

INVESTIGATION – FROM “FIR” TO “FINAL REPORT”

- Q.1 What is an FIR?
- Q.2 What is a *cognizable offence* and how is it different from a *non-cognizable offence*?
- Q.3 How to find out whether the offence is a *cognizable offence* or not?
- Q.4 Why is it that the title of the above Section uses the expression “*Cognizable case*” when the body of the Section uses only the expression “*Cognizable offence*”?
- Q.5 What is the object of an FIR?
- Q.6 Is it not necessary that the FIR should be given by an eye-witness?
- Q.7 When “*information*” is given by an eye-witness and a hearsay witness, who is to be preferred by the SHO ?
- Q.8 Is there any distinction between the expressions “*informant*”, “*complainant*” and “*de facto complainant*”?
- Q.9 If the FIR is given by the accused person himself, is it admissible?
- Q.10 Can a dying declaration recorded by a Police Officer under Section 32 (1) of the Evidence Act be treated as an FIR ?
- Q.11 Is the “*informant*” entitled to a free copy of the information as recorded by the SHO under Section 154 (1) Cr.P.C. ?

- Q.12** Can the SHO refuse to record the FIR on the ground of lack of territorial jurisdiction ?
- Q.13** Is it not correct to say that while in the case of a “non-cognizable” offence, the commission of the offence should be within the local limits of the Police Station as mandated by Section 155 (1) Cr.P.C., in the case of a “cognizable” offence, there is no such prescription ?
- Q.14** Can a Magistrate who receives a private complaint alleging the commission of a cognizable offence, forward the complaint under Section 156 (3) Cr.P.C. to the SHO of the Police Station concerned with a direction to treat the complaint as the FIR and to register a case and also to investigate the case ?
- Q.15** In a corruption case the trap as well as the investigation was conducted by a DySP of Police in a station where a Superintendent of Police (“SP” for short) was available. When the charge-sheet was filed before the Special Judge the incompetence of the DySP to conduct the investigation was pointed out and the Special Judge directed re-investigation by the SP and accordingly fresh investigation was conducted by the SP. During the trial of the case when one of the prosecution witnesses deviated from his earlier stand taken during the investigation by the DySP, the prosecutor declared the witness hostile and attempted to cross examine him with reference to the statement given by him to the DySP. This was objected to by the defence contending that the initial investigation

conducted by the DySP was illegal and *non est*. Can the prosecutor be allowed to take his stand ?

- Q.16** FIR is registered under Section 154 Cr.P.C for an offence punishable under Section 326 IPC and the accused is arrested and produced before the Magistrate along with FIR and remand application. The Magistrate applies his mind to the remand application, FIR etc and remands the accused to judicial custody for 14 days. Has not the Magistrate taken cognizance of the offence?
- Q.17** Is not an FIR a substantive piece of evidence and what is its use ?
- Q.18** Does the Cr.P.C. contemplate two kinds of FIRs?
- Q.19** Should not the FIR contain all the details pertaining to the occurrence and the ingredients of the offence?
- Q.20** What is the manner of proving an FIR ?
- Q.21** Can a General Diary Entry ("*GD Entry*" for short) disclosing the commission of a cognizable offence be treated as an FIR?
- Q.22** Can a telephone message received by the SHO regarding the commission of a cognizable offence be treated as an FIR?
- Q.23** What is the procedure for registering an FIR?
- Q.24** Is not the SHO entitled to carry the FIR Book with him to the place of occurrence ?

- Q.25** Supposing the SHO refuses to register an FIR, what is the remedy of the informant?
- Q.26** Can the SHO conduct a *verification* or *inquiry* before registering an FIR ?
- Q.27** Can there be more than one FIR (*a second FIR*) registered in respect of the same case ?
- Q.28** Where it is alleged that the FIR was ante-timed, what are the tests to find out the same ?
- Q.29** Should the Magistrate to whom the FIR is forwarded by the SHO under Section 157 Cr.P.C., bound to note the date and time of receipt of the FIR ?
- Q.30** What is investigation ?
- Q.31** What is the object of investigation ?
- Q.32** What do you mean by the maxim "*contra veritatem lex nunquam aliquid permittit*" and what is its relevance in the matter of investigation ?
- Q.33** Is "*investigation*" confined to investigation conducted by the Police only ?
- Q.34** What are the statutorily enumerated powers of investigation of an SHO under the Cr.P.C. ?
- Q.35** What are the various steps of investigation to be carried out by an investigating Police Officer ?

- Q.36** Is receipt of “*information*” a condition precedent for starting of investigation?
- Q.37** Can the SHO who had to mandatorily register an FIR under Section 154 Cr.P.C, refrain from commencing investigation?
- Q.38** Section 157 (1) Cr.P.C. states that if the SHO “*has reason to suspect the commission of an offence which he is empowered under Section 156 to investigate*”, he shall forthwith proceed in person or shall depute one of his subordinates to proceed to the spot to investigate the facts and circumstances of the case. What is the empowerment under Section 156 Cr.P.C. ?
- Q.39** Should the copy of the two informations referred to under Section 157 (1) and (2) Cr.P.C be sent to the Magistrate forthwith?
- Q.40** What are the options available to the Magistrate upon receipt of report either under Section 157 (1) or under Section 157 (2) Cr.P.C.?
- Q.41** What is the purpose sending a report to the Magistrate under Section 157 (1) and (2)?
- Q.42** Which is the report covered by Section 159 Cr.P.C which says “*on receiving such report*”?

Q.43 Is there any special procedure for recording the statement of a rape victim ?

Q.44 Is not the registration of an FIR, a *sine qua non* (condition precedent or indispensable requisite) for the commencement of investigation?

Q.45 An SHO while sitting in the Police Station received information at 11 pm that a lorry which is believed to carry illicitly loaded rice meant for public distribution through ration shops has been spotted in front of a closed shop at the market. The SHO along with his police party rushed to the said spot. The SHO interrogated the fidgety accused who was in custody of the contraband rice. The SHO seized the bags of rice under a mahazar and also recorded the statements of the witnesses to the occurrence. The accused, the seized rice and the seizure documents were taken to the police station from where the FIR was registered. Thereafter the Superior police inspector took over the investigation of the case. After the conclusion of investigation the accused was charge sheeted for an offence punishable under the Essential Commodities Act, 1955.

