

Guidelines for Scrutiny of Police Reports

These Guidelines are promulgated and issued under Section 10 (1) of the Punjab Criminal Prosecution Service (Constitution, Functions & Powers) Act, 2006 (The Act) to the District Prosecutors in Punjab for effective and efficient prosecution of Trial cases and to make use of these guidelines for effective scrutiny of Police Reports under Section 173 Cr.P.C.

Introduction

The Prosecution Act, 2006 provides as follows;

Section 9(4) of the Act provides that a police report under section 173 of the Code of Criminal Procedure, 1898 including a report of cancellation of the first information report or a request for discharge of a suspect or an accused shall be submitted to a Court through the Prosecutor appointed under the Act.

Section 9(5) of the Act provides that the Prosecutor shall scrutinize the report or the request and may–

- (a) return the same within three days to the officer incharge of police station or investigation officer, as the case may be, if he finds the same to be defective, for removal of such defects as may be identified by him; or
- (b) if it is fit for submission, file it before the Court of competent jurisdiction.

Section 9(6) provides that on receipt of an interim police report under section 173 of the Code of Criminal Procedure, the Prosecutor shall–

- (a) examine the reasons assigned for the delay in the completion of investigation and if he considers the reasons compelling, request the Court for the postponement of trial and in case investigation is not completed within reasonable time, request the Court for commencement of trial; and

(b) in cases where reasons assigned for delay in the completion of investigation are not compelling, request the Court for commencement of trial on the basis of the evidence available on record.

Section 9(7) of the Act provides that a Prosecutor may submit to the Court results of his scrutiny in writing as to the available evidence and applicability of offences against all or any of the accused as per facts and circumstances of the case.

Section 10(3) of the Act provides that a Prosecutor may–

(b) call for a report within a specified time from any officer of law enforcing agency in relation to an investigation;

(c) call for record or any other document within a specified time from a law enforcement agency and if necessary, from any other Government department or agency as may be necessary for the purposes of prosecution;

Section 12(1) of the Act provides that an officer incharge of a police station or the investigation officer shall–

(b) send the police report under section 173 of the Code, to the concerned Prosecutor within the period prescribed by law; and

(c) if an investigation is not completed or cannot be completed within the time provided under the law, record reasons for the delay and inform the Prosecutor.

Section 12(2) of the Act provides that an officer incharge of the police station or investigation officer shall, within the time specified by the Prosecutor, comply with the directions and remedy the defects pointed out by the Prosecutor in a police report under section 173 of the Code including report for cancellation of the first information report or request for discharge of an accused or suspect.

Section 13(9) of the Act provides that a Prosecutor shall–

(b) on receipt of the police report, final or interim, including a report for cancellation of first information report or request for discharge of an accused, scrutinize the same and process it under section 9;

(d) report to the District Public Prosecutor, details of investigations, if any, conducted in violation of law or instructions issued by the Prosecutor General or not completed in the time provided under law without reasonable cause and the District Public Prosecutor may inform the head of investigation and the Prosecutor General for appropriate action

In the light of the provisions of law in Section 173 Code of Criminal Procedure and the Sections 9,10,12 and 13, the following guidelines are issued to the prosecutors for effective and efficient prosecution of criminal cases;

Review of police file and filling of cases in court

Introduction

Police reports are the record of the process and outcome of a police investigation. In particular, police reports document the evidence collected by the police, the opinion of the police and the police decision to charge a particular person on the basis of the available evidence. Police reports are passed on to the prosecutor so that he may review them and formulate his opinion with regard to the same. A review is necessary because a prosecutor is under a duty not to initiate a prosecution or to stop a prosecution where an impartial investigation shows the charge to be unfounded. These guidelines explain the content and process of prosecutorial review of police files.

The Investigation Process

Investigation is an objective process aimed at identifying the actual offender. It requires the investigator to pursue all lines of enquiry that appear reasonable. The police should therefore be open to any and all evidence whether it confirms the involvement of a particular accused, or points away from him. The investigation process entails the collection, recording and retention of all relevant evidence such as statement of witnesses, results of

forensic and other evidence. The Code, police law, other statutes and administrative orders in line with the same regulate the investigation process.

The role of the prosecutor during an investigation

The prosecutor has no role in the decision to commence an investigation or to direct the police to gather evidence for or against a person, or to bear upon the police to act in a particular manner, or to follow a particular line of enquiry. However after receipt of First Information Report which a prosecutor must receive immediately, he is bound to contact the concerned Investigating Officer and guide/advice him throughout the process of Investigation to lead to better quality criminal cases, fit for prosecution. The guidelines on Police Prosecutor Cooperation are contained in Standard Operation Procedures on the subject. Once report of an investigation has been made, he may lawfully ask whether a particular line of enquiry was followed, what evidence was collected and/or whether the police acted in accordance with the Prosecutorial Advice.

Police files and Judicial files of the investigation

In accordance with police business processes / practice, documents pertaining to an investigation are placed in two files called the police file and judicial file. The two files contain a number of documents depending on the type of the report and the circumstances of the case. Both files generally contain the same type of documents except notably police case diaries, which are placed only in the police file. Police sends all files with a road certificate in Form 10-17, which is a document indicating movement of the file. The documents forming part of the two files are mentioned in Table below.

