

No.U5-192164/2017/PHQ,  
Police Headquarters,  
Thiruvananthapuram,  
Dated, -03-2018.

**Circular No.6/2018**

Sub:- Criminal Justice-Serving of Summons and  
Warrants -Instructions issued-Reg.

- Ref:-
1. Circular No 8/58 dtd 19.01.1958.
  2. Circular No 96/68 dtd 30.04.1968
  3. Circular No 39/70 dtd 12.03.1970
  4. Circular No131/70 dtd 30.09.1970
  5. Circular No 165/70dtd 23.11.1970
  6. Circular No 28/84 dtd 07.08.1984
  7. Circular No 37/84 dtd 15.10.1984
  8. Circular No 15/85 dtd 19.06.1985
  9. Circular No 10/86 dtd 06.03.1986
  10. Circular No 15/94 dtd 17.06.1994
  11. Circular No 25/05 dtd 25.10.2005
  12. Circular No 27/09 dtd 20.07.2009
  13. Circular No 21/10 dtd 14.04.2010
  14. Circular No 15/15 dtd 01.06.2015
  15. Circular No 34/15 dtd 24.08.2015
  16. Order dt. 28.11.2017 of the Hon'ble High Court of Kerala in O.P( Crl) No.463/17.

While considering O.P.(Crl) No.463/2017 on 22.09.2017, the Hon'ble High Court of Kerala observed that the trial of many criminal cases are delayed on account of non-service or improper service of summons and non-execution of warrant by the law enforcement agency and the Hon'ble Court has adversely remarked on the ways of execution by the Police.



In this regard, several instructions have already been issued from time to time from the Police Head Quarters for the proper and timely service of summons and execution of warrants to the witnesses / accused and to ensure their attendance in court. It has been clearly instructed through various circulars that it shall be the duty of Police officers to serve every summons and warrants and execute all lawful orders issued by competent authority in accordance with legal provisions.

To ensure the prompt service/execution of summons and warrants respectively issued by various courts, the following instructions are also issued for strict compliance:-

- 1 While serving Summons and executing warrants the respective officers will comply with the statutory provision laid down from Sec. 61 to 105 of Cr.PC and also comply with the directions in the above mentioned Circulars issued from this office.
- 2 The process register should be maintained properly in such a way that all the columns of the register should be filled up according to the heading invariably. The reason for the non- service of processes should be furnished in the last column of the process register in detail. The details of long pending warrants and steps u/s 82 & 83 Cr.PC should be entered in a separate register after mentioning the details in the process register concerned.



- 3 Instructions regarding test check of summons/warrants have been laid down in the Police Standing Orders, and various circulars. Circular No. 05/2005 mandates that test check of unexecuted summons/warrants as per standing instructions must be done by SHOs, and that CIs and DySPs must undertake random check. Circular No. 59/72 mandates that 10% of warrants to be test checked by SHOs and 2% by Circle Inspectors. The process has not been very effective. Hence it is directed that, the test check can continue with a revised target of ten (10) warrants every month in respect of SHOs, and random inspections by CIs / DySPs (with at least ten test checks in a quarter). However, the test checks must be undertaken in respect of unexecuted accused warrants in crime cases (except in summary trial cases). Follow-up action to be initiated against the concerned officers who fail to execute the process in time or for filing incorrect reports or for failure to submit timely reports with regard to process services.
- 4 The Investigating officers are directed to ensure that the details such as, Cell phone numbers, Pan Card No, Aadhar Card No. etc. of the witnesses and accused are entered in the Case Diary and witness statements. A model of Proforma details in this regard which is to be incorporated in the in the case diary is attached herewith. All available information shall be entered in the Proforma by the



officers concerned as far as possible.

- 5 The investigating officer should ascertain the genuineness of the address of the witness/accused mentioned in the charge sheet before filing the same before the court. If any change in the address is noticed during the time of trial, the investigating officer and Station House Officer should inform the matter to the court concerned to issue summons and warrants in the new address.
- 6 The detailed postal address of the witnesses and accused with Flat/House Number, Street Name, Residential Association Number, Post office concerned and any other additional particulars located features which may be helpful in locating the house such as landmarks or other identifiable buildings, offices nearby should be elicited and clearly noted in the witnesses statement as well as in the relevant portions of the case diary and charge sheet.
- 7 If the accused / witness is Government Servant, their official and permanent address along with the details regarding Permanent Employee Number, Mobile Number, Voter ID card, Aadhaar Card and Email addresses should be cited in the Case Diary as it would help in timely process service. In the case of official witnesses summons may be served through electronic method also under intimation to the Head of their Department.



