



Court Sub-Inspectorship

Examination

QUESTIONS & ANSWERS.

I.

1. (a) State the law and rules regarding the production in Court of diaries ?

LAW :—Vide S. 172 (2) Cr. P. C.

RULE :—A diary under S. 172 is privileged. The Court may send for it and may use it, not as evidence, but as an aid in a judicial enquiry or trial ; but the accused has no right to call for it, or to see it even if referred to by the Court ; the only exception is that, when it has been used by the Police-Officer who made it to refresh his memory, or when the Court uses it for the purpose of contradicting such officer, then the provisions of Ss. 145 or 161 of the Evidence Act, will apply.

Statements of witnesses under S. 161 Cr. P. C. should be kept distinct from the Special Diary

When any Court sends for Police diaries, only the entry recorded under S. 172 should be sent, and not the statement of witnesses under S. 161 Cr. P. C. unless the production of the latter is demanded by a competent Court.

- (b) Is a police officer compelled to divulge to a Court whence he got information as to the commission of an offence?

Vide S. 125 Evidence Act.

- (c) What is the Law as to police officers called as witnesses refreshing their memories from their diaries?

Vide Ss. 159 and 161 Evidence Act.

2. How should Station and Court officers deal with complaints sent to them by Magistrates under S. 202 Cr. P. C.?

When a complaint of a cognizable offence made to a Magistrate is referred to the police for enquiry into the case as a whole under the above section, a First Information Report and a final form should be submitted, but when such a complaint is referred for enquiry upon some specific point or points, an ordinary report not in the prescribed forms will be sufficient.

When it is necessary to employ the police to enquire into non-cognizable cases, the Magistrate should mention the section under which the complaint seems to fall, and should indicate clearly

the particular point or points into which enquiry is needed.

In communicating to police-stations and out-posts orders passed by Magistrates under S. 202, Cr. P. C., Court Sub-Inspector should obtain from the Bench Clerks either the petition and deposition of complainants in original or copies of these papers. They should also communicate explicit instructions from the Magistrate whether the case is to be treated as a whole and First Information and final report submitted; or whether enquiry is to be limited to specified points; and should note the date within which the enquiry must be concluded.

3. In what class of cases should a record of statements of witnesses be made under S. 161 Cr. P. C.?

- (i) Dying declarations,
- (ii) Heinous cases only.

N.B.—Heinous cases include cases exclusively triable by Court of Sessions and those cases in which Special reports are submitted through the Magistrate, either to the Commissioner only, or both to the Commissioner and to the D. I. G. of I. G. of Police.

4. State fully the law and rules regarding the remand of accused person to police custody.

LAW :—Vide S. 167 Cr. P. C.

RULE :—Under S. 61, Cr. P. C. no person arrested without warrant is to be detained in police custody for one single moment longer than under

all circumstances of the case as reasonable. Under no circumstances can he be detained in police custody for more than 24 hours (exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court), except by a special order of a Magistrate under S. 167, Cr. P. C.

Such special order should never be applied for unless—

(i) it appears that the investigation cannot be completed within 24 hours; and

(ii) there are reasonable grounds for believing that the charge is true. When both these conditions exist, the station officer will, under S. 167 Cr. P. C., forward the accused to the nearest Magistrate (whether or not he has jurisdiction to try the case) together with a copy of his Special Diary.

A remand to Police custody should, in practice, be granted (not exceeding 15 days in the whole) by a Magistrate only in cases of real necessity, and when there is good reason to believe that the accused can do something that will assist in elucidating the case:

Every application for remand under S. 167, Cr. P. C., shall be made personally by the Chief Police Officer present to the chief magisterial officer present.

5. What is the meaning of joinder of charges? Give illustrations.

Vide Ss. 234, 235, 236 and 239.

6. Under what circumstances can a Magistrate award compensation to an accused person?

Vide S. 250 Cr. P. C.

7. What classes of persons have a right to appear before a Criminal Court (1) on behalf of the prosecution (2) on behalf of the accused ?

For prosecution :—Vide S. 495 Cr. P. C. For the accused :—Vide S. 340 Cr. P. C.

8. May bail be taken under any circumstances in non-bailable cases ?

Vide S. 497 Cr. P. C.

9. (a) What is 'a fact', 'a relevant fact' and 'a fact in issue' ? Give illustration.

Vide S. 3 Evidence Act.

(b) Is the fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin, knowing it to be counterfeit, relevant under any circumstances, and if so, under what circumstances ?

Relevant under Explanation 2 S. 14 Evidence Act when the person is undergoing trial on a similar charge. It is also relevant as a fact in issue under S. 75 I. P. C.

10. What sort of questions may be put to a witness in cross-examination ?

(1) Questions relating to relevant facts.

(2) Vide S. 146 Evidence Act.

N.B.—Leading questions may be asked in cross-examination—S. 143 Evidence Act.

II.

1. In what way or ways can bad livelihood cases be instituted ?

What kind of evidence should be sought for to establish a case of bad livelihood ?