Contents of Judicial and Police files

Documents	Urdu name	Authority
Judicial file		
Index	<i>Tafseel kaghzat</i>	

Charge sheet in Form 25.56(1), in case of challan	<i>Challan form</i>	PR 25.56
Cancellation report in Form 25.57(2), In case of cancellation		PR 25.57(2)
Case closure report in Form 25.57(2), In case of case closure	<i>Report adm pata</i>	PR 25.57(2)
Statement of the informant	<i>Fard bian</i>	
First information Report		PR 24.5(1)
Remand form/orders, if any		
Warrants and orders relating to absconders and details of their properties, if any		S 87 & 88
Orders pertaining to bail, recognizance etc		
Rough crime scene sketch (plan)	<i>Naqsha Moka</i>	PR 25.13
Site plan according to scale-where made		PR 25.13
Recovery memo, if any	<i>Fard baramdagi/ Maqboozgi</i>	
Expert reports, if any		
Inquest reports, if any		PR 25.35(1)
Injury statement in Form 25.39, if any	<i>Naqsha mazroobi</i>	PR 25.39
Medico legal/autopsy report, if any	<i>Tibbi report</i>	
Inquiry reports, if any		
Attestation Certificate in form 25.7(1)	<i>Certificate</i>	PR 26.7
Seeking previous criminal record, if any	<i>shanakht mulzim</i>	
Identity parade proceedings, if any	<i>Karwai shanakht parade</i>	
Charge sheet slip in Form 27.21(1)(a)		PR 27.21 (1)(a)
Statement of prosecution witness		S 161 Cr.pc

Original copies Statement under section 164		
Documentary evidence		
Police file		
Index of the police file		
Copies of all documents mentioned in the Judicial file		
Orders pertaining to change of investigation		
Notes made on the first inspection at the crime scene		
Police brief, in serious cases		Form 27.4
Orders of court to produce record	Robkars	
Copies of the relevant case diaries	Zimni	PR 25.55
Unused material for disclosure purpose		
Compensation Claim		

A description of some of the documents indicated above is as follows:

Documents	DESCRIPTION
Road Certificate	This is an important form and accompanies all dispatches from the Police Station. Where case property is sent with the form the officer in charge of the Malkhana signs the acknowledgment section of the form and returns it. The acknowledgement is attached with the police report. The prosecutor should be aware of its significance as it not only discloses the evidential items taken into custody by police but also indicates their location
Index of the file	This is list of all documents in the file. On receipt of a police file, prosecutors must ensure that the file contains all documents reflected in the index with help of check list

	which is part of the Prosecution File (Annex A)
Order containing the change of Investigation	These are orders pertaining to withdrawal of investigation from one officer and entrustment to another by a competent authority.
Statement of the Informant, if any	This refers to the written application which is the basis of the FIR.
Site plan according to scale	This is an accurate map of the scene of crime. It must always be prepared in case of heinous crime especially murder and riots connected with land disputes. The map indicates topographical items. The plan may be drawn in two sets one to be submitted in court and the other to be retained for departmental use. The investigation officer makes notes on the copy to be retained for departmental use. Entries made by the ' <i>Patwari</i> ' or drafting expert should be in black ink while those made by the police officer should be in red ink.
Recovery memo	The record of seizure of evidence is referred to as recovery memo. The memo has to be signed by independent witnesses. However there are exceptions to this rule.
Expert report	Important forms of forensic reports include Fingerprints, footprints, Tool marks, DNA information and firearm reports. Where reports are not available due to pendency the fact should be recorded in the police diaries. Expert reports should be accompanied by all information, forms or material which pertains to the integrity of the evidence, identification of evidence, packaging of evidence, preservation of evidence and chain of custody and likelihood of contamination. Where the evidence is in the form of explosive, the report of explosive arms expert is

	<p>necessary for the prosecutor. The police are required to follow the instructions provided in PR 25.42(2) before seeking opinion from the Chief Inspection of Explosives.</p>
Inquest report	<p>An inquest report contains the results of the investigation of the causes of death and is prepared by police in all cases of murder and other forms of unnatural death. Form No. 25.35(1)(B) is used in cases of death by violence. Form no 25.35(1)(c) is used in cases of death by poisoning.</p>
Injury Statement in Form 25.39	<p>The injury statement is a police report of the circumstances of any injury. The medical officer is required to initial the injury statement.</p>
Medico legal / autopsy report	<p>Medical evidence is used to assess the nature of the offence particularly in hurt and death cases. The medical officer's notes on the reports, opinion, X-ray reports, DNA test, semen etc is accorded significant value by the courts. Where the Police send the body for autopsy, or an injured person or items of evidence for medical opinion it needs to fill out Form No. 25.39 of the Police Rules. This form amongst other things indicates the articles, which were sent for further analysis to the Chief Chemical Examiner Punjab.</p>
	<p>The report of the serologist indicates the origin and type of the blood. The police are not allowed to send items directly to the Serologist. The report to the serologist together with the items is dispatched directly to the police.</p>
Inquiry reports if any	<p>Inquiry reports are of two kinds – administrative inquiries and judicial inquiries. Administrative inquiries include inquiries conducted by tribunals appointed under the Punjab Tribunal of Inquiry Ordinance, 1969. They are relevant facts although the police investigation may or may</p>

not agree with the results of the inquiry. Judicial inquiries include the inquiries conducted by Magistrate under section 176 of the code.

Police brief	This form is submitted in serious cases sent up for trial. This form outlines the key points of the circumstances of the case. It further includes the opinion of police as to the strength and weakness of the prosecution evidence, credibility and reliability of witnesses and their availability. The purpose of this form is to inform the prosecution of the background information of the case, the weakness(es) in the case, the possibility of further evidence, the impact of outstanding evidence on the case and any other relevant information. This form can help the prosecutor in talking steps for the removal of weakness(es) in the case, to hold consultative meetings with the police to deal with important issues and to advise the police on evidential matters. This form should be treated as a confidential documents and must not be shared with the Defence.
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Copies of the relevant case diaries	Case diaries are recorded in view of the provisions of §173 of the Code and Police Rules 25.53-25.55. The format of the diary is provided in Form 25.54(1). A case diary consists of sheets; each of which is numbered, dated and stamped with the police station stamp. As soon as each diary is completed its number and date is recorded at the police station and one copy is sent to higher police officials to ensure that no changes are made ⁴ . Details of the stolen or recovered property, or documentary evidence, a concise summary of statements of the suspect, victim and the eyewitnesses, proceedings regarding search and other similar investigative techniques are required to be made part of the diary. Use of the diaries is limited to specific purposes. These purposes include use by court to
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	contradict police officer(s) where they give evidence and use by police officer(s) for refreshing their memory, since they relate to events in the past.
Unused Material for	The police may not wish to use certain material for disclosure purpose collected and retained during investigation as part of the prosecution case. The viewing of such material by prosecutors is important, as it may be instrumental in arriving at a correct decision. Such evidence should also be disclosed to the defence unless it is not advisable to do so on grounds of public interest.
Compensation claim	A victim is entitled to compensation from the offender in cases indicated in section 75 of the Pakistan Penal Code. The police should obtain relevant information and supporting documents or other evidence from the victim regarding compensation at the investigation stage. However where this has not happened the prosecutors may seek it directly from the victim.
Certificate in Form 26.7(1) seeking previous criminal record	The previous criminal record of a particular suspect derived from various police registers including the conviction register is included in this certificate. This form indicates to the prosecutor the antecedents of suspect. It also has other objectives like confirmation of the identity of the suspect. Prosecutors may use it for raising objections to bail application. They can also use it for making prosecutorial decisions i.e. Whether to ask for an enhanced punishment as repeat offenders may awarded grater punishment under section 75 of the Pakistan Penal code
Notes made on the first inspection at the	These notes provide the first record of the crime scene and are a valuable piece of evidence. Where the identity of the perpetrator is in issue identity proceedings are held. Rule

