

Date : 27/10/2010

Circular No. 43/2010

Sub:- Police Department - Missing of CD files – Prevention – Instructions issued – regarding

Ref:- PHQ Circular Nos. 16/92, 46/94, 54/94, 07/99, 07/2000 and 01/2005.

The above mentioned PHQ Circulars deal with various aspects of maintenance and upkeep of Case Diaries (CDs) at various offices by the hierarchy of officers.

02. Every Police officer making an investigation under Chapter XII of the Code of Criminal Procedure is bound to maintain a diary which is termed as Case Diary (Section 172 CrPC). The Case Diary (CD) is a very important document which has to be maintained in a faithful, regular and systematic manner. The recent amendments to the CrPC make it compulsory that the statements of witnesses recorded during the course of investigation be inserted in the Case Diary. Keeping the Case Diary as a volume with due pagination is also a statutory requirement now. Case Diaries are of paramount importance in the investigation and prosecution of cases. CD file in every case is to be properly preserved as it can be called for and examined by the Court and can be made use of by Investigating Officers for refreshing memory during trial. It is a record which must be written day by day with regularity and accuracy.

03. It has come to notice that many Officers are either careless or lackadaisical in the proper maintenance and upkeep of CD files. This is an undesirable tendency which would warrant stringent punitive measures against the concerned.

04. The following further instructions are issued with immediate effect for strict compliance by all the officers concerned for ensuring proper maintenance of Case Diary and for avoiding loss thereof.

- (i) SHOs will conduct comparison of FIR Index Register with the corresponding Registers of the respective Courts on a monthly basis and take strict follow-up action to get the discrepancies sorted out in close liaison with the Court Superintendent.
- (ii) Physical verification of CD files of all the Cases reported since 2001 will be held in all Police Stations by officers of the ranks of CIs/DySsP/ACs to ensure that all the CD files are properly maintained and that the Final Reports / Charge Sheets in respects of Cases shown as 'Finally Reported/Charged' in the CD files have physically reached the courts and have been duly taken in the file of the concerned court.
- (iii) Sub Divisional Police Officers will conduct a physical verification of all pending CD files including UI Cases, PT Cases and LP Cases on a quarterly basis as on the 1st day of every quarter.
- (iv) The Crime Number, CD pages and the Date of the last CD shall be noted by the CIs and DySsP in the Crime Ledger maintained by them.

- (v) A Register showing the details of Charges/Final Reports returned from the Court should be maintained with data like Date of Receipt, Name and Designation of Officer responsible for rectifying the defects, Date of Resubmission etc. and the entry relating to a case will be rounded off only after the Court has assigned the CC/ST Number.
- (vi) All Sub Divisional Police Officers will verify the Crime Ledger maintained in their offices respectively with that of the CI's offices and the FIR index of the Police Stations to find out whether there is any discrepancy and make corrections wherever necessary on a monthly basis.
- (vii) In the case of transfer of an Investigating Officer, proper handing over of CD files should be done and SHO should personally verify the same and satisfy himself. Based on this only, the NOC will be issued and the officer will be relieved of his Charge. This will be personally monitored by the SP of the district and the District Police Office.
- (viii) No officer will be allowed to take the CD file home under any circumstances. All the CD files should be kept under the safe custody of the SHO/Station Writer. No CD file should be kept at the residence.

05. All the Inspectors General of Police, Ranges, District Superintendents and Commissioners of Police will ensure that these instructions are strictly carried out by their Subordinate Officers.

Director General of Police
Kerala

To

All SsP/CsP/SDPOs/CIs/SHOs for information and strict compliance.

Copy to

ADGP Crimes, ADsGP Zones, IsGP Ranges, IGP SCRB
for information and necessary action.

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CAs to all officers in PHQ, Stock File.