(a) On petition.

(b) On police report—Applications for proceedings under S. 109 and 110, Cr. P. C., will be submitted to the Magistrate through the D. S. who will be held personally responsible that they are supported by sufficient evidence. All such applications must be in P. C. Form No. 246.

(c) By Magistrates of his own motion.

The points to be proved in a case under S. 110 Cr. P. C. against habitual robbers, house-breakers or thieves are :—(1) Occurrence of many thefts and burglaries in the village or in its immediate neighbourhood. (2) That the accused has no ostensible means of livelihood and that his expenditure exceeds his means. (3) General suspicion against the accused of his being implicated in the thefts or burglaries that occur in his village or its neighbourhood. (4) That the house of the accused was searched by the police on previous occasions.

(5) Frequent absence from home under suspicious circumstances at night and such absence being unexplained or falsely accounted for. (6) That the accused levies blackmail, putting persons in fear of injury, or commits extortion. (7) That he often consorts with other known criminals.

Can the fact that a person is an habitual offender be proved by general repute or otherwise ?

Yes. Vide S. 117 (3) Cr. P. C.

How many persons can be tried together on a charge of bad livelihood ?

Vide S. 117 (4) Cr. P. C.

3. What power has a police officer making an investigation to secure attendance of witnesses ?

Vide S. 160 Cr. P. C.

Are witnesses so attending bound to answer incriminating statements ?

No. Vide S. 161 (2) Cr. P. C.

How are witnesses omitting to attend punishable ?

Vide S. 174 I. P. C.

5. In regard to what classes of accused persons are special rules prescribed for the service or execution of process ?

Vide Rule 13 (i), (j), Chapter XV. B. P. C.

How should warrants sent to police-stations be endorsed (1) by Court officers sending them, (2) by Station officers unable to execute them personally ?

A warrant intended to be executed by the police will henceforth be addressed not to the Court Sub-Inspector, but to the "officer in charge" of a police-station or outpost. [In case a warrant is addressed to the Court officer, he should endorse upon it the name of the police-officer to whom it is entrusted for execution.]

If the officer thus addressed desires to entrust its execution to some other police officer, the endorsement must be by name. It is, moreover, important that he should make his authority clear by adding the words "officer in charge" after his signature.

Warrants of arrest issued in non-bailable cases to be executed by the police will be similarly dealt with.

8. What is the law regarding compounding of offences ?

Vide S, 345 Cr. P. C.

How should compounded offences be shown in returns as cases acquitted or convicted ?

As cases acquitted—but should be entered in the remarks column of Statement A Part III.

9. Does an appeal lie under any circumstances from an order requiring security for good behaviour ?

Vide S. 406, Cr. P. C.

From what sentences is there no appeal on the ground that they are petty ?

Vide Ss. 412, 413, 414 Cr. P. C.

10. What persons are incompetent to testify in criminal cases ?

Vide S. 118 Evidence Act.

What general rules of evidence should a prosecuting officer be acquainted with ?

General rules—

(i) that the best evidence must be produced of which the case is capable ;

(ii) that secondary or hearsay evidence is inadmissible ;

(iii) that the statement of one defendant, not being an approver, is of no evidentiary value for or against another ;

(iv) that a confession made by any person whilst in custody of a police-officer, unless made in the immediate presence of a Magistrate cannot be proved, except in so far as it relates to facts discovered therefrom ;

(v) that conversations which have taken place out of the hearing of the accused are not admissible against him ;

(vi) that the opinion of a witness on any point at issue is not admissible except on points of skill and judgment ;

(vii) that a certified copy of a public document is admissible as evidence ;

(viii) that unstamped documents are receivable in criminal cases ;

(ix) and that the fact of an outraged person having made a complaint is receivable as evidence.

(x) No particular number of witnesses is required for the proof of any fact.

N.B.—Questions 2, 4, 6, 7 of this paper are the same as questions 1, 4, 6 and 7 respectively of paper I.

III.

1. How do the names of absconded offenders find entry (i) in the register kept in the District Superintendent's office, (ii) in the register kept at police-station ?

(i) A register of absconded offenders, whose homes are within the district, being absconders whose names are entered in Part I of police-station registers in the district, will be kept in English in the office of the D. S., entries in it being arranged, thana by thana. Out-post absconders should be entered under the station to which the out-post is subordinate. In this register absconders will be differentiated into (a) those with wife or family ties, and (b) those without. At

the beginning of the book there is to be an alphabetical index giving the names of all the absconders and the names of the police-stations to which they belong.

In the case of absconders charged with crime committed within Railway limits the A. I. G. should send their rolls to the D. S. of the district within the local limits of which the absconders live, or in which the crime was committed. The D. S. will have the particulars entered in his register in accordance with the rules.

From the Final Memo: cases and Court Sub-Inspector's Return of unexecuted warrants, D. S. will ascertain the names of absconders which should find entry in his Register. After Registration in his office he will send rolls for entry in the Police-Station Register.

