

NIR 315 GR 600 (4p) <sup>AMS</sup>

No.D4/108431/2018/PHQ  
**POLICE HEADQUARTERS**  
Kerala, Thiruvananthapuram

Dated 08.08.2018

CIRCULAR No.20/2018

**Sub:-Sanction for Prosecution – Furnishing of information in a newly designed Proforma – Investigation Report - Regarding.**

Recently, in a UA(P)A case, Sanction for Prosecution was requested from the State Government. But, the sanction was not granted as the report of the Investigating Officer did not contain evidences collected during the investigation, in a proper manner.

02. There is already a proforma which is used by some investigating officers while requesting for Sanction for Prosecution in various cases from the competent authority. Considering the new legislations like UA(P)A, etc. where sanction is very crucial, it is necessary to follow-up an improved proforma in sending the report to the competent sanction giving authority which will help to avoid delay in getting the sanction.

03. In this connection a new proforma has been designed for the purpose 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 the DPC/SP concerned and certified to be correct.
- b) It should be brief containing all necessary evidence.
- 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.

CS1  
fms  
14/8  
41/8

- e) All relevant information from the Case Diary and Progress Reports 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.
- 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 course 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 discussing 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.
- m) List of witnesses and documents be prepared.
- n) Statement of accused, if recorded, can be attached.
- o) Copies of important documents and statements shall be annexed to the format. However, the issues involved in the case should be reflected in this report in such a manner that it may not require any other document to be consulted to understand the prosecution case well. In order to meet this requirement, the format should logically marshal the arguments so as to lead to convincing conclusions.
- p) It must be borne in mind by the officer drafting the format that in all cases where provisions of UA(P)A have been invoked, the Government sends this to a review committee consisting of experienced law officers to assess the