During the trial of the case the Public Prosecutor was seen using the statements of the mahazar witnesses for the purpose of corroboration. This was objected to by the defense lawyer on the ground that the statements are subjected to the interdict under Section 162 (1) Cr.P.C. The Public Prosecutor argued that since the statements were recorded even before the registration of the FIR, the bar under Section 162 Cr.P.C does not apply. The Prosecutor relies

on Mohindro v. State of Punjab (2001) 9 SCC 581 and Shashikanth v. CBI (2007) 1 SCC 630 to contend that whatever steps taken before the registration of the crime, do not amount to investigation so as to attract the embargo under Section 162 (1) Cr.P.C. Who is right?

- Q.46** Is laying of a trap in a corruption case, part of investigation ?
- Q.47** Is it not open to the investigating Police Officers or their superiors to address letters to the Court for obtaining judicial orders in pending cases ?
- Q.48** Will not the illegality or irregularity of investigation vitiate the resultant trial ?
- Q.49** Is evidence collected by improper or illegal means, admissible ?
- Q.50** Is evidence obtained under an illegal search, admissible during trial ?
- Q.51** Is not the accused entitled to hearing in deciding the agency to be entrusted with the investigation ?
- Q.52** Is there any difference in the nature and purpose of investigation under Chapter XII Cr.P.C. and under Section 202 (1) Cr.P.C. ?
- Q.53** Is it not open to the Special Judge of the State Vigilance Department trying a case under the Prevention of Corruption Act, 1988 to order investigation by the CBI ?

- Q.54** Where there is a conflict between the provisions of the CBI Manual and the Cr.P.C. which will prevail ?
- Q.55** Is not the Court including the High Court entitled to direct the investigating agency to submit a charge-sheet after closing the investigation ?
- Q.56** Supposing the Investigating Officer files a closure report to the effect that no case is made out for prosecuting the accused. Has the Magistrate the authority to disagree with the Police and take cognizance of an offence made out by the prosecution records ?
- Q.57** Is the Magistrate bound to give notice and opportunity of hearing to the informant before accepting a closure report (refer report or refer charge) ?
- Q.58** Are not the Courts entitled to interfere with the investigation of cognizable offence by the Police ?
- Q.59** Can a charge – sheet against an absconding accused be filed merely because sufficient evidence against him is available ?
- Q.60** Has the accused any right to inspect documents in the custody of the Court whether relied on or not by the prosecution ?
- Q.61** Which are the documents to be supplied to the accused ?

- Q.62** Can an Officer superior to the SHO conduct investigation on the basis that he is an officer-in-charge of a Police station ?
- Q.63** Can the Court refuse to take cognizance of the offence for the reason that charge-sheet is incomplete ?
- Q.64** Can the investigation of a case be monitored by the Court ?
- Q.65** What is the report filed by the Police before the Court after the conclusion of investigation ?
- Q.66** What is meant by “charge- sheet” or “final report” ?
- Q.67** When a *charge sheet* is filed before the Magistrate, what are the options available to the Magistrates ?
- Q.68** If what has been filed before the Magistrate is a *closure report/ refer report/ refer charge/ final form*, what are the options available to the Magistrate?

*Kochi,
13-08-2020*

*Justice V. Ramkumar,
Former Judge,
High Court of Kerala.*



The following chart will give a rough idea about the Police investigation under the Cr.P.C.

P O L I C E I N V E S T I G A T I O N

Sl. No.	Initial investigation. Chapter XII Cr.P.C. (2013) 5 SCC 762	Further investigation. Chapter XII Cr.P.C.	Limited investigation. Chapter XV Cr.P.C.	Fresh/de novo investigation or reinvestigation.
1.	S. 154 r/w 156 (1) r/w 157 (Cognizable case)	S. 156 (3)		<u>Who can order ?</u> a) Constitutional Courts, namely the High Court under Article 226 and the Supreme Court under Article 32 of the Constitution of India (2009) 9 SCC 129 (2013) 5 SCC 762 (2013) 6 SCC 384 b) State Govt. or Central Govt., depending on the investigating agency. (AIR 1980 SC 326)
2.	S. 2 (d) r/w 200 r/w 156 (3) (Cognizable case)		S. 202 (1)	
3.	S. 155 (1) and (2) (non-cognizable offence)	S. 173 (8)		
4.	Ss. 173 & 174 – Suicide or unnatural death.	<u>Who can order ?</u>	<u>Who can order ?</u>	The Investigating Officer or the Magistrate or the trial Judge (other than the High Court) cannot order (2010) 9 SCC 171) except in cases where the investigation was illegal and it is raised at the earliest stage. (AIR 1955 SC 196; AIR 1957 SC 592; AIR 1968 SC 1323; 2004 (1) KLT 122).
	<u>Who can entrust the investigation with another agency ?</u> a) Constitutional Courts. b) State Government. (AIR 1980 SC 326- para 17) c) Superior Officer – S.36 Cr.P.C. (AIR 1980 SC 326- para 12) d) Central Government with the consent of the State Government Magistrate cannot.	a) Magistrate or Sessions Judge or Special Judge can order. But investigation by the same agency alone can be ordered. b) Constitutional Courts. c) Superior Police Officer – S. 36 Cr.P.C. (AIR 1980 SC 326 – para 12) d) State Government. (AIR 1980 SC 326- para 17)	The Magistrate or Court taking cognizance can direct investigation. This direction for investigation can be made to a Police Officer or any other person. The purpose of this investigation is to aid the Court to decide whether there is sufficient ground for proceeding and is not controlled by the interdicts under Section 162 Cr.P.C.	

FIRST INFORMATION STATEMENT (F.I.S.); FIRST INFORMATION REPORT (F.I.R.)

(By Justice (Retd.) U.L. Bhat, Former Chief Justice)

Section 154 of Code of Criminal Procedure 1973 (for short, the Code) deals, *inter alia*, with 'information' regarding commission of cognizable offences. Though the word 'FIRST' is not seen in the section that is how it is understood by the legal system. If such information is given orally to the officer in charge of a Police Station, that is the Station House Officer (S.H.O.), the same shall be reduced to writing by him or under his direction and be read over to the informant and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf. A copy of such information as recorded shall be given forthwith, free of cost, to the informant.