(ii) The police-station register should be divided into two parts. In Part I should be entered names of all escaped convicts and absconded offenders, irrespective of where they have committed crime, whose usual residence is within the station circle in which the register is kept. This register must tally with the entries for the station made in the D. S.'s register with which it should be compared once a year.

Part II should contain the names of escaped convicts and absconded offenders (i) who have committed crime within the station circle, but whose residence is either unknown or within some other station jurisdiction; (ii) who have relatives or connections living in the station circle, irrespective of the place where crime was committed.

In Part I. a whole page will be devoted to each officer ; in Part II the names of two offenders will be entered in each page.

No entry will be made in the Station Register without the written order of the D. S. P.

What are the duties of court officers in regard to absconders ?

(a) To apply for the issue of warrants against the absconders against whom the charge should appear substantiated.

(b) To move Magistrate to fix a date on which the police should report the execution or non-execution of warrants.

(c) To move Magistrate to issue proclamation, if the police should report their inability to arrest.

(d) After the proclamation is published, to submit a report that the copy for the court house was duly affixed in the presence of witnesses.

(e) On receipt of returns regarding the publication of the proclamation in mofussil, to move the Magistrate to record a proceeding as to the date of publication of the proclamation.

(f) If the accused does not appear, to move the Magistrate to issue attachment process.

(g) To move Magistrate to record the statement of witnesses under S. 512 Cr. P. C. (in important cases).

(h) To submit a list of property to be attached when applying for attachment process and to report when the property is not specified in the attachment order.

(i) If the absconder does not appear within the

time specified in the proclamation, to ask the Magistrate to record a formal proceeding declaring the property under attachment to be at the disposal of the Government.

(j) To move the Magistrate to take action under the Extradition Act, should the accused abscond to a foreign territory.

(k) To send the descriptive roll of the absconder to D. S. P. for insertion in the P. G.

(l) To send immediate written intimation to D. S. P. when an absconder is brought in otherwise than by the police to whom the warrant is directed.

(m) To note the various steps taken as regards absconders in police cases in the General Register.

How may offenders who have absconded into foreign territory be arrested ?

In the cases of persons who have absconded into foreign territory, the Magistrate should be moved to take action under the Extradition Treaty if there be one.

5. What is the law as to the deposition of medical witnesses ?

Vide S. 509 (1) Cr. P. C.

Must a medical witness examined by a committing Magistrate appear at Sessions Court ?

Vide S. 509 (2) Cr. P. C.

6. A constable receiving information that a person within the limits of

of his police-station has no ostensible means of subsistence arrests him without a warrant and takes him to the station. What should the officer in charge do ?

He will re-arrest the man.

N.B.—Such arrest by a constable without a written order from the officer in charge of a P. S. has not the support of law.

8. Under what circumstances may a pardon be tendered to an accused person ?

Vide S. 337 Cr. P. C.

9. By what Court should an habitual who has been convicted of offences against coinage, stamp law, or property be tried ?

Vide S. 348 Cr. P. C.

10. A man commits a murder, robs eight different persons of their ornaments, and finally, after killing a second man, who arrested him, makes his escape. What offences should be shown in the crime returns ?

Two murders and eight robberies.

N.B.—Questions 2, 3, 7, of this paper are the same as questions 1, 3 and 4 of paper I and question 4 is the same as question 5 of paper II.

IV.

1. A private person witnesses a theft, and in consideration of Rs. 5 paid to him by the thief refrains from proceeding against him. Of what offence or offences, if any, is that person guilty ?

Vide S. 213 I.P. C.

2. What are the rules regarding abstention from enquiry under S. 157 Cr. P. C ?

An officer in charge of a P. S. may use his discretion in refraining from investigating any case in which there appears to him to be no sufficient ground for investigation.

As a guide, however, to the manner in which this discretion might be exercised, the following broad principles are laid down :—

I. Every reported cognizable offence should be investigated when an investigation is asked for, except (1) assault cases, when other charges, such as theft, are superadded, and the latter appear to be more than doubtful ; (2) cases in which the criminality of the act charged depends upon the decision of a question of dispute, such as a question of title or possession, which it is within the province only of a Civil Court or of a Criminal Court under Chapter VIII or Chapter XII, Cr. P. C., to decide.

II. No investigation should ordinary be made into the following classes of cases, unless an investigation is asked for :—

(1) Cases of house-breaking or attempted house-breaking, when there is no theft and no clue to the offender.

(2) Theft cases when the property reported to be stolen is :—

- (a) less than Rs. 5 in value ; and
- (b) of such a nature as not to be easily identifiable, such as grain or fruit ; and
- (c) the informant has no suspicion as to the offender.

Should cases not investigated under this section be shown in returns as true or as false ?

As true.

How should property said to have been stolen in such cases be shown ?

As property stolen.

4. Should a police-officer making an investigation record a confession in a document drawn up under S. 161, or in his Special Diary under S. 172 Cr. P. C. ?