crime scene identity parade proceedings	26.32 of the police rules governs the eyewitness identification process.
Charge sheet slip in Form 27.21(1)(a)	This is sent with the police report to be filled out by the presiding officer of the court or the prosecutor when the case is decided indicating the outcome of the trial in respect of each accused. It is then returned to the office of the concerned Superintendent of Police for information where it is used to enter information on different registers including General Crime Register and English register. It is then sent to the police station where the FIR was recorded and/or where the offender permanently resides where it is used to enter information on the conviction register (if there has been a conviction) and the FIR register for reference record.
Statement of Prosecution witness	The police records statements made by witnesses under section 161 of the code. Statement made to the court are recorded under section 164. Statements assist the prosecutor in making crucial decisions relating to remand, bail, charging and trial. Copies of statements are attached with the case diaries and summaries of statements are recorded on the case diaries.
Statement under Section 164	Confessions are recorded before a Magistrate. Confessions are only admissible if they are recorded in accordance with law.

The prosecutor should carefully examine both judicial and police files and attach an advice note/scrutiny on the police file if he wants the police to take some action and return both files to the police. The police after taking relevant action return the case to the prosecutor who removes the advice note and places it in the prosecution office when he records a note for the court.

Factors involved in prosecutorial review of police files

The factors that prosecutors should look for and base their decision while reviewing a case file include both investigative methodology and the resultant evidential product.

Investigative methodology

Investigative methodology refers to the lines of enquiry followed, the process of collection of evidence etc. With regard to investigative methodology the prosecutor may reasonably ask whether all reasonable lines of enquiry were followed and what evidence was collected to that end.

Evidence:

Material, which indicates whether process has been followed in the collection of evidence, is also evidence – not of the crime but of the process followed. Failure to maintain this material may lead to exclusion of evidence. It may also be used by the Defence to attack substantive evidence on grounds of due process. Evidence which has been collected by the Police may be used or unused. It is important that the Prosecutor looks at both used and unused materials so that he has a complete and comprehensive view of the case.

Police reports of investigation

The officer in charge of the police station makes the report of an investigation. The prosecutor has no formal role in the formulation of the report. However it does not become a report within the meaning of section 173 of the Code of Criminal Procedure till such time as a Prosecutor files it in Court. All final reports including a report of cancellation are submitted under section 173 of the Code of Criminal Procedure to a Magistrate (or a special court having powers of a magistrate).

Types of police reports:

There are three types of reports for conveying investigation results:

- i) A report in which one or more person are recommended to stand trial. Such reports are commonly called *challans*. A *Challan* can be both interim and final.
- ii) A report of cancellation. Such a report declares a case to be false or otherwise unfit to be prosecuted for defined reasons.
- iii) A report of untraced. Such a report is intimation that the police have not been able to trace the person responsible for the offence in question and have no reasonable hope of doing so.

Report recommending persons to stand trial (challan)

A report, which recommends that one or more persons stand trial, is charge sheet or challan. It is filed when the police are satisfied that sufficient evidence exists against one or more suspects. A complete report/*challan* may be filed in the first instance or following the submission of an interim *challan*. Interim Challans/interim police report are used for cases where investigation has not been completed within the statutory period of fourteen days. In such cases the police have to send an interim report indicating the result of the investigation finalized till that time along with reasons for not filing a final report. The Prosecutor shall examine the reasons assigned for the delay in the completion of investigation and if he considers the reasons compelling, request the Court for the postponement of trial and in case investigation is not completed within reasonable time, request the Court for commencement of trial. Similarly in cases where reasons assigned for delay in the completion of investigation are not compelling, request the Court for commencement of trial on the basis of the evidence available on record. The Court may then choose to proceed with the trial or to defer it for a certain period depending on the circumstances of the case. An interim report can form the basis of a trial and accordingly the police should be careful in formulating such a report. Where the police have submitted a final report they can file a supplementary report.

Form of report recommending one or more persons to stand trial:

Final reports and incomplete reports recommending initiation of trial are sent in Form 25.56(1). Incomplete reports are to be attached with the final report. The report consists of seven columns. A specimen of Form 25.56(1) is given below;

FORM NO 25.56(1)

CHARGE SHEET

District _____ Charge Sheet No. _____ Dated _____ 20

Police Station _____ in first information

No. _____

1	2	3	4	5	6	7
Name, Address and occupation of complainant or informant	Name and addresses of accused persons not sent up for trial whether arrested or not arrested included absconders (show absconders in red ink)	In Custody	NAMES AND ADDRESSES OF ACCUSED PERSONS SENT FOR TRIAL	Property (including weapons) found, with particulars of where, when and by whom, found and whether forwarded to Magistrate.	Names and addresses of witness	Charge or information Name and offence and circumstances connected with it, in concise detail, and under what section of law charged.