2. The heading of this paper refers to two distinct matters, F.I.S. and F.I.R. When information regarding commission of a cognizable offence is given orally or in writing to Police, such information can be said to have been "stated" to Police; therefore the information stated orally and reduced to writing by Police or information stated or given in writing, can be regarded as a "statement". What is stated is a statement, hence, it is described as F.I.S. At the same time, it is possible to say that the informant "reports" to Police about commission of a cognizable offence and hence it can be loosely described as First Information Report-'F.I.R.'. Yet nowhere does Section 154 use the word "Report". As a matter of fact, the Code does not use the words 'First Information Report-F.I.R.' either. In connection with first information about commission of cognizable offence received by Police, Section 157 requires Police to "send forthwith a report" to the jurisdictional Magistrate. This "Report" is what is understood by the legal system as 'First Information Report-F.I.R.'. Thus, there is a clear distinction between F.I.S. and F.I.R.; they are not the same. If F.I.S. and F.I.R. are understood in this manner and in the light of the various columns of F.I.R. form seen in Part III of Karnataka Police Manual, it can be understood that F.I.S. can be a part of F.I.R..

However, it is seen that there are judgments of the Supreme Court in which F.I.S. is referred to as F.I.R. and *vice versa*, without highlighting the difference between the two. The following observation of the Court may be seen¹

Para 19 :- "An information given under sub-section (1) of Section 154 of Cr.P.C., is commonly known as FIRST INFORMATION REPORT (F.I.R.), though this term is not used in the Code And as it's nick name suggests it is the earliest and the First Information of a cognizable offence recorded by an officer in charge of a police station."

Para 20:- "..... It follows that under the scheme of the provisions of Section 154, 155, 156, 157, 162, 170 and 173 of Cr. P.C., only the earliest or the first information satisfied the requirements of Section 154 Cr.P.C. On receipt of information about a cognizable offence and on entering the F.I.R. in the Station House Diary, the officer in charge of a Police Station has to investigate....." (emphasis supplied)

In an earlier decision², the Supreme Court seemed to treat F.I.R. as a complaint. In a much later decision³ the Supreme Court observed as follows:-

1. *T.T. Antony v. State of Kerala & Ors.* and other cases (2001 (3) KLT 1 (SC) = AIR 2001 SC 2637).
2. *State of Haryana v. Bhajanlal* (1992) 1 Supp. SCC 335 (Para. 102).
3. *Anju Choudhary v. State of U.P.* (2013 (1) KLT 549 (SC) = (2013) 6 SCC 384.

Para 10:- "Thus, there is an obligation on the part of a police officer to register the information received by him of commission of a cognizable offence"

"The opening words of section 154 suggest that every information relating to commission of a cognizable offence shall be reduced to writing by the officer This implies that there has to be first information report about an incident which constitutes a cognizable offence"

Para 20:- "Section 154 of the Code places an unequivocal duty upon the Police officer in charge of a Police Station to register F.I.R. upon receipt of the information
(emphasis supplied)

In another case⁴ the Supreme Court observed in para 17 as follows:-

"After all registration of F.I.R. involves only the process of entering the substance of the information relating to the Commission of a cognizable offence in a book kept by the officer in charge as indicated in section 154 of the Code"
(emphasis supplied)

3. That the above references to "information" as F.I.R. were casual and passing, is clear from certain other decisions of Supreme Court. Supreme Court⁵ speaking through K.T. Thomas, J. while discussing whether Police were in error in treating a particular exhibit as F.I.S., stated as follows:-

Para 8A:- "But we do not find any error on the part of the Police in not treating Ex. 10/3 as first information statement for the purpose of preparing the F.I.R. in this case. It is evidently a cryptic information and is hardly sufficient for discerning the commission of a cognizable offence therefrom. Under section 154 of the Code, the information must unmistakably, relate to the commission of a cognizable offence and it shall be reduced to writing (if given orally) and shall be signed by it's maker. The next requirement is that the substance thereof shall be entered in a book kept in the police station in such form as the State Government has prescribed. First Information Report (F.I.R.) has to be prepared and shall be forwarded to the Magistrate"
(emphasis supplied)

In another case⁶ while referring to the fact that the informant narrated to the S.I. of Police what had happened, the Supreme Court described it as follows:

Para 13:- "First Information Statement was taken from PW1 by FW7 (S.I. of Police) in the house of CW9)"
(emphasis supplied)

Paragraph 16 and 18 of the judgment also refer to that statement given to the S.I. of Police as "First Information Statement."

It is thus clear that the oral information given by the informant and recorded by the Police (the information furnished by him in writing) is the F.I.S. and after recording F.I.S., the Police officer concerned enters the substance of the information in the book containing forms prescribed by the State Government and thereafter F.I.R. is to be prepared and forwarded to

4. *Dilawar Singh v. State of Delhi* (AIR 2007 SC 3234).

5. *Binay Kumar Singh and other v. State of Bihar* (AIR 1997 SC 322).

6. *M.C. Ali & Anr. v. State of Kerala* (2010 (3) KLT SN 8 (C.No. 11) SC = AIR 2010 SC 1639). see also - *Sheralliwali Mohammed v. State of Maharashtra* AIR 1972 SC 2443 (Four Judge Bench) and *State of Kerala v. Anilachandran* (AIR 2009 SC 1866); *Jogendra Nahak v. State of Orissa* (1999 (3) KLT 43 (SC) = (AIR 1999 SC 2565); *Panuni v. Government of M.P.* (AIR 1998 SC 1185); *Bava Hajee Hamsa v. State of Kerala* (AIR 1974 SC 902) - (All three Judge Bench decisions).

the Jurisdictional Magistrate. In this light, F.I.S. and F.I.R. are different, though F.I.S. may be initially recorded or (in the case of a written F.I.S.) copied in a particular column in the F.I.R.

Police Manual

4. Provisions in Police Manuals are instructions issued with the approval of State Government. Kerala Police Manual is in four parts or volumes and the volumes do not contain the various forms referred to in the manual. Obviously forms were issued separately.