Substances of the confession may be noted in the Special Diary under S. 172 Cr. P. C. but not the statement in extenso.

How should confessing persons and their confession be dealt with by investigating officers ?

If an accused person confesses his guilt the investigating officer should send him at once to get his confession recorded by a Magistrate. He should also see that it is corroborated in material particulars by independent evidence and that the accused is segregated.

What is the law as to the relevancy of confessions ?

Vide Ss. 26, 28 and 29 Evidence Act.

What are the rules regarding corroboration ?

It should be clearly realized that the successful recording by a Magistrate of the confession of an accused person is not a final, but is rather an initial stage of the investigation. The next step is to obtain the corroborative evidence without which confessions ordinarily are discredited by the courts. If the confession be true, evidence in support of some portion of it will be forthcoming and should be collected. When in his search for corroborative evidence the investigator satisfies himself that the statements in the confession are false, he then realizes that an attempt is being made to wreck his enquiry, and that it is his business to defeat this attempt by collecting independent evidence. If on the other hand the statements are true he should be prepared with evidence to support them. In important cases and cases in which a confession covers a series of offences, D. Ss. should, when it may be necessary, apply for the deputation of a Magistrate to verify the confession, as more reliable corroborative evidence can then be secured.

6. What is the procedure as to the production of letters and telegrams in custody of the Postal and Telegraph authorities?

Vide S. 95 Cr. P. C.

What is the procedure in regard to the production of prisoners confined in Jails as witnesses or accused persons?

(1) If the prisoner is confined in any jail situated within the local limits of the Appellate jurisdiction of the High Court to which the Court requiring his presence is subordinate, it shall make an order under the Prisoner's Testimony Act directed to an officer in charge of the said jail. The order should be sent through the District Magistrate or Sub-divisional Magistrate in whose jurisdiction the jail situated. (2) If the jail be more than 100 miles distant from the requisitioning Court, the High Court should be moved to make an order as aforesaid. (3) If the jail of confinement situated beyond the local limits of the Appellate jurisdiction of the High Court the application should be made by a Judge of that Court to the Local Government within the territories of which the said jail is situated and the Local Government may, if it thinks fit, direct the removal of the prisoner.

What would be the course in case of an accused person confined in the Allahabad jail whose presence was required to answer a charge at Patna?

The Magistrate of Patna should move the

High Court at Fort-William to apply in writing to the Local Government of N. W. P. to direct the removal of the prisoner.

7. Can an accused person be examined during the course of his trial?

Vide S. 342 Cr. P. C.

8. Describe briefly the difference in the procedure between (1) Summons cases, (2) Warrant cases and (3) Summary trials.

SUMMONS CASE—

(1) No formal charge need be framed.

(2) Before examining witnesses, the complainant and the accused, the accused be asked if he has any cause to show why he should not be convicted.

(3) Non-appearance of complainant on the day appointed for the case results in the acquittal of the accused.

(4) Withdrawal of complaint before final order results in the acquittal of the accused.

WARRANT CASE—

(1) Formal charge is to be framed.

(2) After examination of witnesses, the complainant and the accused and the framing of the charge, the accused will be asked if he has any cause to show why he should not be convicted.

(3) The Magistrate may discharge the accused if proceedings instituted upon complaint and the offence may be lawfully compounded.

(4) No such provisions with reference to warrant cases though some of them may be compounded, without the consent of the Court and some with the Court's consent.

(5) A person accused of one kind of summons-case may be convicted of any other kind of summons-case proved against him by the evidence or admitted by him.

(5) The trial and conviction must be limited to the charge.

(6) Certain magistrates may stop proceedings instituted otherwise than upon complaint without pronouncing any judgment either of acquittal or of conviction and may thereupon release the accused.

(6) No such provisions for warrant cases with exception of those falling under S. 562.

SUMMARY TRIALS:—All summons-cases and a few warrant-cases only may be tried summarily. Procedure for summons-cases should be followed in summons-cases and the procedure for warrant cases should followed in warrant-cases with the following exception:—(a) No substantive sentence of imprisonment exceeding 3 months can be passed. (b) The record of the trial in non-appealable cases is to contain only the particulars mentioned in S. 263. It is not necessary to record the evidence of the witnesses or to frame any formal charge. (c) The record in appealable cases shall in addition to the particulars mentioned in S. 263 contain a judgment embodying the substance of the evidence.

9. A is charged before the Court of Sessions and convicted of the culpable homi-

side of B. Can A be tried again on the same facts if B afterwards dies (?) from the injuries received ?

A may not afterwards be tried on the same facts for the murder of B.

10. What is the law regarding the record of evidence in the absence of the accused ?

(1) When the accused is absconding.

Vide S. 512 Cr. P. C.

(2) When the attendance of the witness cannot be procured :—

Vide S. 503, Cr. P. C.

N.B.—Questions 3 and 5 are the same as questions 1 and 5 of paper III.

V.

1. To whom warrant sent to a P. S. for execution be addressed ?

Vide Ante II. (5).

