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No. 24013/09/Misc./2014-CSR.III
Government of India/Bharat Sarkar
Ministry of Home Affairs

NDCC-II Building, Jai Singh Road,
New Delhi, Dated the 24th March, 2014.

To,

1. The Chief Secretary/ The Additional Chief Secretary, All States/UTs
2. Principal Secretary, Home Department, All States/UTs

Subject:- Ensuring quality of investigation of crime.

Sir/Madam,

The advisory relates to the monitoring of investigation to ensure that the Investigating Officers (IO) as well as Prosecutors should discharge their duties in such a way so as to reduce the number of acquittals occur due to errors/lapses/gaps inconsistencies during investigating or prosecution of the case/ also in cases of wrongful prosecution, which is deplorable.

2. The Supreme Court in its Judgment dated 20/01/2014 in CrI Appeal No. 169 of 2014 in the case of Perumal Vs Janaki has observed that the investigating officers had despite the knowledge that a fact had not taken place and chosen to rely on the charge-sheet, although it was not medically proved. The Court while condemning the case of wrongful prosecution had directed that the I.O. should be prosecuted u/s 211 of the IPC instead Section 193 of I.P.C.

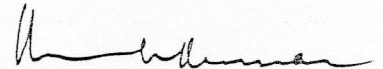
3. The Supreme Court in CrI. Appeal No. 1485 of 2008 on 7.1.2014 in State of Gujarat Vs Kishorebhai had deprecated acquittals due to lapses of I.Os and Prosecution acquittals due to shady investigation or prosecution as they do serve the cause of justice. It has suggested the following measures to ensure that acquittals are reduced and the cause of justice is served by ensuring conviction of the accused for crimes communicated on the victim and also infuse a sense of seriousness in the performance of Investigating and Prosecuting Officials, to ensure that the process is purposeful and decisive. They are as follows:

a) On the completion of a criminal case, the Prosecuting agency should independently apply its mind and ensure that all shortcomings are rectified, if necessary, by ordering further investigation;

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- b) It should be ensured, that the evidence gathered during investigation is true and faithfully utilized, by confirming that all relevant witnesses and materials used for establishing the charges are conscientiously presented during the trial of a case;
- c) The Home Department of every State/UT should examine all orders of acquittal and record reasons for the failure of each prosecution case. A Standing Committee of Senior Officers of the Police and Prosecution Directorates should be constituted to analyze the case and ascertain the mistakes committed during investigation, and/or prosecution, or both;
- d) The Home Department of every State/UT will incorporate content drawn from the above mentioned case, as well as other cases in its existing training programmes for junior Investigation /Prosecution Officials, course as well as for refresher coursers, for the senior Investigating/Prosecuting officials. The course content can be updated on the basis of other cases, emerging scientific tools of investigation, judgments of courts, experience of the Standing Committee etc. The Supreme Court has directed that the training programmes should be put in place within six months.
- g) The Home Department should also formulate a procedure, for taking action against all erring Investigating/Prosecuting Officials identified as responsible for failure of a prosecution case, on account of sheer negligence or because of culpable lapses who may be punished through departmental procedure.
4. Home Departments of the States/UTs may direct the DGPs/IGPs to issue necessary instructions, in the light of the above advisory so that all Police Officers are made aware and the content of this advisory should also be incorporated in the training of the police personnel.
5. The receipt of the same may kindly be acknowledged.

Yours faithfully,



(S. Suresh Kumar)
Joint Secretary (CS)
Tel. 23438100

Copy for information to PPS to HS, AS(CS), JS(CS), Director (CS-I), Director (CS-II), Director (SR), JS(Police-I) and JS(Police-II).