Dated: _____

Dispatched at _____ A.M. on _____ 200x

P.M

Signature of Investigating Officer

An explanation of the contents of Form 25.56(1) is given Table below

Contents of challan reports

Column	Contents	Details
Column 1	Particulars of complainant or informant	This column contains the name, parentage, address and occupation of the complainant or informant.
Column 2	Particulars of accused not sent for trial	This column includes the names parentage, address and occupation of accused persons not sent up for trial by police. In practice, column No. 2 includes persons against whom evidence is not available but who are sent to court in order to obviate the possibility of a private prosecution or simply on the basis of abundant caution. Names of absconders are shown in red ink. However the Prosecutor should check that police must not place persons against whom there is no evidence or insufficient evidence in Column No. 2 just because they are liable to be summoned.
Column 3	Particulars of such accused sent for trial who are in custody	It lists the names and addresses of persons against whom prima facie or sufficient evidence exists (an indication of type should always be given) of involvement in the offence and they are sent up for trial.
Column 4	Particulars of accused sent for trial who are on bail or	Same as above

	recognizance	
Column 5	Case property	It lists property including weapons found with particulars of where, when and by whom, found and whether forwarded to the Magistrate.
Column 6	Particulars of witnesses	It provides the names, addresses, of the witnesses for the prosecution ¹ .
Column 7	Charge or information	It provides the outline of the circumstances of the case and the proposed charges. It helps the prosecutor in reviewing police reports and making decisions relating to charges.

Cancellation Report

The police can recommend cancellation of the FIR, where the allegations in the FIR are found to be maliciously false or where it is founded on error of fact or mistake of law, or the allegations amount to a non-cognizable offence or the matter is predominantly a dispute of civil rights and it would be more appropriate to get the dispute determined in the Civil Court. A case of poor evidence should be distinguished from a case of cancellation.

The police decision to cancel a case is taken by the investigation officer and reviewed / finalized by the Station House Officer. Recommendations for cancellation need to be endorsed by the Deputy Superintendent of Police and / or the Superintendent of Police.

Form of Cancellation Report

A cancellation report is prepared on Form 25.75(2).

FORM NO 25.75(2)

FINAL REPORT UNDER SECTION 173, CRIMINAL PROCEDURE CODE

District: _____ Charge Sheet No. _____

Dated _____ 20XX

Police Station: _____ in first information No.

Dated _____

1	Name and address of complainant or informant	
2	Nature of charge or complaint	
3	Description of property stolen, if any	
4	Name and address of accused persons, if any	
5	If arrested, date and hour of arrest	
6	Date and hour of release and whether on bail or recognizance	
7	Property (including weapons) found, with particular reference of where, when and by whom found and whether forwarded to Magistrate	
8	Brief description of information or complaint, action taken by the police with result and reasons for not processing further with investigation.	

Factors to be taken into consideration by Prosecutor in scrutinizing Cancellation Reports

While reviewing or scrutinizing a cancellation report submitted by the police, the Prosecutor should consider the following points:

- (a) Whether the allegation contained in the FIR actually constitute an offence.
- (b) Whether the allegations constitute a non-cognizable offence.
- (c) Whether all lines of enquiry were duly followed. This should however not be used as a deciding factor till such time as police practices becomes fairer and more documented.
- (d) Existence of malice. Malice, in false cases, is a necessary ingredient where the decision of cancellation is based on a premise other than mistake of fact or law.
- (e) A case of cancellation must be distinguished from a case of poor evidence or a case in which the police are unable to collect sufficient evidence to reach a definitive conclusion about the involvement of a suspect or the truth of allegations.
- (f) Whether evidence points to an offence other than that alleged in the FIR and that offence is a cognizable offence. In such situations, the FIR should not be cancelled and the prosecutor should simply recommend the police to alter the charge,.
- (g) Whether there are mixed questions of law and fact involved in the case and their determination is subject to the orders of a civil court. In these circumstances the Prosecutor, and for that matter the police, should ideally wait for the orders of the civil court and if

such orders are not forthcoming and they should advise that the case be not heard till such time as these issues are settled.

Closure report

A closure report is considered to be a final report within the meaning of section 173 of the Code. It is prepared in accordance with Police Rule 25.75(2) and in that Form. This rule states that when police are unsuccessful after taking all measures in their power and it is advisable to suspend the investigation a final report in the format given under that rule should be submitted.

A report of case closure as untraced is a report implying suspension of proceedings but as it is a final report, assent of the magistrate is required for recommencement of investigation if the Magistrate has agreed with the report.

Review of police reports by prosecutors

A prosecutor can take two actions after reviewing a police report namely:

- (a) Rendering of advice to the police
- (b) Forwarding the case to the Court with his opinion

When reviewing the police case the prosecutor must consider whether there are any defects and/or shortcomings in the police report, whether the case meets prosecutorial standards and what, if any, charges can be pressed on the basis of available evidence.

Action that prosecutor should take during review

In order to render advice or an opinion the prosecutor must complete the following tasks:

- (a) Identify defects/non-provision of information

A prosecutor is required to identify defects in a police report. The term defect has not been defined in the statute but defects would include non-provision of essential documents, non-provision of essential detail in documents, jurisdictional shortcomings and evidentiary weaknesses. Defects are remediable and non-remediable. Remediable defects are those, the removal of which does not amount to miscarriage of justice. Non-remediable defects or non-rectifiable defects are those that may have an impact on the integrity of evidence.

Examples of remediable defects include situations where the police have indicated in the police report that they have recorded the statement of particular witness but the statement is not attached to the police report. Examples of non-remediable defects are where recovery memos are without signatures of the recovery witness(s). Asking the police to obtain signatures of a person who was not present during the search may amount to fabrication of evidence, although signature of a person who was present but missed out on signing does not amount to fabrication. The police must never be requested to remove a known non-rectifiable defect and any such removal must be noted if done by the Police on its own.