When should such warrants be returned to the Court ?

Should fees be charged on warrants of arrest executed by the Police ?

A warrant for the arrest of an accused person should not be returned to the Magistrate, until it is executed or cancelled. If, after efforts made, it cannot be executed, the fact of, with the reasons for, failure should be reported to the Magistrate. If the police-officer has reason to believe that the accused is absconding* or concealing himself, a report to that effect should be made at the same time, so that the Magistrate may take what further action he may deem necessary or advisable.

An unexecuted warrant for the arrest of a witness in Form VII, Schedule V, Cr. P. C., should be returned to the Magistrate on the date fixed therein, so that the latter may take what further steps he may think advisable.

FEES OF WARRANTS :—In non-cognizable cases fees should be charged for warrants of arrest whether executed by the Police or by peons under S. 20 of the Court fees Act and the rules framed by the High Court. For warrants of arrest in cognizable cases no fees can be charged, because Clause II., S. 20 of the Court-fees Act, applies only to non-cognizable cases.

6. What is a 'fact', a 'Relevant fact' and a 'fact in issue'. Give illustrations.

Vide Ante I. 9 (a).

7. Describe briefly the system of indexing names in the High Court conviction Register.

The initial group is determined by the sound whether of vowel or consonant. The sub group by the consonants which terminates the first syllable; no heed is taken of the medial vowels.

(a) The letters of the English alphabets are divided into 15 groups of initial letters called the initial group namely vowel group B, Bh, C, Ch, D, Dh, &c.

(b) The initial group (excluding the vowel group) is again sub-divided into 14 Sub-groups, B, Bh, C, Ch, D, Dh, &c.

(c) Honorifics such as Mirza Syed are not taken into account.

(d) Names and alias to be separately indexed.

(e) When names begin in a compound letter, the initial letter only determines the group as K in Krishna.

(f) Names terminating in W or O are grouped under Sub-group B, Bh.

CROSS-REFERENCE:—When a name occurs more than once in the same decennial index, cross-reference should be marked against the name in the page in which the names find entry.

What classes of offences entail entry in the Conviction Register?

Vide X (9).

8. State the alteration lately made in the law as regards Special Diaries and the privilege attached to them.

No alteration has been made in S. 172, Cr. P. C. As to the privileges—Vide Ante I (a). In S. 161 the word "truly" has been omitted. As to the privileges attached to statements of witnesses recorded by police-officers, it has been provided in the new Code that the Court shall, at the request of the accused, refer to such statements and

may, if it thinks fit, direct that the accused shall be furnished with a copy thereof.

9. Describe how a house-search should be made, and the procedure and reports prescribed on recovery of property and the object of them.

(1) The Police officer or other person making the search shall call upon 2 or more respectable inhabitants of the locality to attend and witness the search.

(2) The search shall be made in their presence.

(3) Women of the house should be given every facility to withdraw.

(4) Person of those who enter the house for the purpose of search should be examined.

(5) List of all things seized, (stolen or suspected) and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses.

(6) The occupant of the place searched, shall be permitted to attend during the search and a copy of the said list shall be delivered to such occupant or other person at his request.

* With a view to prevent any irregularities in dealing with searches, lists of property recovered under Ss. 103 or 165 Cr. P. C. shall be prepared in P. C. Form No. 288 and shall be forwarded to the office of the Inspector-Court Sub-Inspector, with the Special Diary of that day or with the report regarding search, and shall on receipt be authenticated and have date of receipt impressed.

The object of these reports are that there may be no room for suspicion on the part of the witnesses that articles have been surreptitiously introduced by them or their constables or chaukidars with a view to their being included in the list of property actually discovered in the place under search.

10. Describe the measures to be taken for arrest of absconders.

Vide Ante III (1).

N.B.—Question 2 same as question 3 of paper II,
Questions 3 and 4 same as 4 and 9 of paper I.
Question 5 same as 6 of paper III.

VI.

1. Is a preliminary police investigation a stage of a judicial proceeding?

No.—Since the police cannot administer oath.

N.B.—For Questions 2, 3, 4, 5, 6, 7, 8, 9, 10—Vide questions 1 and 5 of paper II, 3, 10, 8 of paper IV, 3, 4, 8 of paper III and 9 of paper I respectively.

VII.

5. What is the difference between an investigation and an enquiry?

Vide S. 4 (k), (l), Cr. P. C.

What is the difference between a Summons-case and a Warrant-case ?

Vide S. 4 (v), (w), Cr. P. C.

9. A takes his watch to Z's shop and leaves it with him to be cleaned and regulated. Two or three days afterwards he again goes to the shop openly and forcibly takes his watch away out of Z's hand. What offence, if any has A committed ?

If Z retained the watch lawfully as a security for any debt, A committed theft in as much as he took it dishonestly. In any other case, A might be guilty of criminal trespass and assault but not theft.

