No. L/382 UT/HAC dated Chandigarh the; 26.2.2020

Subject: Standard Operative Procedure (SOP) regarding investigation.

Enclosed please find herewith Standard Operative Procedure (SOP) regarding investigation issued from the Legal Remembrancer-cum-Director of Prosecution, Chandigarh Administration vide its memo No. LDE-(2/2017/87)-2020/1486-87 dated 29.1.2020 for necessary action and to ensure meticulous compliance.

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

Copy to:
1. All SDPOS, DSP/Crime, Oprs, EOW, WACSU & CCIC
2. I/C Computer Section to upload the same on the Website of Chandigarh Police.

HC Sanjay Kumar
Upload to web

Kirthi

[Signature]

26/2/20
The Principal Secretary (Law), Chandigarh Administration.

To

The Director General of Police, Chandigarh Administration.

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

Memo No. LDE-(2/2017/87)-2020/1486-87
Dated, Chandigarh the 29/1/2020

Subject: Standard Operative Procedure regarding Investigation.

Reference subject quoted hereinabove.

Your goodself is hereby apprised that it has been observed that there is acquittal of accused persons in criminal cases mainly due to the reasons as informed and circulated vide this department Memo No. LDE-(2/2017/87)-2020/1483-85 dated 29.01.2020 and certain suggestions have also been circulated vide said Memo dated 29.01.2020 along with a request to issue necessary directions to your subordinate officials/officers, so that a strong case may be put before the Ld. Criminal Trial Courts and conviction of accused persons could be secured.

Besides the aforesaid suggestions, it has been deliberated that a set of Standard Operative Procedure regarding Investigation should be formulated to aid the official(s)/officer(s) to conduct the investigation and prosecution in criminal cases in a uniform manner, as under:

(i) Serious/heinous offences should be classified and investigation should be entrusted to selected, trained, experienced and professionally competent investigators. They should not be burdened with other duties viz, VIP, Security, maintenance of law and orders etc.

(ii) Investigators should be fully equipped with the modern scientific tool of investigation

(iii) Scrutiny of investigation at different stages, during course of investigation, by supervisory officer should be made mandatory. Assistance of legal expert posted in the office of DGP/Senior Superintendent of Police may also be obtained. Scrutiny cell, which may consist of Deputy Superintendent of Police, Investigating Officers and Legal Functionary may be established.
(iv) Interpolations and alterations while recording FIR, statement of witnesses u/s 161 Cr.P.C. should be avoided. The real facts as explained by the complainant and witnesses should be recorded and should be inserted in case diary maintained u/s 172 Cr.P.C.

(v) Delay in recording FIR should be explained.

(vi) Prompt inspection of scene of crime and physical evidence available on scene of crime must be protected preserved and collected without wasting time.

(vii) In heinous crime, FSL team comprising Forensic Expert, in accordance with the nature of crime should be called at place of occurrence and physical evidence should be lifted, packed strictly in accordance with the procedure laid down under the law and as directed by the forensic expert.

(viii) Disclosure statement should be recorded strictly in accordance with the provisions enshrined u/s 27 of Indian Evidence Act, not in the form of confessional statement.

(ix) Monogram of seal for the purpose of sealing the articles should be legible and seal after use should preferably be handed over to the public witnesses if available on the scene of crime, not to the police official.

(x) Complainant/ public witnesses must be made aware about the procedure, legal compulsion of the police investigation so that they may repose faith in the police working and depose accordingly.

(xi) Irregularities in the preparation of search, seizure list, should not be made.

(xii) Right and relevant sections of IPC and local & Special Act may be applied. Investigating Officer may consult the seniors and legal expert before application of section.

(xiii) Documentary evidence showing the ownership of articles recovered during the course of investigation should be collected and relevant person should be cited as prosecution witnesses.

(xiv) Direction of law as prescribed under the law should be followed.

(xv) The name of all relevant persons mentioned in FIR as witness or who have been joined in the investigation must be mentioned in list of PWs to avoid the filing of application U/S 311 Cr.P.C.

(xvi) Every effort should be made to recover the weapon of offence used in commission of crime and the origin in case of illegal weapon must be traced. Sketches of weapon, recovery memo should be signed by all relevant witnesses. If the weapon is licensed one, used in commission of crime, its licence should also be made a part of investigation. Ahlmad of issuing authority must be cited as witness.