(b) Application of prosecutorial tests

There are two prosecutorial tests: Evidential test and public interest test both of which are detailed in guidelines on prosecutorial decision-making. The processes for the application of the evidential test are as follows:

Element	Description
Identification of the offender	The Prosecutor must look for positive evidence regarding identification where identification is disputed
Evidence	The Prosecutor must have evidence on each and every ingredient of an offence. Failure to have evidence on any one ingredient will not justify a charge for that

offence. Prosecutors must be cognizant of the fact that lack of evidence on one or more ingredients may require amendment or alteration of charge. The strength of evidence regarding each ingredient is a matter, which requires careful consideration.

Selection of charges

The prosecutor is the appropriate authority for selection of charges and he may add or delete charges proposed by the police. In giving such advice the prosecutor should ensure that charges reflect the seriousness and extent of offending.

The content and manner of rendering Prosecutorial advise

Prosecutorial advice refers to the observations/directions of the prosecutor with regard to shortcomings/defects in the police report. It is given once review of the police report has been completed. Advice should only be given where necessary and in writing. Before rendering advice a prosecutor should take the following actions in the priority listed:

- (a) The prosecutor should identify procedural defects and non-provision of necessary information. Where a full review of the file is not possible because of procedural defects and non-provision of necessary information the case should be returned with a listing of the missing information. When seeking information police should not be advised to remove non-rectifiable defects and these defects must not be cited in the reference to the police. The prosecutor may, however, keep a separate note of non-remediable defects for his personal record.
- (b) Where prosecutor receives a police report or a discharge request in the proper format and accompanied with the required

information, it is his duty to review/scrutinize it as soon as practicable. He should critically and thoroughly examine the police report and accompanying evidence, the statement and evidence of the defence. In case he finds the evidence to be insufficient or inadmissible he should specify the details of the same. Where the police report indicates outstanding forensic or medical or other reports, he should take appropriate steps to ensure their timely delivery.

- (c) Where the Prosecutor is able to review the police report, he should formulate an opinion regarding selection of charges. In case his selection is different from the police he should inform the police about the same. However he need not return the case to the police for this purpose in all cases.

Check List for Scrutiny of Challan

In order to scrutinize or perform all of the above actions the prosecutor may use the following checklist.

Sr. No	Check list Questions	Purpose	Prosecutorial action
	General		
1	Whether all required papers/documents are attached to the police and judicial files.	To find out the police case and its bases. To review the case holistically. The quality of a particular prosecutorial review can be assessed by checking the material	To check the list of material / documents attached. To direct the police to submit missing material/documents. To review the file when the entire material / documents is / are provided.

		the prosecutor examined at the relevant time	
2	Whether all the columns of the report u/s 173 are duly and correctly filled in?	The report under section 173 forms the basis of trial and there should be no discrepancy between the columns and the documents and material on which it relies inadequately completed columns hamper an informed prosecutorial review decision	Check the columns and direct the police to provide missing information / enter correct information
	Specific		
3	Does the list of case property entered in the report u/s 173 tallies with the list given in the Road Certificate?	To ensure that the information synchronizes with the property in possession	Check all the road certificate pertaining to the case property and see if the information in them is the same as in column no.5
4	Whether the plan of scene of crime has been prepared according to Police Rules instructions.	The plan helps the prosecutor to understand the evidence. It enables the prosecutor to identify inconsistencies and their impact on the entire case and to see	Review the maps (rough or / and final) and see if instructions contained in PR 25.13 were observed. See if defects found in the map can be lawfully remedied Direct the police to remove remediable defects.

		if these can be remedied.	
5	Whether the list of stolen/snatched property bears the signature of the complainant and the officer who prepared the list?	It enables the prosecutor to decide whether to make a summary proceedings request and / or prepare a compensation claim.	Check the list, the memos of recovery, if any and the road certificates relating to the property.
6	Whether the post mortem reports, inquests reports statements of injuries chemical examiner's report and serologist report are attached?	The evidence or material is significant in hurt and murder cases and a proper prosecutorial review may not be possible without the same.	Request the Police / concerned agency to supply the report.
7	Is the documentary evidence part of public record? If so, have certified copies been obtained.	To determine how documents are to be proved.	Obtain the relevant information from the police.
8.	Has all the documentary evidence relied upon by police attached with the police report? Who is in possession of original documents?	To determine admissibility of evidence	Obtain the relevant information / documentary evidence.
9.	Whether search and seizure was conducted in accordance with law.	To determine admissibility of evidence.	Obtain the relevant information/documents from the police.

10.	Are the marginal witnesses to a document or those familiar with the handwriting of the executants of the document are prosecution witnesses and will they be available to testify	To ensure that documents can be fully proved	Obtain the names of marginal witnesses from the police and / or their availability / willingness to / testify.
11.	Whether the list of property recovered, produced or seized in the case has been correctly prepared, dated and signed by witnesses and the officer(s) preparing them?	The prosecutor needs to know if the evidence has been collected, recorded and forwarded in accordance with the procedural and evidential rules and if the evidence is admissible.	Check the memorandum of recoveries, the signatures of the witnesses and the calendar of witness to confirm whether names of witnesses of recovery have been correctly entered in the calendar of witnesses
12.	Whether the identification certification certificates of the accused have been attached to the challan?	This enables the prosecutor to ensure identification	Ensure identification certificates are available in case of disputed identification.
13	Which of the accused are previous convicts and whether evidence regarding the same has been attached?	This allows the prosecutor to seek enhanced punishment and may also be used in making other important prosecutorial	Make notes of particulars of previous convictions and ensure that relevant evidence i.e. copies of the judgments etc is obtained at the earliest.