- 8 SHOs are directed to serve the summons to witnesses by all methods which are legally sanctioned. In case of summons which couldn't be served in person or to any of the adult male member of his family, the same shall be affixed in the presence of a witness in a conspicuous part of the house where the accused or witnesses resides. The affixed summons will be photographed by the serving officer.
- 9 Whenever, in any unavoidable circumstances which make it impossible for such services, the summons should be returned to the court prior to the date of hearing with a proper report through the SHO clearly indicating why it could not be served. A copy of it be kept in a folder attached to the process register. In case of warrant the same will be retained and earnest efforts will be taken to execute till recalled by the court. If the case is posted for hearing by the court prior to the execution of such warrant, the up-to-date status shall be intimated to the court without fail by the officer concerned.
- 10 When a summons is issued by the jurisdictional court and when the same is to be served at any place outside its local jurisdiction, in another district, such summons are presently sent to the SHO of the Police Station under its jurisdiction and where the case was registered. This is an effective method as the concerned Police Station would



naturally be interested in the prosecution of the case under its jurisdiction. However, a separate monthly statement of process service outside the district jurisdiction to be generated, and the same be monitored by the AC/ DySP DCRB in each jurisdiction. The purpose of a district level monitoring is to ensure that cross - jurisdictional issues (if any) in service of summons can be resolved easily.

- 11 The serving of summons / warrants outside the state, may be entrusted to a wing called the 'Outside State Process Unit (OSPU)' under AC, DCRB in each police jurisdiction under the District Police Chief. The wing may have a Sub Inspector, assisted by such policemen as may be deemed appropriate by the District Police Chief depending upon the volume of such service in each district. When a summons of witness / accused who resides outside the state is received by the SHO concerned, the same may be forwarded to the aforesaid wing and the concerned police officer will make endorsements in such summons and deploy police personnel for the purpose of serving summons outside the state and ensure receipt of proper acknowledgement which will be sent back to the SHO concerned for submission to the Hon'ble Court. The status of such execution may be monitored by the DPCs during their crime conferences.



12 The mechanism for process service abroad has been laid down in MHA Letter No.25016/14/2007 dated 31<sup>st</sup> December, 2007 and 11<sup>th</sup> February, 2009. S.105 Cr.P.C provides the legal mandate with Letters Rogatory and Mutual Legal Assistance Treaties being the mechanism to achieve this. Recently, mechanisms under various multilateral treaties have also been used to execute judicial processes. There would be a separate cell in CBCID called the 'Foreign Process Liaison Cell (FPLC)', which will have the exclusive jurisdiction over such processes. All foreign processes can be sent by Courts directly to the Cell, which would be under a DySP level officer. The said cell will liaison with the CBI Interpol wing and MHA, MEA and make necessary arrangements, therefore facilitating the appearance of foreign nationals witness/accused, Indian witness/accused residing abroad, at the concerned trial Court in the state.

13 In every police station, a Prosecution Co-ordination Wing (PCW) should be formed headed by a Sub Inspector / Grade Sub Inspector under the direct supervision of the SHO. The Prosecution Co-ordination Wing should have four to five police personnel. The Sub Inspector would co-ordinate all process execution, and also endorse the processes for efficient execution. He will report details of processes in significant cases to the SHO as well as submit monthly statement of processes to the SHO. All personnel







undertaking process work in each police station should be part and parcel of the said wing. In addition, the PCW Head will

- a. Supervise the tapals from different courts, movement of MOs, including those to be forwarded to the FSL etc.
- b. The court duty and process duty personnel should report to him daily and provide information about the Proceedings in the Courts.
- c. Collect the details from the court duty personnel regarding the attendance of the accused/witnesses in the concerned court and convey the same to the SHOs concerned for further steps and entering the details in the Court CDs
- d. Ensure that the processes registers are maintained in the police station and are duly compared every month with the process register/record maintained in the concerned Court in consultation with SHOs.

14 SHOs should ensure that the 'process police personnel' do not continue in the same category for a long period and to change the process police personnel after an interval of six month invariably.

15 Routine inspection should be conducted by supervisory officers to verify the process register and ascertain whether the instructions with regard to the service of summons and execution of warrants are properly carried out. Their



remarks should be entered in Inspection Remarks/Visiting Remarks Registers as per the directions contained in the PHQ Circular No. 5/2005 and the SHO will be instructed to ensure that the process are duly served in time.

16. Stringent action will be initiated against the officers/officials who do not respond promptly to the summons issued from court of law and appear for tendering evidence. The immediate superior officers shall ensure the presence of such officers before the concerned Court. In the event of an official who has been summoned to appear before a court is not able to attend the court due to extreme emergency, the unit head concerned, after being fully satisfied, will send up a report to the court concerned.

If any laxity or negligence is noticed on the part of officers concerned in the timely serving of summons and in the execution of warrants, strict disciplinary action should be initiated against the officers concerned.

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Loknath Behera, IPS,  
Director General of Police &  
State Police Chief.

To

1. All Officers in List B- for information and urgent necessary action.
2. Copy to : CA to all Officers in PHQ  
: Manager / DySP, PIC PHQ for information.



: Stock file/ Circular Book.

Copy to: Circular Register, Kerala Police Website.