12. In what kinds of complaints must Court officers give early intimation to the District Superintendent ?

(1) Whenever a police-officer institutes a non-cognizable case without authority. (2) Whenever a complaint, cognizable or non-cognizable, is made against a police-officer.

What kinds of prosecutions require the sanction of the District Superintendent ?

(1) Cases under S. 353 I. P. C., in which a police-officer is assaulted.

(2) Bad livelihood cases.

(3) Institution of prosecutions by police for non-cognizable offence.

14. How would you consult the Index to the Court Conviction Register for the following names ?

(a) Pran Krishna Chaudhry. (b) Jai Pragas Singh. (c) Maulvi Mahammad Aulad Ali.

INITIAL GROUP.

(a)—P, Ph or F.

(b)—J, Jh or Z.

(c)—Vowel.

SUB-GROUP.

N.

B, Bh (Y being taken as B).

L.

The word Maulvi being an honorific need not be taken into account.

For other questions—Vide questions 4, 6, 8, 9 of paper I, 10 of paper II, 5, 6, 8, 10 of paper III and 4 of paper IV.

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VIII.

1. How do the names of absconded offenders find entry (1) In the register kept in the D.S's office, (2) In the register kept at Police Stations ? What are the duties of a Court Sub-Inspector in regard to absconders ? How may offenders

who have absconded into foreign territory be arrested ?

Vide Ante III. (1)

2. Under what circumstances may pardon be tendered to an accused person ?

Vide Ante III. (8).

3. Describe the system of indexing names in the High Court Conviction Register.

Vide Ante V. (7).

4. State fully the law and rules regarding the remand of accused persons to Police Custody.

Vide Ante I. (4).

5. May bail be taken under any circumstances in non-bailable cases ?

Vide Ante I. (8).

6. In what way or ways can bad livelihood cases be instituted ? What evidence should be sought for to establish a case of bad livelihood ? How many persons may be tried together on a charge of bad livelihood ?

Vide Ante II. (1).

7. State the law and rules regarding the production in Court of diaries.

Vide Ante L. (1) (a).

Differentiate between diaries under S. 161 and S. 172.

DIARY UNDER S. 161.

1. Optional.
2. Contains only statements of witnesses examined at the investigation.

3. Not privileged—the accused may have a copy of them.

4. To be made out only when the statements of witnesses are recorded.

5. To be kept in heinous cases only.

6. Ordinarily not to be recorded by officers below the rank of a S. I.

8. Can an accused person be examined during the course of his trial?

Vide Ante IV. (7).

DIARY UNDER S. 172.

1. Compulsory.
2. Contains a record of acts done by the investigating officer *plus* the facts ascertained by him *i.e.* of the result of his investigation.

3. Privileged—the accused has no right to call for it or see it except when it has been used by the investigating officer to refresh his memory or when the Court uses it to contradict him.

4. It is to be kept day by day during investigation.

5. To be kept in all cases.

6. No such restriction.

9. Differentiate between (1) Summons-cases, (2) Warrant-cases, (3) Summary trials.

Vide Ante IV, (8).

10. Describe how a house-search should be conducted; and the procedure and reports necessary on recovery of property.

Vide Ante V, (9).

IX.

1. Describe the procedure for issue of warrant for the arrest of an absconding accused, from submission of A or C form by an investigating officer—step by step—and detailing the action of each officer concerned, to final entry of absconder's name in the Thana Absconders' Register and including issue of process and attachment.

1. Station-officer.—To apply for warrant at the time of submission of final reports.

2. Court-officer.—(a) To put a red ink cross against the case in the Remarks column of the General Register. (b) To see that the warrant is issued and

a date fixed for reporting execution or non-execution of the warrant. (c) To enter the absconder's name in the Process Register as well as in the Monthly Statement of unexecuted warrants.

3. D. S. P.—To enter the absconder's name in his Register and order its entry in the Station Registry.

4. Station-officer.—If after efforts made the warrant cannot be executed, to submit a report to the Magistrate on or before the date fixed therein as well as to apply for proclamation and attachment orders enclosing a list of property to be attached.

5. Court-officer.—(a) To see that the proclamation and attachment orders are issued and that the attachment order contains a list of the property to be attached. (b) To affix a copy of the proclamation to some conspicuous part of the Court-house and to submit a report accordingly and to note the steps in the General Register.

6. Station-officer.—(a) First to publish the proclamation and then to attach the property and return the orders to Court with report of execution. (b) To submit rolls to the D. S.'s office for publication in the P. G. (c) On receipt of D. S.'s orders, to enter the absconder's name in the Register.

7. D. S. P.—To have the names of absconders of notoriety published in the P. G.

8. Court-officer.—On receipt of returns regarding the publication of the proclamation to move the Magistrate to record a proceeding as to the date of publication.

9. Station officer.—(a) To make periodical enquiries and to note in the Register. (b) To apply for having

the statement of witnesses recorded under S. 512 Cr. P. C.