		decisions like contesting bail applications.	
14.	Police has explained final outcomes with regard to every important suspect in the report?	The prosecutor may need to explain why particular persons nominated by the informant were not made to stand trial	Ask the police as to whether a particular line of enquiry had been followed or not and how was the case pertaining to nominated persons was processed.
15.	Is the police brief complete according to Government instructions? Note defects	This information assists the prosecutor in review and subsequent prosecution of the case. It is not disclosable to the defence.	Request for a complete brief indicating witness assessment, evidence that points to the guilt of the persons charged, weakness of the case, anticipated defence, discrepancies etc.
16.	Whether all necessary witnesses have been listed and their connection with the complainant noted?	A prosecution witness whose name does not appear on the list of witnesses may be precluded from giving evidence. A prosecution witness testimony may be attacked on the ground of relationship with the complainant/informant.	Request the police to include the names of all witnesses who are necessary (and ready to give evidence) and whose names have been overlooked.
17.	Were remands regularly taken and was the challan prepared in time?	An unlawful remand may result in the exclusion of evidence or may impact the	Ensure that all information relating to remands is available.

		outcome of a trial.	
18.	Whether all the bail bonds and personal bonds of and recognizances of witnesses have been attached to the challan or not?	To ensure attendance of bailed out persons/persons released on personal bonds	Obtain necessary information/request the police to provide necessary information.
19.	Whether proceedings under section 87/88 have been properly initiated?	It is part of the obligation of prosecutors to ensure that proceedings to ensure that proceedings under section 87/88 are not sham and genuine attempt(s) have been made to contact any absconders.	Check relevant documentation
20.	Whether age of the charged suspects(accused has been ascertained in appropriate cases?	Age may be relevant in certain cases and the prosecutor should have adequate information/proof regarding the same	Ensure supporting evidence of age is provided if available.
21.	Whether statements of prosecution witnesses were properly recorded?	The prosecution is under a duty to provide the defence with copies of statements recorded under section 161 or 164 Cr.P.C	Request the police to provide statements.

22.	Whether information regarding the police officer who prepared a report u/s 173 is available.	Detail of the officer is essential for effective and efficient communication between the police and the prosecutor.	Ensure the details of the officer including name, rank and mobile number are available in the file.
23.	Whether more than one person / agency has investigated the case and if so are all the investigation results available?	Different persons may use the outcome of various investigations during the trial and the prosecutor must know the same	Obtain details of various investigations conducted by the police.

Checklist format based on the above contents to be maintained as part of Prosecution file (**Annexure B**) with these guidelines

Objections raised on Police Report

The objections raised by the prosecutor shall be rendered to the concerned Investigation Officers within three days of receiving of the Police Report in the Police Advice Form (**Annexure C**). Where police fail to comply with advice, the prosecutor has a number of options available depending on the nature of the case, the stage of the investigation and reasons for refusal to rectify the defect. These options include repeating the request, bringing the fact of refusal to the notice of a superior police officer or prosecutor, allow the prosecution to go ahead, or refuse to initiate a prosecution or drop the prosecution at an appropriate stage as per provisions of Prosecution Act in introduction part above.

Opinion of the prosecutor to the Court

Once prosecutorial advice has been tendered and complied with, or the prosecutor decides to move ahead without writing to the police, or where the police has not responded to the advice in time and it is necessary to submit an opinion to the court, the Prosecutor may, render an opinion to the Magistrate concerned.

A prosecutorial opinion must attend to and address the following things:

- (a) In case of a report recommending trial, which persons should stand trial, for what, and why?
- (b) In case of a report of closure, whether the recommendation of the police to suspend the investigation is justified or the police may collect more evidence?
- (c) In case of a cancellation, whether in view of the factors listed above a cancellation is in order or the case should be returned to the police for collecting further evidence in the matter.
- (d) In case of an interim report, whether a trial may commence against one or more persons or the police may be granted more time to complete the investigation. It may be appropriate to request for postponement of trial if one or more of the following grounds exist
 - i. There are reasonable chances of obtaining additional evidence and evidence to be collected will have an impact on the outcome of the trial.
 - ii. Evidence could not be collected despite best efforts of the police.
 - iii. Commencement of trial will prejudice the prosecution or the accused.
 - iv. Accused has absconded and it would not be fair to resort to the proceedings under section 512 of the Code.
 - v. Potential witnesses are not available. For example, the witness is abroad or is suffering from some serious medical conditions etc.

It may be appropriate to request for commencement of trial where the following circumstances are present:

- (a) The delay may cause losing important evidence.
- (b) Whether there is a deliberate attempt to cause interruption in the trial.

- (c) The interest of the security of state.

Policy on processing of Police Reports by ADPPs and DDPPs

After receiving the Police Report under Section 173 Cr.R.P.C., the prosecutor shall inform the DPP office about the receipt of Report in writing. The prosecutor shall go through the FIR, Report under section 173 Cr.P.C. along with Final Police Diary (Challani Zimini) of the Police File and will carefully go through the whole judicial file and the police file, point out defects on Police Advice Form, if any, getting it rectified by the I.O. The I.O. shall certify that the Challan is fit for trial. Concerned Prosecutor shall update the DPP Office about the return and receiving back of the Report to and from the concerned Police Officer. Concerned Prosecutor shall seek any advice from the DPP and before submission of the Police Report to Court shall inform the DPP Office. The prosecutor will not keep the report under section 173 Cr.P.C. with him beyond the period of three days period. The prosecutor will ensure that the report under S. 173 Cr.P.C. be submitted in the Court within prescribed period as mentioned under S.173 Cr.P.C. and promptly report any delay on part of Police regarding late submission of Police Report. He shall also certify that the Challan is fit for trial in the prescribed format.

The DPP shall constitute a Scrutiny Committee for re-checking of Police Reports as per policy of the Department. On the date given by the DPP to the Committee the concerned Prosecutors shall produce the list of Police Reports finalized for submission to the Court. The Committee shall select 20% Police Reports from the list for re-checking. The Committee shall examine the Police Reports and issue guidelines. The prosecutor shall ensure observance of the instructions given by Scrutiny Committee.

After submission of Report under S.173 Cr.P.C. in the Court, the memorandum of the case shall be kept in a separate file by the Prosecutor and he shall submit original copy of memo to the Office of DPP on weekly basis.

If the report is not submitted within prescribed time without reasonable cause, the prosecutor shall report to the DPP in writing for informing the Head of the Investigation and Prosecutor General for appropriate action under section 13 (9) (d) PCPS Act, 2006.