5. An informant may himself prepare or get drafted in writing particulars of information about commission of a cognizable offence which he desires to communicate to S.H.O. and handover such written information to S.H.O. He may also furnish orally such information to the S.H.O., in which case, the latter is obliged to record the same accurately. In either case, the information so furnished or reduced to writing is required to be read over to the informant and the same shall be signed by the informant. This is what is provided for in the earlier part of Section 154 (1) of the Code. In either case, the information so furnished in writing or reduced to writing is itself First Information Statement (F.I.S.), though the words "First" or "Statement" are not found in the Code. When such information is first furnished to the S.H.O., it is F.I.S..

Para 304 in Chapter VII of Volume 2 of Kerala Police Manual explains what constitutes "First Information". The manual does not refer to "F.I.S." but refers indiscriminately to "First Information Report" (F.I.R.). F.I.S., furnished orally, is required to be recorded accurately in the appropriate column of F.I.R. form prescribed. If F.I.S. is given in writing, that has to be affixed to F.I.R. After recording F.I.S. in the proper way, the SHO is required to fill up the other columns in the F.I.R. book (which contains the F.I.R. forms); signature of the informant has to be taken in the written information, if any. Thus, it is seen that what we call F.I.S., is a part of the F.I.R.. In other words F.I.R. includes F.I.S. recorded in column (9) of new F.I.R. Form. See also other paras in Chapter VII.

The manual employs the words "First Information Report" (F.I.R.) and does not employ the words "First Information Statement" (F.I.S.). As a matter of fact the Manual refers to the F.I. Statement as F.I.R., leading to some confusion.

6. Para 306 of Volume II of Kerala Police Manual occurring under the heading "Registering in First Information Report Book", states, *inter alia*, that "Information" coming under any of the headings referred to thereunder (the first heading takes in cognizable offences) received at a police station shall be registered in the First Information Report book (Form KPF No.25). Para 304 (1) refers to this book as the book prescribed by Section 154 of the Criminal Procedure Code" and these quoted words can create some confusion.

Black's Law Dictionary, Abridged sixth edition, 1991 furnishes the following meanings for the words "Register" and "Registration":-

Page 887 Register -	"To record formally and exactly, to enter precisely in a list or the like"
Page 889 Registration -	"Recording, inserting in an Official Registeror of making entries therein."

Thus, when the manual requires "information" to be registered in F.I.R. Book, it only means that F.I.S. is to be recorded or reproduced in a particular column of a page in the F.I.R. Book. This means that oral information must be recorded and written information must be reproduced in the appropriate column of F.I.R. form in F.I.R. Book. Four more carbon copies are required to be taken simultaneously. (See para 308 of Chapter VII).

The question that arises is whether the F.I.R. book is the book referred to in the latter part of section 154(1) of the Code of which the form is required to be prescribed by the State Government? The mandate of the latter part of section 154(1) is that after the F.I.S. is submitted or recorded, read over and signed, the substance of the F.I.S. shall be entered in a book to be kept by SHO in such form as prescribed by the State Government. The book referred to in para 304 of the manual is the F.I.R. book in form K.P.F. No. 25 and the column in the form requires that contents of F.I.S. and not substance, to be recorded in the column of F.I.R. Form.

The requirement of section 154(1) of the Code is merely to record the substance of the F.I.S. and not the entire F.I.S. in the prescribed book. This means that the State Government felt that it is safer to require the entire F.I.S. to be recorded or copied in the particular column in F.I.R., instead of merely recording the substance of F.I.S. in F.I.R., since in recording merely the substance, there could be honest (unintentional) or dishonest (intentional) omissions. The State Government, in its wisdom could very well require the entire F.I.S. to be recorded or copied in the Form in the F.I.R. Book. Para 306(6) of Chapter VII of the manual refers to the requirement of recording the "substance" of "information" in the General Diary (GD). The form of GD is also prescribed. Thus, instead of recording the substance of F.I.S. in the F.I.R. Book, the entire F.I.S. is required to be recorded therein.

A Constitution Bench of the Supreme Court^{6A}, after considering the provisions of the Code, the previous Codes as also the provisions of the Indian Police Act, 1861 and the Punjab Police Rules, 1934 framed under this Act, held, *inter alia*, that registration of F.I.R. is mandatory under Section 154 of the Code if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation and if the information received does not disclose a commission of a cognizable offence but indicates the necessity for enquiry, a preliminary enquiry may be conducted only to ascertain whether cognizable offence is disclosed or not. If the inquiry discloses the commission of a cognizable offence, the F.I.R. must be registered. A Police Officer cannot avoid his duty of registering a case if commission of a cognizable offence is disclosed. The categories of cases in which preliminary inquiry could be conducted is indicated by the Constitution Bench. The Bench also directed that since General Diary/Station Diary/Daily Diary is the record of all information received in the police station, all information relating to cognizable offences, whether resulting in F.I.R. or leading to preliminary enquiry as aforesaid, must be mandatorily and meticulously reflected in the said Diary.

Even the judgment of the Constitution Bench, it is necessary to note, contains some casual language. "First Information Statement" and "First Information Report" and "Registration of F.I.R." are words not used in the Code, though the judicial system employs these words and such words have definite, clear cut connotation and meaning.

"Registration" of F.I.R. merely means making relevant entries in F.I.R. form in the F.I.R. Book. The Constitution Bench in paragraph 58 of the Judgment has taken note of the usual practice of recording complete complaint in the F.I.R. Book (or annex it with the F.I.R. form).

Nevertheless, the following sentence in paragraph 48 of judgment appears to be casual:-

"The First Information Report is in fact the "information" that is received first in point of time.....".

6A. *Lalitha Kumari v. Government of U.P. & Ors.* (2013(4)KLJ 632 (SC)) = (2014) 2 SCC 1).

If the underlying intention was to underline that it is only the information received first in point of time, which is, in law, the "First Information Statement", the sentence could have been more accurately framed as follows :-

"The First Information Statement" is in fact the "information" that is received first in point of time".

"Information" given to the police may be described as "complaint" reported to the police, but, it is not the same as "First Information Report" for the purpose of the Code. F.I.S. is part of F.I.R. and not the same as F.I.R.. F.I.R. contains much more than F.I.S..

7. Kerala Police Manual requires the Sub-Divisional officer to scrutinize all case diaries received from inspectors and to maintain a crime register to watch the receipt of the case diaries and the progress reports. Various particulars of crimes are to be entered in appropriate columns of the Crime Register.