10. Court officer to see that the evidence is recorded under S. 512 Cr. P. C.

11. Station officer.—To apply for orders regarding the disposal of property attached.

12. Court officer.—(a) To move the Magistrate to record a formal proceeding declaring the property attached to be at the disposal of Government. (b) To send immediate written intimation to D.S.P., when the absconder surrenders otherwise than or is brought in by the police to whom the warrant is directed. (c) To move the Magistrate to take action under the Extradition Act, should the accused abscond to a foreign territory.

2. What persons are considered to be "absconded offenders"?

The following persons will be considered to be absconded offenders:—(i) Persons charged with cognizable offences, against whom there is evidence sufficient to warrant their trial, and who are at large when Form A, B, or C is submitted on completion of the police enquiry. (ii) Persons who have escaped from police custody, or from a jail or lock-up. (iii) Accused persons for whom proclamation has been issued under S. 87, Cr. P. C.

3. How should confessing prisoners and their confessions be dealt with by investigating officers?

What is the law as to relevancy of confessions?

What are the I.G.'s last orders on the subject with reference to confessions made by accused in Dakaiti cases

As to the first part, vide Ante IV. (4)

In important cases the confession made by an accused person, naming accomplices, should be verified locally by some one other than a Police officer. A note will be prepared by that officer at the time of verification, which should contain, amongst others, the following information in particular :—

(1) The name, father's name, residence, age, dress, and personal description of each accomplices.

(2) The route taken by the gang.

(3) The chief incidents during the journey i. e. meeting any one, calling at any shop for food, oil, or axe; hiring an ekka or gharry; buying tickets at a railway station, crossing a ferry, etc.

(4) The arrival of gang at the scene of occurrence and preliminary arrangements made in lighting torches, cutting sticks, etc.

(5) The commission of the crime, rooms entered, doors broken, persons tied up or assaulted, boxes taken, chests broken open, property taken, etc.

(6) The sharing of the plunder.

(7) The breaking of the gang and route taken etc. (Cir. N. O. 3 of 1901.)

Note—The following modification in circular No. 3 of 1901 has been made by circular No. 5 of 1903 :—

In important cases in which an accused person confesses and names accomplices, it will be the duty of the investigating officer to produce the accused, as soon as possible, before a Magistrate with a view to having his confession recorded, and at the same time to consult the District Superintendent as to whether steps should be taken to have the confession verified. The District Superintendent will, on receipt of the investigating officer's application, in consultation with the District Magistrate, refer the matter to the Inspector-General of Police with a view to the confession being verified locally by some officer who is not a police-officer. If the Inspector-General considers the case of sufficient complexity and importance to justify this procedure being adopted, sanction will be given. The District Superintendent should then ask the Magistrate to depute some one in Government service, other than a police-officer, to verify the confession locally.

* * * *

The prisoner should, during the verification of his confession, be in the custody of the officer deputed by the Magistrate for the purpose, and arrangements should be made by the Magistrate for the employment of peons for guard duty. The police should have nothing to do with the guarding of the prisoner.

4. State fully the law and rules regarding the remand of accused persons to police custody?

Vide Ante I. (4.)

5. What are the rules regarding re-

ording the statement of a person who is in imminent danger of death :—

(a) By a police officer ?

(b) By a magistrate ?

When a person whose evidence is required, is in imminent danger of death, his statement should be recorded by a Magistrate, exercising judicial jurisdiction. If this cannot be arranged for and it becomes necessary for some other person to record this dying declaration, it should, if possible, be made in the presence of the accused or of attesting witnesses. A dying declaration made to a police-officer should be signed by the person making it.

6. What is a 'fact,' a Relevant fact, and a 'fact in issue ? Give illustrations.

Vide Ante I (9) (a).

7. Describe the system of indexing names in the High Court Conviction Register.

Vide Ante V. (7).

8. A charge is brought against a person of wrongfully concealing a person known to have been kidnapped.

When, and by whom, may this charge be inquired into ?

The offence of kidnapping or abduction may be inquired into or tried by a Court within the local limits of whose jurisdiction the person kidnapped or abducted was kidnapped or abducted, or was conveyed or concealed or detained.

When it is uncertain in which of several local areas an offence was committed—in what place should it be—(a) inquired into? (b) tried? Give instances.

It may be inquired into or tried by a court having jurisdiction over any of such local areas.

Instances are :—

1. A, while travelling with B from Hoogly to Burdwan took sweetmeats on three different occasions—twice within the jurisdiction of Hoogly and once in Burdwan. It was subsequently found that poison was given to A with some of these sweetmeats. As it is uncertain in which of the 2 local areas the poison was administered the case may be tried either at Hoogly or at Burdwan.

2. An offence committed near the boundary between two districts may be inquired into and tried in either.

9. Under what circumstances may bail be taken by a police-officer in non-bailable case?

Vide Ante I (8).

10. State the law and rules regarding payment of expenses of Police witnesses.

Detail the I. G.'s last orders on this subject.