Where the prosecutor reaches the conclusion that offence mentioned in the FIR needs to be added or deleted, he may forward the report under S.173 Cr.P.C. along with his recommendation to the DPP for final approval.

If the prosecutor points out any defect in the case, he will get it rectified through I.O. or SHO concerned within shortest possible time. If the Police fail to rectify it, the prosecutor will submit the report to DPP, who will forward the same to the DPO/SP (Inv.)/ SHO/ Incharge Investigation for early rectifications and action against the delinquents.

If the prosecutor is of the opinion that the report under S.173Cr.P.C. is not fit for submission in the Court he will send the file back to the SHO/I.O. concerned with his remarks and suggestions on the memo, directly or through DPP and only submit written report to the DPP with his remarks given on the memo for its onward transmission to the superior incharge police officer in the district for appropriate action in the matter.

A special report may also be forwarded for information or action, if so required to the Prosecutor General Punjab and the Secretary PPD through DPP.

All correspondence made and actions taken by the Prosecutor are recorded in the Case File, Police Reports Register, Complaint Register and the copies of such correspondence is kept in Misc. Record File. Daily Report on progress of Police Reports are reflected in Daily Profroma on Police Reports

Important Note

No frivolous or baseless objections will be raised by the Prosecutor on the Police Report u/s 173 Cr.P.C. at the instance of Investigation Officer or on his own for causing delay in submission of Police Report for any extraneous consideration. If it is found out that the delay in submission of Police Report is intentional and due to some extraneous consideration on the part of the Prosecutor, strict departmental action shall be taken against the concerned Prosecutor.

Record concerning Police Reports maintained by ADPPs and DDPPs

- i. Police Reports Register
- ii. Complaint Register
- iii. Misc. Record File
- iv. Case File
- v. Memorandum File

Individual Proforma on Police Reports

Daily Proforma on Police Reports under Section 173 Cr.P.C. (see Performance Standard Document)

Role of Support Staff of ADPPs and DDPPs in maintaining record and proforma on Police Reports

Prosecutor after receiving the Report under S.173. Cr.P.C. along with police file, hands it over to the JC who enters the same in the Record and places the Report in the Prosecutor file and furnish it along with Police File before the Prosecutor. Once the Report is scrutinized by the Prosecutor, JC will enter the status of the file in the record. If the Report is to be submitted to the Court, the JC will deliver the Report to the concerned Court and keep the Memorandum of every Case in a Separate file, which is transmitted in original to the DPP Office by the JC on weekly basis. If the Report is to be returned to the I.O., the same will be delivered back to the I.O. by the JC promptly and if the same could not be delivered within statutory period (3 Days), JC will

inform the Prosecutor for communicating to the I.O. to collect the Report. He will keep the Prosecutor updated about the delays in case of Reports which are not returned after removal of defects.

Policy on processing of Police Reports by DPPs

Every Prosecutor shall inform the DPP Office after receipt of Police Report under Section 173. Cr.P.C., for the purpose of entry in the record of DPP Office. Concerned Prosecutor shall update the DPP Office about the return and receiving back of the Report to and from the concerned Police Officer. Concerned Prosecutor shall seek any advice from the DPP and before submission of the Police Report to Court shall inform the DPP Office. The DPP shall constitute a Scrutiny Committee for re-checking of Police Reports as per policy of the Prosecution Service. On the date given by the DPP to the Committee the concerned Prosecutors shall produce the list of Police Reports finalized for submission to the Court. The Committee shall select 20% Police Reports from the list for re-checking. The Committee shall examine the Police Reports and issue guidelines. The prosecutor shall ensure observance of the instructions given by Scrutiny Committee. The Committee shall prepare report of every Scrutiny work and shall keep the record.

Record concerning Police Reports maintained by DPPs

- i. Scrutiny Committee Report File
- ii. Police Report Register

General Proforma on Police Reports

District Proforma (General) 1 & 2 (see Performance Standard Document)

(SADAQAT ALI KHAN)

**Prosecutor General,
Punjab**

POLICE FILE

	Yes	No
Index	<input type="checkbox"/>	<input type="checkbox"/>
Index of the police file	<input type="checkbox"/>	<input type="checkbox"/>
Copies of all documents mentioned in the Judicial file	<input type="checkbox"/>	<input type="checkbox"/>
Orders pertaining to change of investigation	<input type="checkbox"/>	<input type="checkbox"/>
Notes made on the first inspection at the crime scene	<input type="checkbox"/>	<input type="checkbox"/>
Police brief, in serious cases	<input type="checkbox"/>	<input type="checkbox"/>
Orders of court to produce record	<input type="checkbox"/>	<input type="checkbox"/>
Copies of the relevant case diaries	<input type="checkbox"/>	<input type="checkbox"/>
Unused material for disclosure purpose	<input type="checkbox"/>	<input type="checkbox"/>
Compensation Claim	<input type="checkbox"/>	<input type="checkbox"/>