8. It is necessary that Judges be familiar with the provisions of the Kerala Police Manual, particularly Chapter VII since Police are expected to obey the mandate of the manual. The conclusion in the preceding para is supported by para 306 (5) which states, *inter alia*, that as soon as the report has been entered in the F.I.R. book, the substance thereof must be entered in the G.D.

Object of F.I.S.

9. The object of F.I.S. is to set the criminal law in motion in regard to cognizable offences.⁷ An early F.I.S. can imply that the implication of accused in the case is not an afterthought.⁸ Information which discloses commission of a cognizable offence must be treated as "information" that is, F.I.S. under Section 154 of the Code. It does not matter if the informant is an eye-witness or not. F.I.S. need not contain all the details of the occurrence, such as, manner and details of occurrence, participation in the crime, etc.⁹ Telephone information received by the S.H.O. without any details regarding identity of the accused or nature of the injuries caused to victims and also names of the assailant is not to be treated as F.I.S. though proper telephonic information can be recorded as F.I.S. on the basis of which F.I.R. can be registered.¹⁰ Cryptic information over the telephone or by telegram cannot be regarded as F.I.S..¹¹

10. In appropriate cases, an entry in the general diary can be treated as F.I.S. if it discloses commission of a cognizable offence.¹² F.I.S. is to be recorded first and thereafter an entry is to be made in the Station House Diary (SHD). Hence, the truth of the contents of the F.I.S. cannot be tested with reference to such entries. When the entries in the F.I.S. and SHD are totally contradictory, there could be serious doubt regarding the genuineness of the diary entries.¹³ Omission of the name of the assailant in the F.I.S. is material unless the informant is not an

7. *Hasib v. State of Bihar* (AIR 1972 SC 283).

8. *Damodar Prasad Chandrika Prasad v. State of Maharashtra* (AIR 1972 SC 622).

9. *Hemraj v. State of Punjab* (AIR 2003 SC 4259).

10. *Ravishwar Manjhi v. State of Jharkhand* (2009 (1) KLT Suppl. 641 (SC) = AIR 2009 SC 1262).

11. *Tapinder Singh v. State of Punjab & Anr.* (AIR 1970 SC 1566), *Vikram & Ors. v. State of Maharashtra* (AIR 2007 SC 1893), *Surajit Sarkar v. State of West Bengal* (2013 (1) KLT SN 9 (C.No. 9) SC = AIR 2013 SC 807).

12. *Superintendent of Police, C.I.D. v. Tapan Kumar Singh* (2003 (2) KLT SN 47 (C.No. 61) SC = AIR 2003 SC 4140).

13. *Paramjit Singh v. State of Punjab* (AIR 2008 SC 441).

eye-witness or if an eye-witness is not aware of his name.¹⁴ Omission of important facts in the F.I.S. given by an eye-witness has some significance.¹⁵ If the F.I.S. is based on hearsay, there may be omission of some facts and no suspicion can be attached to the F.I.S..¹⁶ Non-mention of the name of the assailant in the F.I.S., if properly explained, is not significant.¹⁷ Omission of the names of eye-witness is relevant, but is not by itself, decisive.¹⁸ Non-mention of a dying declaration in the F.I.S. cannot lead to disbelief of the dying declaration.¹⁹ Every omission to mention a fact is not of any consequence as it could be due to disturbed physical and mental condition of the informant.²⁰

Credibility of eye-witnesses cannot be doubted merely because their names are not mentioned in the F.I.S..²¹ Such an omission may lead to some suspicion, but if the informant is not an eye-witness or is a close relation who was in disturbed state of mind, the omission may not matter. If the witnesses were questioned without delay, their presence at the scene of occurrence can be accepted.²² Regarding the absence of reference to the existence of light in the F.I.S., see *Jaishree Yadav v. State of U.P.*²³

Substantive Evidence

11. Substantive Evidence is the evidence which directly tends to prove a fact in issue or relevant fact (Section 5, Indian Evidence Act). Thus eye-witnesses who directly speak to the events in an occurrence as also witnesses who directly speak to facts declared to be relevant under Chapter II of the Indian Evidence Act, furnish substantive evidence. Ordinarily F.I.S. cannot be substantive evidence. A few sections in Chapter II of the Indian Evidence Act provide exceptions to this rule regarding substantive evidence. Take a case where the accused, after apparently committing the crime, appears in the police station with blood stained weapon and blood stains on his clothes and gives information to the police about the offence committed by him. Since the information furnished by him to the SHO discloses commission of a cognizable offence, it has to be recorded as F.I.S. and a case duly registered. But the confession part of the F.I.S. cannot be looked into by a court in view of the bar under section 25 of the Indian Evidence Act. Nevertheless, his conduct in appearing before the SHO and giving information, read along with the inevitable seizure of the weapon and the blood-stained shirt constitute significant subsequent conduct of the accused which is relevant under section 8 of the Indian Evidence Act.

If the accused has stated in the F.I.S. that he kept the weapon at a particular place and the police recovered the weapon from that place, the evidence regarding that part of the

14. *Thakur Prasad v. State of M.P.* (AIR 1954SC 30), *Panduranga v. State of Hyderabad* (AIR 1955 SC 216)
15. *Ramjanam Singh v. State of Bihar* (AIR 1956 SC 643)
16. *State of Rajasthan v. Kartar Singh* (AIR 1970 SC 1305).
17. *Bison Das v. State of Punjab* (AIR 1975 SC 573), *State of Maharashtra v. Mohammad Sajid Hussain* (AIR 2008 SC 155).
18. *Narpal Singh v. State of Haryana* (AIR 1977 SC 1066).
19. *State of M.P. v. Dharendra Kumar* (AIR 1997 SC 318)
20. *Animireddy Venkataramana v. Public Prosecutor, High Court of Andhra Pradesh* (AIR 2008 SC 1603).
21. *Raj Kishore Jha v. State of Bihar* (AIR 2003 SC 4664).
22. *Chittarlal v. State of Rajasthan* (AIR 2003 SC 3590).
23. AIR 2004 SC 4443.

statement coupled with the actual recovery would be relevant under section 27 of the Indian Evidence Act. Confession, irrelevant under section 24 of the Indian Evidence Act, may be proved if the conditions mentioned under section 28 of that Act are shown. If the F.I.S. by an accused contains an admission (not confession) of any relevant fact, that could be looked into under section 21 of the Indian Evidence Act.

