

No.U5-93770 /2019/PHQ,
Police Headquarters,
Thiruvananthapuram,
Dated, 23-09-2019.

Circular No. 24 /2019

- Sub:- Copies of the FIR, FIS, legible typewritten copy of the FIS and the remand report are to be furnished to the prosecutor concerned in regular bail applications – instructions - reg.
- Ref:- Order of the Hon'ble High Court of Kerala dated 07-08-2019 in Sreenish Vs. State of Kerala [Bail Application No.4278 of 2019]

The registration of a crime in a police station starts with receipt of First Information Statement [FIS] which is to be registered by the Police Officer in the General Diary (GD) or Station Diary. In Kerala, the police use Kerala Police Form (KPF) No.57 issued under section 12 of the Kerala Police Act, 2011 for the purpose. The First Information Report [FIR] registered under section 154 (1) of the Code of Criminal Procedure, 1973, on the basis of the FIS received in the Station is the first step in the investigation of a crime. FIR or FIS has not been defined in the Code of Criminal Procedure, 1973. It is the information in relation to the commission of a cognizable offence, reported to the Police, first in point of time.

Hon'ble High Court of Kerala vide reference cited had ordered that the prosecution agency is bound to ensure that the copies of the FIR, FIS and the legible typewritten copy of the FIS are produced before the Court along with memo of the Public Prosecutor in anticipatory bail applications. Further, copies of the FIR, FIS, legible typewritten copy of the FIS and the remand report are also to be produced along with memos of the prosecutor concerned in regular bail applications. In cases where a person, who is not initially arrayed as an accused in the FIR, is subsequently got arrayed as an accused in the crime on account of an

additional Section 164 Cr.P.C. statement given by the person concerned, then the Public Prosecutor will also have to ensure that a copy as well as the legible typewritten version of such statement is also made available at least for the perusal of the Court in anticipatory bail applications and regular bail applications, so that it will be quite easy for the Court to understand as to on what basis such a person has been newly arrayed as an accused in the crime, even though he was not initially named as an accused in the F.I.R . Further, it appears to the Hon'ble Court that in almost all cases, the original of the FIS is a handwritten document recorded in the handwriting of the authorized police official concerned. But it also happens that many at time the handwriting in the FIS are not very legible and it becomes very tough task for the Court, the Prosecutor and for the Advocate of the accused persons to really decipher some of the vital contents of the FIS and lack of proper understanding affects not only the case of the accused persons but may also even detrimentally affect the prosecution in such cases.

In view of the above orders of the Hon'ble Court, it is directed that a legible typewritten copy of the FIS is also immediately maintained after the recording of the FIS in the Police Station concerned and such legible typewritten copies of the FIS as attested by the SHO or the competent official of the Police Station concerned should be kept in the CD file, so that the same could be easily made available to the Subordinate Criminal Courts as well as to the Hon'ble High Court during consideration of not only bail applications but also in other proceedings including trial. In almost all Police Stations, maintenance of Case Diary is affected in typewritten version probably using laptop/desktop and so it will not cause any real difficulties to any of the Police Stations in Kerala to immediately maintain a typewritten version of the FIS. Needless to say, the original of the F.I.S could continue to be in handwritten form.

All SHOs in all Police Stations including the Crime Branch are hence directed as follows:-

i) Immediately after recording of the FIS in the handwriting of the police official concerned, it shall be ensured that a typewritten copy of the FIS is also maintained and sufficient copies of the same shall be kept in the CD file, so that it could be easily given to the courts concerned, to the prosecutor concerned and it could also be produced as and when required in the courts.

ii) Copies of FIR, FIS, legible typewritten copy of FIS should be produced along with memos of the Prosecutor in all anticipatory bail applications filed before the Hon'ble High Court.

iii) Copies of FIR, FIS, legible typewritten copy of the FIS and copy of the remand report should be filed along with memo of the prosecutor concerned in all regular bail applications filed before the Hon'ble High Court.

All Police Stations including the Crime Branch are directed to strictly implement the above directions without fail. If any laxity or negligence is noticed on the part of any officer concerned in complying with the above directions, strict disciplinary action should be initiated against such officer by the disciplinary authority concerned.

hw. 23/9
Loknath Behera, IPS,
Director General of Police &
State Police Chief.

To

1. All SHOs in all Police Stations including the Crime Branch - for information and urgent necessary action.
2. All Officers in List B- for information and urgent necessary action.
3. CAs to all Officers in PHQ/DD,PR.

Copy to: Circular Register, Kerala Police Website.