JUDICIAL FILE

	Ye	No
Index	<input type="checkbox"/>	<input type="checkbox"/>
Charge sheet in Form 25.26(1), in case of challan	<input type="checkbox"/>	<input type="checkbox"/>
Cancellation report in Form 25.57(2), in case of cancellation	<input type="checkbox"/>	<input type="checkbox"/>
Case closure report in Form 25.57 (2), in case of case closure	<input type="checkbox"/>	<input type="checkbox"/>
Statement of the informant	<input type="checkbox"/>	<input type="checkbox"/>
First Information Report	<input type="checkbox"/>	<input type="checkbox"/>
Remand form / orders, if any	<input type="checkbox"/>	<input type="checkbox"/>
Warrants and orders relating to absconders and details of their properties, if any	<input type="checkbox"/>	<input type="checkbox"/>
Orders pertaining to bail, recognizance etc.	<input type="checkbox"/>	<input type="checkbox"/>
Rough crime scene sketch (plan)	<input type="checkbox"/>	<input type="checkbox"/>
Site plan according to scale – where made	<input type="checkbox"/>	<input type="checkbox"/>
Recovery	<input type="checkbox"/>	<input type="checkbox"/>
Expert reports, if any	<input type="checkbox"/>	<input type="checkbox"/>
Inquest report, if any	<input type="checkbox"/>	<input type="checkbox"/>
Inquiry statement in Form 25.39, if any	<input type="checkbox"/>	<input type="checkbox"/>
Medico legal / autopsy report, if any	<input type="checkbox"/>	<input type="checkbox"/>
Inquiry reports, if any	<input type="checkbox"/>	<input type="checkbox"/>
Attestation Certificate in Form 26.7(1) seeking previous criminal record 87, if any	<input type="checkbox"/>	<input type="checkbox"/>
Identity parade proceedings, if any	<input type="checkbox"/>	<input type="checkbox"/>
Charge sheet slip in form 27.21(1)(a)	<input type="checkbox"/>	<input type="checkbox"/>
Statement of prosecution witness	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Original copies Statements under section 164

Documentary evidence

Annexure B**Check List for Scrutiny of Challan**

S.No	Check List Question	Yes	No	Remarks
1.	Whether the report u/s 173 is duly signed / verified by a gazetted Police Officer?			
2.	Whether all required papers/documents are attached to the police and judicial files?			
3.	Whether all the columns of the report u/s 173 are duly and correctly filled in?			
4.	Does the list of case property entered in the report u/s 173 tallies with the list given in the Road Certificate?			
5.	Whether there was any delay in lodging of FIR? If so, what was the reason?			
6.	Whether the plan of scene of crime has been prepared according to Police Rules instructions?			
7.	Whether the list of stolen/snatched property bears the signature of the complainant and the officer who prepared the list?			
8.	Whether the medico legal reports, post mortem reports, inquests reports statements of injuries, chemical examiner's report, serologist report, DNA/RNA report are attached?			
9.	Is the documentary evidence part of public record? If so, have certified copies been obtained.			
10	Has all the documentary evidence relied upon by police attached with the police report? Who is in possession of original documents?			
11	Whether search and seizure was conducted in accordance with law.			
12	In murder and hurt cases, whether the Investigation Officer inspected the place of occurrence and entered all details in his Inspection Note?			
13	In case of Abduction / Kidnapping whether the statements of recovered abductee recorded under section 161 and 164 of the Code of Criminal Procedure			
14	In rape cases whether the victim has been medically			

	examined with final opinion of the Doctor?			
15	In rape cases whether any DNA/RNA tests got conducted, if required for evidence?			
16	In rape cases whether potency test of the accused person been conducted by the Medical Officer?			
17	Are the marginal witnesses to a document or those familiar with the handwriting of the executants of the document are prosecution witnesses and will they be available to testify?			
18	Whether the list of property recovered, produced or seized in the case has been correctly prepared, dated and signed by witnesses and the officer(s) preparing them?			
19	If recovery of weapons of offence has been effected, has the place, wherefrom recovery effected, given in recovery memo?			
20	Has the weight of recovered weapon entered in recover memo?			
21	Has the sketch of recovered weapon drawn and attached to the Challan?			
22	Have the recovered articles properly sealed?			
23	Whether all recovered weapons and all other case property been entered in Register no.19 of the concerned Police Station and corresponding number is mentioned in the relvant memos in red ink?			
24	Whether the identification certification certificates of the accused have been attached to the challan?			
25	Which of the accused are previous convicts and whether evidence regarding the same has been attached?			
26	Has Police explained final outcomes with regard to every important accused in the report?			
27	Whether the accused confessed before the Magistrate and his statement recorded u/s 164 of the Code?			
28	Whether copies of statements (legible and duly verified by the Investigation Officer) for delivery to the accused as required u/s 265-C of the Code, attached to the Challan?			
29	Whether search slips of the accused was sent to the Bureau and has any reply received?			
30	Were remands regularly taken and was the challan prepared			

	in time?			
31	If there is delay in submission of challan whether reasons given? Mention the delay in number of days beyond statutory period of 14 days.			
32	Is the police brief complete according to Government instructions? Note defects			
33	Whether all necessary witnesses have been listed and their connection with the complainant noted?			
34	In case where there is apprehension of resiling of witnesses, have their statements got recorded u/s 164 of the Code at early stage of the case?			
35	Whether a motive for commission of alleged offence been established by Investigation Officer?			
36	Whether all the bail bonds and personal bonds of the accused persons and addresses of the accused and witnesses have been attached to the challan or not?			
37	Whether proceedings under section 87/88 have been properly initiated? If yes, then is full description of the absconder/s, list of property owned by him, original warrants of arrest and proclamation report of the process server and proceedings taken by the I.O. u/s 87/88 of the Code attached with the Challan?			
38	Whether age of the charged accused has been ascertained in appropriate cases?			
39	Whether statements of prosecution witnesses were properly recorded?			
40	Whether evidence of witnesses corroborated by the medical evidence and recoveries?			
41	Whether in all cases registered under Anti-Terrorism Act, 1997 investigation been conducted by Joint Investigation Team as required u/s 19(1) of the Act?			
42	Whether information regarding the police officer who prepared a report u/s 173 is available.			
43	Whether more than one person / agency has investigated the case and if so are all the investigation results available?			
44	Whether the Challan was thoroughly scrutinized, before submitting to the Trial Court, keeping particularly in view the deficiencies/omissions/lacunas pointed out in different judgments of Hon'ble Apex Courts from time to time?			

Punjab Criminal Prosecution Service			
Government of Punjab			
Police Advice Form			
Reference No.			
FIR No.			
Police Station			
Defects			
Sr. No.	Defect	Action required from police	Time line
Non-provision of information			
Sr. No.	Missing information	Action required from police	Time line

General			
Sr. No.	General query/explanation	Action required from police	Time line
Prosecutors details			
Name of Prosecutor		Designation	
Signature		Date	