(xvii) Usually stock witnesses cited by the investigating agency turned hostile. Only reliable witnesses should be cited as prosecution witnesses.
In heinous crime, frequent meeting by the supervisory officer with the Investigating Officers should be conducted. Specific directions to the Investigating Officers should be issued by the supervisory officers and entry in this regard must be made in Case Diary.

Training programme to update the knowledge of Investigating Officer about new enactment and amendment with latest judgment should be organized regularly.

Scientific and forensic techniques should be adopted during the course of investigation.

Identification test parade of accused should be conducted strictly in accordance with the procedure laid down under Rule 26.32 of Punjab Police Rules.

Process of lifting of finger prints, foot prints etc including physical evidence from the place of occurrence should be carried out with great care and attention.

In case of Drowning, Daimtom Test should be conducted.

Psychological tool of Investigation viz Polygraphy, Brain Mapping etc should also be conducted as per need.

Pairvi officers should be expert and well acquainted with their function and duties. Evidence regarding previous conviction of accused should be placed.

To establish coordination between different segments periodical meetings should be organised.

Specific opinion about the injuries caused by specific weapon should be obtained from the Doctor by showing the weapon and wearing clothes having corresponding cut.

Copy of Post Mortem report, FSL Report, Ballistics Report, Handwriting Expert should be collected and placed.

Phone Number, permanent address of all the witnesses should be mentioned in the list of witnesses.

Complete address (temporary as well as permanent) of witnesses and accused should be mentioned.

Adhar Card of accused and public witnesses be attached with the report u/s 173 Cr.P.C.

Malkhana Mohrar of the police station be cited as a witness along with case property.

Copy of register No.19 of Malkhana Mohrar be attached with the police report.

Statement of all the witnesses be attached with the police report by mentioning the same in the list of documents attached with the police report.
In the pictorial diagram, injuries of the MLR should be shown by the doctor and Investigating Officer should ask the doctor for showing these injuries on the pictorial diagram.

In the 279, 304A IPC cases if the FIR is against the unknown person and unknown vehicle then statement of the person who produced the accused must he recorded by the Investigating Officer in order to prove the link.

Original document should be taken in police possession by the Investigating Officer especially in cheating & forgery cases, which is usually not taken by the Investigating Officer.

Signature of accused must be got compare rough hand writing expert of F.S.L. in u/s 420, 407, 468 of IPC cases, which is usually not got compared by the Investigating Officer.

Qua source of NDPS Drugs/contraband, no investigation is usually done by Police Officers.

Undue delay in sending samples to FSL must be explained, every endeavour must be made by the Investigating Officer./MM to send the samples in the FSL within 72 hours.

Notice & reply by 50 NDPS must be on separate papers and if there are more than one accused then, notice u/s 50 NDPS Act must be served to each accused separately.

Report u/s 55 of NDPS Act be endorsed by the Station House Officer

Report u/s 57 of NDPS be seen by Deputy Superintendent of Police.

Qua inventory report concerned Magistrate/Reader to such Magistrate must be cited as witness, so as to prove the inventory certificate.

Practice of deliberately not taking of doctor's opinion qua injury, in grievous injury cases and produce them in the Court in bailable offence, thereafter adding grave offence and do not re-arrest the accused persons, suspects the credibility of police working.

Investigating Officer must join all the persons in investigation to whom actual loss is caused in the cases u/s 406, 420 of IPC.

DNA tests in murder/rape cases and blood group examination should be conducted.

Investigating Officer must join in investigation two independent witnesses out of which one must be the lady, from the locality, which is mandatory in Immoral Trafficking Act cases.

Investigating Officer must take prosecution sanction order in Arms Act, P.C. Act 2005 cases and must cite concerned witness for providing the sanction order.

When offending vehicle number is disclosed in the FIR then Investigating Officer should firstly move an application to motor vehicle registering
Identification slip and conviction slip must be completed w.r.t. previous record of the accused.

In the injury cases, case property i.e. weapons of offence must be taken in a sealed parcel while taking in police possession.

Rough sketch i.e. khaka of the weapons must be prepared. In view of the decision of judgment passed by the Hon'ble Punjab and Haryana High Court, photographs of weapon recovered should be taken and should be attached with sketch of weapon.

Demarcation memo of place of occurrence, site Plan of place of occurrence and site plan of place of recovery must be prepared. Demarcation memo and recovery memo must bear signature of the concerned accused.