If the F.I.S. is given by the injured victim who succumbs to the injury in the hospital later on, the statement in the F.I.S. relating to the occurrence may amount to dying declaration which is rendered relevant u/S.32(1) of the Indian Evidence Act. Therefore such parts of F.I.S. as referred to herein above, if proved, would be substantive evidence against the accused. In no other case can any part of F.I.S. be treated as substantive evidence against the accused.

12. Defect or omission in F.I.S., cannot, by itself, create a reasonable doubt regarding commission of the offence by the accused or regarding proof of ingredients of the offence, that is, *actus reus* or *mens rea*. Such defects will, ordinarily put the Court on its guard and make the Court subject the evidence and probabilities to closer scrutiny. If the nature and quality of prosecution evidence is of such quality as to overcome the effect caused by the defects in the F.I.S., such defects cannot really matter.

Other Uses of F.I.S.

13. However, F.I.S. or parts thereof can be used for corroboration under section 157 of the Indian Evidence Act of the evidence given by the informant in court. The same can be used also for contradicting the evidence of an informant under sections 145 r/w. S. 155 of the Indian Evidence Act. For this purpose, significant omissions can be treated as contradictions, provided the omission amounts to a contradiction. The Court cannot be fastidious with mere omissions in the F.I.S. since F.I.S. cannot be regarded as a chronicle of every detail of what happened. The informant need not necessarily have psychological ability to reproduce the details of the entire story without missing anything therefrom. Some informants may even miss important details. Quite often the police officer who takes down information may merely record what the informant tells him, without resorting to any elucidatory exercise. F.I.S. is voluntary information possibly without interrogation. The informant may not know what details to mention or not to mention. Therefore, any omission therein has to be considered along with other evidence to determine whether the fact so omitted in the F.I.S. never happened at all. F.I.R. need not be an encyclopedia of all the facts and circumstances.

Where F.I.S. fails to name the accused but informant named him at the next earliest opportunity when case diary statement was recorded u/s. 161 of the Code, the omission in the F.I.S. cannot tilt the balance in favour of the accused.²⁴ That the injured witness did not apparently tell the doctor the names of the assailants, but merely said that the workers of the named political party were responsible, is of no importance since the assailants and the injured persons belong to rival political parties and since it is not the function of the doctor to record the names of the assailants. That the injured (first informant) did not mention the presence of the eye witnesses in the F.I.S. is relevant, but not by itself decisive.²⁵ Credibility of witnesses

24. *Periyaswamy & Anr. v. State of Tamilnadu* (1996(6) SCC 457, *Ranjit Singh & Ors v. State of M.P.* (2010 (4) KLT Suppl. 137 (SC) = AIR 2011 SC 255).

25. *Narpal Singh vs. State of Haryana* (AIR 1977 SC 1066).

cannot be doubted merely because their names are not seen mentioned in F.I.S.²⁶ There can be some suspicion, but if the informant was not an eyewitness, or was a close relative who was in a disturbed state of mind, the omission may not matter. If the statements of eye-witness were recorded without delay, immediately after investigation started, their presence at the scene can be accepted.²⁷

14. In order that an omission should amount to a contradiction, the omission should clearly suggest the opposite of what was stated in the evidence of the informant and such omission should also be significant. Omissions regarding insignificant details cannot be treated as contradictions. For that matter, insignificant contradictions also cannot be regarded as contradictions for the purpose of the provisions of the Evidence Act.

15. F.I.S. is required to contain only the bare prosecution case and not the details. Even if the F.I.S. did not name the accused, his identity can be proved by relying on satisfactory evidence. Non-mention of motive in the F.I.S. cannot be regarded as an omission to state an important material fact so also omission to give details of the manner in which the weapon was used or the absence of information about the source of light for identifying the assailants, since the F.I.S. is the first word and not the last word in the prosecution case. In certain cases a very detailed F.I.S. could be a ground for suspicion.

16. A contradiction in the F.I.S. cannot be used unless the attention of the witness has been first drawn to it.²⁸

'Delay in Lodging F.I.S.'

17. Prompt F.I.S. serves a useful purpose. Delay provides opportunity to introduce embellishments or afterthoughts and deprive the F.I.S. of the advantage of spontaneity and may involve danger of coloured version or an exaggerated or concocted story or of introducing embellishments as a result of deliberation and consultation. Therefore, a salutary principle has been evolved to the effect that the delay must be satisfactorily explained. However, delay does not automatically render the prosecution case doubtful. Whether the case is doubtful or not depends upon the facts and circumstances of each case. If the delay is satisfactorily explained, the consequence is that the disadvantage for the prosecution on account of delay is removed.

The delay may arise for several reasons, such as the condition of the informant, nature of the injury, number of victims, time taken to provide medical aid to the injured, the distance to the hospital or the police station, the time of the occurrence, availability of transport facility and availability and readiness of a suitable person to go to the police station.²⁹ The effect of unexplained delay is to put the Court on guard and to consider if any explanation has been offered for such delay. If an explanation is offered, the Court has to consider whether it is satisfactory. If explanation is not offered or if the offered explanation is not satisfactory, it may imply that there was opportunity to include an embellishment and exaggeration and Court has to consider this aspect before relying on the evidence of prosecution.

26. *Raj Kishore Jha v. State of Bihar* (AIR 2003 SC 4664).

27. *Chittar Lal v. State of Rajasthan* (AIR 2003 SC 3590).

28. *Utpal Das v. State of West Bengal* (2010 (2) KLT Suppl. 116 (SC) = AIR 2010 SC 1894).

29. *Amar Singh v. Balwinder Singh* (AIR 2003 SC 1164), *Chunnial v. State of U.P.* (AIR 2010 SC 2467).

