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POLICE DEPARTMENT KERALA

No.D4/108431/2018/PHQ
POLICE HEAD QUARTERS
Kerala, Thiruvananthapuram

Dated 03.01.2020

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G/I

CIRCULAR NO.36/2019

Sub:-Sanction for Prosecution other than UA(P)A cases - Furnishing of information in a newly designed proforma – Investigation Report – Regarding.

Obtaining Sanction for Prosecution after conducting investigation in to certain offences is legally essential and without such sanction being obtained, the Court will not take cognizance of those offences.

02. It has come to the notice that in cases u/s.153A, 153B, 188 IPC, Passport Act, Emigration Act, Arms Act, Explosive Substance Act, etc. where prosecution sanction is required from the Government, the authority is quite confused about the evidence collected by the investigating officers, at least, in certain cases.

03. In this connection a new proforma has been designed for the purpose of giving sanction and the same is attached herewith as Annexure. The report so prepared by the Investigating Officer with approval/endorsement by the DPC/SP concerned will be known as **Investigation Report**. Henceforth, this proforma will be used by all the Investigating Officers and their supervisory officers while Sanction for Prosecution is sought for.

04. The following aspects may be considered while preparing the Investigation Report in the format/proforma:

- a) The format is to be filled by the Investigating Officer with due attention to quality and presentation. This report is to be vetted by DPC/SP concerned and certified.
- b) It should be brief, containing all necessary evidences.
- c) Difference of opinion of Officers should not be reflected on this.
- d) Relevant Section/Sub-section(s) of law with brief grounds should be mentioned to obtain sanction.
- e) All relevant information from the Case Diary and Progress Report of the case may be used.
- f) Complex sentences should be avoided.
- g) Points which may not materially affect the merits of the case need not be mentioned.

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h) The points of defence submitted by the suspect/ accused persons should be mentioned in full. The explanation of the accused should be taken into consideration. Both the prosecution and possible defence evidence need to be presented, analysed and discussed in the report so as to support the cause of action suggested.

i) A draft copy of the sanction order, duly vetted by Legal Officer/ Special Public Prosecutor (SPP)/Public Prosecutor (PP)/DPC/SP concerned, may be put up along with the proforma while seeking sanction for prosecution.

j) The evidence available against each of the accused to assess the criminal offence may be mentioned in addition to the evidence under the heading "Detailed Analysis".

k) The offence committed by each of the accused should be indicated very clearly in the column "Conclusion".

l) It should be mentioned whether accused has been arrested/in judicial custody/on bail/absconding etc.

m) List of witnesses and documents be prepared and attached.

n) Statement of accused, if recorded, can be attached.

o) Copies of important documents and statements shall be annexed to the format. The format should logically marshal the arguments so as to lead to convincing conclusions.

p) The Investigation Report, prepared by the Investigating Officer, must be vetted by the DPC/SP concerned and then sent to the Range Office where DIG will immediately vet the report and send it to the Competent Authority. In very important cases, DIG will send that to the Competent Authority through the State Police chief.

It must be remembered that the Investigation Report should help the sanctioning authority for comprehensive understanding of the evidences collected during the investigation so that the Competent Authority can "apply" his/her mind which is a requirement in Law.

The above instructions are to be complied with by all concerned in letter and spirit.

Mr 3/1/2020
(Loknath Behera IPS)
Director General of Police &
State Police Chief

To

All SHOs/SDPOs/DPCs/Range DIsG/Zonal IGsP/
 ADGP Crimes/IGP Crimes.

Copy to - All Officers in PHQ/CA to DGP & SPC
 All Officers in List-B
 System Analyst to upload in the Police Website
 DD PR, PHQ/Circular Register

COB TELETYPE

Sir,
 Copy received for CoB transmission only
 (Except Local delivery)

03 JAN 2020

Time 1750 Sign. *[Signature]*

ANNEXURE**KERALA POLICE**
INVESTIGATION REPORT**(PROFORMA FOR OBTAINING SANCTION FOR PROSECTUION)**

Name of the Police Station/Field Office of Crime Branch	
Case No.	
Section(s) of Law	
Place(s) and Date(s) of occurrence	
Investigating Officer(s) and Supervisory Officer(s)	
Complaint/Source Information (how registered?)	
Re-registered/Freshly registered (Details in brief)	
Suspects/Accused Persons	
Introduction and background	
Allegations in brief	
Facts disclosed during investigation	
Forensic Science Laboratory Report/Expert opinions	
Discussion of Evidence (Oral/Documentary)	
Detailed analysis	
Conclusion	
Findings and recommendations	

Name & Signature of Investigating Officer**Date:****Endorsements/Recommendations (1) DPC/SP
(2)**

N.B:-Each point as above is to be filled-up with required details. Additional Sheets shall be attached wherever necessary.