Blood stained cloth and blood stained earth must be taken in police possession from the place of occurrence. If available and the same should be sent to FSL.

Photographs of place of incidents must be taken during investigation in the injury and accident cases.

In the site plan of place of occurrence point of source of light must be shown, if the same was prepared in the night.

Police zimnies must be completed w.r.t. date and time and statement of witnesses must be shown in the police zimnies and case diary should be in bound volume as per the provision of 172 Cr.P.C.

Tehrir must bear the time, place and date from where it was send for lodging the FIR and there should be endorsement of the FIR, which should be signed by concerned official.

Police file and Judicial file must be paginated identically with index.

Sincere efforts must be done to join public witness in the investigation and there should be reference in this regard in the police zimni.

In the cases where electronic evidence is collected certificate u/s 65-B of Indian Evidence Act must be obtained.

Call details along with Customer Identification Application Form (CIAF), Call location, 65-B Certificate must be taken from concerned Nodal Officer and application should be moved to Nodal Officer during investigation so as to preserve the relevant record and not to destroy it as the same is needed at the time of evidence. Investigating Officer must appended full name below their signature and Investigating Officer should also ask to other expert witnesses to append their full name below their signature such as doctors etc.
authority to disclosed the name of the owner of the offending vehicle and join him in the investigation.

(lxiv) Superdar of offending vehicle and victim's vehicle must be cited in the list of witnesses along with vehicles by mentioning the registration of the concerned vehicle.

(lv) Doctors and Registry Clerk etc. must be cited as witnesses by specifically mentioning the record, which they have to produce at the time of evidence, mere mentioning the name of the witnesses is not sufficient.

(lvi) Copy of the docket must be attached with the judicial file, so that it could be clearly ascertained what articles have been sent to the FSL, in case anything necessary, is not sent to the FSL. then, same could be advised to the Investigating Officer.

(lvii) If matters / articles send to the FSL in a particular case sent to the different divisions of the FSL, then Asstt. Directors of the concerned divisions should be separately cited as witnesses, in order to avoid further moving of application u/s 311Cr.P.C.at the time of trial.

(lviii) In the cases u/s 68 of the Excise Act. liquor bottle, glasses etc. must be taken in police possession.

(lx) Specific test must be conducted by the doctors, so as to detect & estimate consumption of alcohol. Mere getting the statement regarding denial of blood and urine sample by the concerned accused is not sufficient, because in view of Apex Court judgment Selvi versus State of Karnataka, 2010 Supreme Court, samples could be obtained even by using moderate force upon the accused.

(lxi) In the cases u/s 61 of Excise Act sample must be drawn from each bottles so as to make it representative sample, mere taking of one bottle as a sample from the recovered bottles of liquor is not sufficient.

(lxii) Chemical examiner must be cited as a witness along with its report in cases u/s 61 of Excise Act.

(lxiii) Birth Certificate must be verified during investigation from the concerned authority, when the same is produced by the accused for declaring him juvenile/child in conflict with law.

(lxiv) Extra judicial confession should be corroborated by another independent witness.

(lxv) In the dowry, cruelty cases, proof of alleged dowry articles i.e. bills etc. must be taken in police possession by the Investigating Officer as far as possible.

(lxv) In many cases it has been observed that accused being superdar is cited as prosecution witness and such practice of citing accused himself as a prosecution witness must be stopped.
because as per section 315 Cr.P.C. accused cannot depose as a prosecution witness.

(lxxvi) Statement recorded u/s 161 Cr.P.C must be inserted in case diary maintained u/s 172 Cr.P.C

(lxxvii) Police report prepared u/s 173 Cr.P.C must be tiled in the Court within the prescribed period as prescribed u/s 167 Cr.P.C. otherwise the accused if under custody shall be selected from custody on bail.

(lxxviii) Police report u/s 173 Cr.P.C may be filed without production of accused.

It is therefore requested to consider the aforesaid Standard Operative Procedure regarding Investigation and issue necessary directions to your subordinate officials/officers for meticulous compliance, so that a strong case may be put before the Ld. Criminal Trial Courts and conviction of accused persons could be secured.

PHALIT SHARMA
Legal Remembrancer-cum-
Director of Prosecution,

For Principal Secretary (Law)
Chandigarh Administration

Endst No. LDE-(2/2017/87)-2020/ 1486 Dated: 29-1-2020

A copy is forwarded to the Special Secretary Home for information.