The Court must be very careful in considering this aspect in offences against women in a tradition bound society like the Indian Society. Delay in lodging the F.I.S. in regard to such offences may arise due to the desire to postpone or avoid embarrassment which is inevitable when reputation of the girl or woman concerned is at stake. Such delay in rape cases is a normal phenomenon. Judicial notice can be taken of the fact that ordinarily family of the victim would not be prepared to lodge F.I.S. readily so as to avoid a stigma being attached to the victim.³⁰ In case where a child is kidnapped much time could be spent by the close relations of the child in taking various steps to search for the victim³¹. Delay in F.I.S., by itself does not vitiate the evidence of the informant.³² Expeditious lodging of F.I.S. rules out possible deliberation to falsely implicate anyone.³³

18. Prompt F.I.S. with relevant particulars of the occurrence, assailants, weapons used and witnesses is a vital, valuable circumstance for appreciating the evidence led at the trial. Yet even a prompt F.I.S. is no full-proof guarantee of the genuineness of the version contained therein. Delay in lodging the F.I.S. need not necessarily be fatal to the prosecution. Mere delay does not render the prosecution version doubtful. While unexplained delay in lodging F.I.S. is by itself not fatal, such delay is a relevant fact which the Court has to consider, in the light of other facts and circumstances of the case. It is a matter of evaluation of evidence. Even where there is absence of direct evidence explaining any delay, there may be circumstances appearing on record, which provide a reasonable explanation for the delay. There may be members of lower strata of society who may not be aware of their right to report the matter to the police. Proper advice may not be available to them.³⁴ Even a long delay may be overlooked if the eye-witnesses have no motive for falsely implicating the accused and there is plausible explanation for the delay.³⁵ Sometimes close relations of the injured or the deceased may be afraid to go to the police.³⁶ In the case of deliberate delay the Court has to carefully examine the facts before it since it is possible that the complainant's party may initiate criminal proceedings merely to harass other side.³⁷

Even in case of unexplained delay in lodging F.I.S., the quality of evidence given by the informant and the eyewitnesses or circumstantial evidence available in the case may outweigh any suspicion which might arise in the mind of the Court on account of such delay. Unexplained delay in the F.I.S. is, by itself, not a ground for acquittal. Whether reasonable doubt arises in a case depends on the appreciation of the entire evidence and circumstances placed before the court.

30. *Satyapal v. State of Haryana* (2009 (2) KLT Suppl. 975 (SC) = AIR 2009 SC 2190., *Tulshidas Kanolkar v. State of Goa* (AIR 2004 SC 978).
31. *Jaipal v. State of Haryana* (AIR 2002 SC 3447)
32. *Periyasami and another v. State of T.N.* ((1996)6 SCC 457), (*Amar Singh v. Balwinder Singh* (AIR 2003 SC 1164).
33. *Krishnan v. State* (AIR 2003 SC 2978)
34. *Ramdas v. State of Maharashtra* (2007 (1) KLT SN 46 (C.No. 64) SC = AIR 2007 SC 155, *Ashok Kumar Chaudhary v. State of Bihar* (AIR 2008 SC 2436)
35. *Rabindra Mahto v. State of Jharkhand* (AIR 2006 SC 887)
36. *Gurjinder Singh v. State of Punjab* (2011 (1) KLT Suppl. 78 (SC) = AIR 2011 SC 972).
37. *Bhajan Singh v. State of Haryana* (AIR 2011 SC 2552).

The Court which considers the evidence in a case has a duty to consider the explanation offered and satisfactory or unsatisfactory nature of the explanation or the absence of an explanation. Nevertheless the Court should also bear in mind creditworthiness of the ocular evidence produced by the prosecution and see if such evidence is worthy of acceptance.

Delay in Forwarding F.I.R. to Magistrate

19. While section 154 of the Code itself does not require the police officer to forward an F.I.R. to the Magistrate concerned, section 157 of the Code states that the officer "shall forthwith send report of the same to the Magistrate empowered to take cognizance of such offence upon a police report"; the "report" referred to is the F.I.R.. It is therefore clear that the F.I.R. should be forwarded to the Magistrate with all expedition.

The Station House Officer, who makes arrangement for dispatching F.I.R. to the Magistrate concerned, has a duty to explain the reasons for the delay in doing so. Column 13 of the F.I.R. form requires the officer to indicate the date and time of dispatch to the Court and name of the PC/HC who carried the F.I.R. to the Court. The Court should consider the explanation offered, if any, in the light of objective factors present in the policing system and the fact that SHOs and their subordinates have multifarious duties thrust on them in the present day world.

20. Such unexplained delay, by itself, cannot raise a reasonable doubt regarding the truth of the charge. Such delay merely means that police might have ante-dated or ante-timed the F.I.R. That an F.I.R. loses its authority if it is lodged after inquest report is not a general preposition of universal application. Object of inquest is to ascertain whether a person died under unnatural circumstances and if so, what the cause of death is? If a police officer, having reason to suspect the commission of a cognizable offence, proceeds to the spot without preparing and sending a report to the Magistrate concerned, that does not mean that his proceeding to the spot is not for investigation. It is not absolutely necessary that a formal registration of a case should have been made before proceeding to the spot, in order to bring inquest proceedings within the ambit of investigation. It is enough that he has some information to afford him reason to suspect the commission of a cognizable offence. Any step taken by him, pursuant to such information, towards the detection of the said offence, would be part of the investigation even though the formal registration of the F.I.R. takes place only thereafter.³⁸

21. In considering the effect of delay in the F.I.R. reaching the Magistrate, the Court has to bear in mind the creditworthiness of the ocular evidence before it and see if such ocular evidence is worthy of acceptance. If the ocular evidence inspires confidence, the element of delay in recording F.I.S., registering F.I.R. or sending F.I.R. to the Magistrate, by itself or themselves would not weaken the prosecution case.³⁹ Where the F.I.R. contained only a brief statement of facts, the delay in sending the F.I.R. to the Magistrate could not be to enable the prosecution to concoct a false case against the accused.

