, CHANDIGARH-160009

Telephone: 0172-2760001 Tele Fax: 0172-2746100 Email: pssput-chd@nic.in

No. 1389 UT/HAC dated Chandigarh the; 26.2.2020

Subject: Miscellaneous Directions.

Enclosed please find herewith Miscellaneous Directions issued from the Legal Remembrancer-cum-Director of Prosecution, Chandigarh Administration vide its memo No. LDE-(2/2017/87)-2020/1495 dated 29.1.2020 for necessary action and to ensure strict compliance.

(Rajeev Kumar Ambata)
Dy. Superintendent of Police (Hqrs.),
For Senior Superintendent of Police,
UT, Chandigarh

Copy to:

1. All SDPOs, DSP/Crime, Oprs, EOW, W&CSU & CCIC
2. ITC Computer Section to upload the same on the Website of Chandigarh Police.

HC Sanjay Kumar

Upload to web

Kuldevi Kar
ITC/Computer
26/2/20

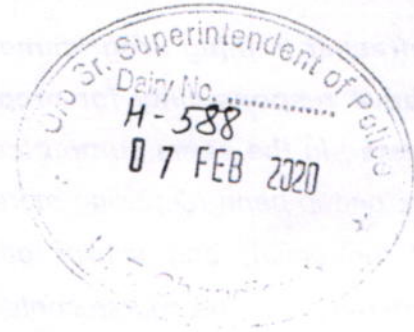
Computer Section

Rec. No. 179

Dated _____

From

The Principal Secretary (Law),
Chandigarh Administration.



To

The District Attorney(s),
U.T., Chandigarh.

Memo No. LDE-(2/2017/87)-2020/ 1495
Dated, Chandigarh the 29-1-2020

Subject: Miscellaneous Directions.

DSP HQ - on file

Reference on the above cited subject.

[Signature]
SSP
5.2.2020

The Hon'ble Supreme Court of India in State of Gujarat Vs. Kishanbhai etc, (2014) 5 SCC 108 gave "**directions that on the completion of the investigation in a criminal case, the prosecuting agency should apply its independent mind, and require all shortcomings to be rectified, if necessary by requiring further investigation. It should also be ensured, that the evidence gathered during investigation is truly and faithfully utilized, by confirming that all relevant witnesses and materials for proving the charges are conscientiously presented during the trial of a case. This would achieve two purposes. Only persons against whom there is sufficient evidence, will have to suffer the rigors of criminal prosecution. By following the above procedure, in most criminal prosecutions, the concerned agencies will be able to successfully establish the guilt of the accused.**

Every acquittal should be understood as a failure of the justice delivery system, in serving the cause of justice. Likewise, every acquittal should ordinarily lead to the inference, that an innocent person was wrongfully prosecuted. It is therefore, essential that every State should put in place a procedural mechanism, which would ensure that the cause of justice is served, which would simultaneously ensure the safeguard of interest of those who are innocent. In furtherance of the above purpose, it is considered essential to direct the Home Department of every State, to examine all orders of acquittal and to record reasons for the failure of each prosecution case. A standing committee of senior officers of the police and prosecution departments, should be vested with aforesaid responsibility. The consideration at the hands of the above committee, should be utilized for crystalizing mistakes committed during investigation, and/or prosecution, or both. The Home Department of every State Government will incorporate in its existing training programmes for junior investigation/prosecution officials course- content drawn from the above consideration. The same should also constitute course-content of

R-873/DSP, HQ
18/HS/UT/HAC 07-02-2020
11-2-20
Phat
29/1/2020

HAC
[Signature]
DSP, UD
07/02/2020

refresher training programmes, for senior investigating/prosecuting officials. The above responsibility for preparing training programmes for officials, should be vested in the same committee of senior officers referred to above. Judgments like the one in hand (depicting more than 10 glaring lapses in the investigation/prosecution of the case), and similar other judgments, may also be added to the training programmes. The course content will be reviewed by the above committee annually, on the basis of fresh inputs, including emerging scientific tools of investigation, judgments of Courts, and on the basis of experiences gained by the standing committee while examining failures, in unsuccessful prosecution of cases. We further direct, that the above training programme be put in place within 6 months. This would ensure that those persons who handle sensitive matters concerning investigation/prosecution are fully trained to handle the same. Thereupon, if any lapses are committed by them, they would not be able to feign innocence, when they are made liable to suffer departmental action, for their lapses.

On the culmination of a criminal case in acquittal, the concerned Investigating/Prosecuting Official(s) responsible for such acquittal must necessarily be identified. A finding needs to be recorded in each case, whether the lapse was innocent or blameworthy. Each erring officer must suffer the consequences of his lapse, by appropriate departmental action, whenever called for. Taking into consideration the seriousness of the matter, the concerned official may be withdrawn from investigative responsibilities, permanently or temporarily, depending purely on his culpability. We also feel compelled to require the adoption of some indispensable measures, which may reduce the malady suffered by parties on both sides of criminal litigation. Accordingly we direct, the Home Department of every State Government, to formulate a procedure for taking action against all erring investigating/prosecuting officials/officers. All such erring officials/officers identified, as responsible for failure of a prosecution case, on account of sheer negligence or because of culpable lapses, must suffer departmental action. The above mechanism formulated would infuse seriousness in the performance of investigating and prosecuting duties, and would ensure that investigation and prosecution are purposeful and decisive. The instant direction shall also be given effect to within 6 months."

In compliance of the aforesaid directions of the Hon'ble Supreme Court of India, all the District Attorney(s) / Public Prosecutors / Assistant Public Prosecutors are directed to strictly adhere to the following directions:

1. To follow the directions related to the Challan checking i.e. Police Report prepared under Section 173 of Cr.P.C especially relating to the rape case, POCSO Act, SC/ST (POA) Act, PNDDT Act, NDPS Act, MIP Act, Crime against Women i.e. cases registered under Section 304-B, 306, 307, 354-A to 354-D IPC, acid attacked, all heinous crimes, Drugs Act, cheatings/forgery and other

Prabir
29/11/2020