If the F.I.R. reached the Magistrate after inquest and autopsy, many details could have been incorporated in the F.I.R. The absence of such details in the F.I.R. can probablise the fact

38. *Sambu Das v. State of Assam* (AIR 2010 SC 3300), *State of U.P. v. Bhagwant Kishore Joshi* (AIR 1964 SC 221), *Maha Singh v. State (Delhi Admn.)* (AIR 1976 SC 449)

39. *Balram Singh v. State of Punjab* (AIR 2003 SC 2213).

that the F.I.R. was not ante-dated.⁴⁰ The suspicion that could be raised by F.I.R. being sent to the Magistrate belatedly without a proper explanation, therefore, could be that FIR was actually recorded much later to set up a distorted version⁴¹. Such delay, by itself, cannot be sufficient to throw out the prosecution case in its entirety. Delay in filing F.I.S. or sending F.I.R. to Court cannot be the sole basis for discarding the prosecution version as being fabricated, if the prosecution has produced reliable evidence against accused. The purpose of section 157 Cr.P.C. is to ensure a fair trial without there being any evidence of falsification or belated introduction of facts.⁴²

The element of delay in registering the F.I.R. and sending the same to Magistrate by itself would not in any manner weaken the prosecution case.⁴³ Where there was such delay in the F.I.R. being sent to the Court when the contention was that the delay was to enable the investigator to concoct a false case against the accused, since the F.I.R. contained only brief statement of events, Supreme Court opined that if the F.I.R. had been prepared after inquest and autopsy were over (as alleged in the case), F.I.R. would not be a brief one but would contain more matters and more materials and delay in such circumstances cannot, by itself, throw out the prosecution case.⁴⁴

22. In a case where there was delay of four days in sending the F.I.R. to the Magistrate, factors such as immediate holding of inquest, removal of dead body to police premises and immediate authorization by D.M.O., to conduct autopsy during the same night clearly suggest spontaneity of the F.I.S. and plea of ante-timing of the F.I.R. has to fail.⁴⁵ Delay in forwarding F.I.R. to Magistrate or suspicion of manipulation of documents prepared during initial investigation would not dislodge the documentary and oral evidence indicating spontaneity of the lodging of F.I.S..⁴⁶

40. *Sahdeo v. State of U.P.* (AIR 2004 SC 3508), *Sunil Kumar v. State of Rajasthan* (AIR 2005 SC 1096)

41. *Ishwar Singh v. State of UP* (AIR 1976 SC 2423).

42. *Rabindra Mahto v. State of Jharkhand* (AIR 2006 SC 887).

43. *Balram Singh v. State of Punjab* (AIR 2003 SC 2213).

44. *Sarwan Singh v. State of Punjab* (AIR 1976 SC 2304).

45. *Paramjit Singh v. State of Punjab* (2008 (4) KLT Suppl. 774 (SC) = AIR 2008 SC 441).

46. *Sarvesh Narain Shulda v. Daroga Singh & Ors.* (2008 (4) KLT Suppl. 703 (SC) = AIR 2008 SC 320).



“Section 154: Information in cognizable cases

(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf:

Provided that if the information is given by the woman against whom an offence under Section 326A, Section 326B, Section 354, Section 354A, Section 354B, Section 354C, Section 354D, Section 376, ^{55A}[Section 376A, Section 376AB, Section 376B, Section 376C, Section 376D, Section 376DA, Section 376DB], Section 376E or Section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:

Provided further that--

(a) in the event that the person against whom an offence under Section 354, Section 354A, Section 354B, Section 354C, Section 354D, Section 376, ^{55A}[Section 376A, Section 376AB, Section 376B, Section 376C, Section 376D, Section 376DA, Section 376DB], Section 376E or Section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be videographed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of Section 164 as soon as possible.

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

(3) Any person, aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence."

Section 157: Procedure for investigation

(1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under Section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided that--

- (a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;*
- (b) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case:*

Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police station shall state in his report his reasons for not fully complying with the requirements to that sub-section, and, in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or cause it to be investigated.



STATUTORILY ENUMERATED POWERS OF INVESTIGATION OF AN SHO UNDER THE Cr.P.C.

Sl.No.	SECTIONS	PURPOSE
1.	4(1) & (2)	Procedure to be adopted for investigation of offences under the Indian Penal Code and other laws.
2.	36	Chapter IV – Part A. Power of superior Police Officers to investigate an offence.
3.	41 to 60 and 60A	Chapter V – Provisions pertaining to arrest of persons during investigation.
4.	91 to 105 102	Chapter VII – Provisions pertaining to search and seizure during investigation. Power to seize property and forthwith report to Magistrate.
5.	154	Information in cognizable cases. (FIR)
6.	155	Information as to non-cognizable cases and investigation of such cases.
7.	156	Police officer's power to investigate cognizable case.
8.	157	Procedure for investigation.
9.	158	Report under Section 157 to the Magistrate to be submitted through designated superior officer.
10.	160	Police Officer's power to require attendance of persons acquainted with the facts and circumstances of the case.
11.	161	Examination by the Police of persons acquainted with the facts and circumstances of the case.
12.	162	Statements to Police not to be signed and the extent of user of such statements in evidence.
13.	163	No inducement, threat or promise to be offered by the Police Officer.
14.	164 (1) to (5) 164 (5-A) (a) 164 (5-A) (b)	Recording of confessions of accused and statements (<i>other than confession</i>) of persons by Magistrate. Compulsory recording of statements by Magistrate of victims of certain specified erotic offences. Statement so recorded of a person who is temporarily or permanently mentally or physically disabled, to be treated as examination-in- chief under Section 137 of the

		Evidence Act.
15.	164 A	Medical examination of a rape victim.
16.	165	Search by an SHO during investigation either directly or through a subordinate officer.
17.	166	Request by the SHO to the SHO of another Police Station to issue search warrant.
18.	166 A	Letterogatory for investigation in a country or place outside India.
19.	166 B	Letterogatory from a country or place outside India to a Court or authority for investigation in India.
20.	167	Procedure to be followed when investigation cannot be completed in 24 hours.
21.	168	Report of the result of investigation by a subordinate Police Officer to the SHO.
22.	169	When the investigation does not produce sufficient evidence or reasonable ground to forward the accused for trial, SHO to release the accused on his executing bond.
23.	170	When the investigation has produced sufficient evidence or reasonable ground to forward the accused or commit him for trial, the SHO to forward the accused to the Magistrate after taking security from the accused for his due appearance.
24.	171	Complainant and witnesses on their way to any Court not to be required to accompany Police Officer and not to be subjected to any restraint.
25.	172	Diary of proceedings in investigation (i.e. Police diary or case diary).
26.	173	Submission of “Police Report” before the Magistrate upon completion of investigation.
27.	174 and 175	Investigation including inquest into suicide or other cases of unnatural death.