Law :—Vide S. 544 Cr. P. C. Rules :—Bills for expenses of witnesses, who are not Government servants, travelling by rail or long distances by boat

or road in the interests of police cases, may be sent to the D. S. for sanction and payment. Such expenses should only be incurred in cases of considerable importance. Also Vide I. G's Cir. Memo. No. 4 of 1899.

11. What are the Court Sub-Inspector's duties as regards Concise Memoranda; what should they contain, and what particular points should be touched upon?

Vide Rule 3 (g) (v) Chapter XV, B. P. C.

How should a diary in Police Code from No. 173 be prepared by a Court Sub-Inspector? What should it contain, and when should it be put before the officer in charge of the D. S.'s office?

What is the object of this diary.

Vide Rule 3 (g) (ix) Chapter XV, B. P. C.

12. Define :—

- (1) Cognizable offence.
- (2) Cognizable case.
- (3) Judicial proceeding.
- (4) Officer in charge of a police station.
- (5) A police-station.

Vide S. 4, Cr. P. C.

X.

1. On what matters are village headman, land-owners, and others bound to give information forthwith to the nearest Magistrate or officer in charge of a Police-station ?

S. 45. Cr. P. C.

2. When an accused person has absconded, and is subsequently arrested, can evidence recorded at a former trial, be used against him ?

No.—but evidence recorded under S. 512, Cr.P.C. may be so used under the circumstances specified therein.

3. When is the evidence of character relevant ?

Vide Ss. 53, 54 Evidence Act.

4. Define “Rioting” and “Affray” ; and state in what way an “Affray” differs from a “Riot.”

Vide Ss. 146 and 159 I. P. C.

An “Affray” cannot be committed in a private place, or does not require 5 or more persons. But to constitute “rioting” at least 5 persons are necessary and it can be committed in a private place.

If the charge be one of “Rioting,” it is necessary to prove (a) unlawful assembly (b) use of force or violence (c) that the accused was a member of the assembly. There should be a clear

finding as to the common object of the assembly and also the object so found should be stated in the charge in order.

If the charge be one of "affray," it is necessary to prove that the defendant fought with another in a public place.

The essence of an "affray" consists in the publicity of the place and the disturbance of the public peace.

5. Enumerate acts against which there is no "right of private defence," and quote the instances when the right of private defence extends to causing death.

Vide Ss. 99, 100 and 103, I. P. C.

6. Under what circumstances is a confession relevant? What are the I.G.'s last orders on the subject with reference to confessions made by accused in in Dacoity cases?

Vide Ante IX (3).

7. What is the law of arrest by private persons?

Vide S. 59, Cr. P. C.

8. What are the rules laid down in the Cr. P. C. for payment of compensation to accused, and how is this recoverable?

Vide S. 250 and 553 Cr. P. C.

9. Quote the different offences for which the name of persons convicted will find entry in the Conviction Register.

How should first offenders, dealt with under S. 562 Cr. P. C., be treated in respect to this Register ?

In the Conviction Register will be entered the names of all persons convicted of the following offences :—

(1) Under Chapters XII, and XVII I. P. C., provided that the offences are punishable with whipping or with imprisonment for 3 years or upwards.

(2) Under Ss. 193 to 195 ; 211 and 377 ; 354 ; 375 ; 377 ; 465 to 469 ; 304 ; 325, 326, 329, 331, 333, 335, 338 ; 328 ; 417 ; 371 ; 489A, 489B, 489C, 489D—I. P. C.

First offenders dealt with under S. 562 Cr. P. C. should be treated as convicted and their names should find entry in the Conviction Register, if the offences, of which they are found guilty, fall under any of the sections enumerated above.

10. Quote the recent order illustrating how warrants issued under Ss. 77 to 79, Cr. P. C., in cognizable cases, should be issued to a police-officer and the procedure of the officer when unable to execute them himself.

What is the procedure in non-cognizable cases ?

Vide Ante II (5)

11. Quote clearly the recent rules regarding search of prisoners sent from Jail to Court, up to the time they are produced in Court?

The officer in charge of the Hajat Register will receive prisoners sent from jail for production in Court or from Courts of Magistrates or Sessions Judge on conviction or commitment to hajat or to be released on bail. He should daily forth with search all the male prisoners and have the female prisoners searched by a woman approved of by the Magistrate and take possession of all properties and offensive weapons found on them. These and the properties and weapons sent by the Station Police, with the prisoners in charge of their escort, will be taken charge of, and entered in the Malkhana Register, P. C. form No. 186, by the officer answerable for the Malkhana. The woman making a search under this rule will get a small fee for the same, say, of four annas per head, the charges being debited to the Magistrate's grant for contingencies.

Immediately before the trial of cases, and before the prisoner or prisoners are put into the dock or brought into Court, it shall be the joint duty of the Prosecuting officer and the Police escort, in whose custody the prisoner or prisoners are, to make a further and thorough search and satisfy themselves that no offensive weapons are being carried into Court. Similar precautions are to be taken in the case of all prisoners surrendering in Court. It shall further be their duty to see that no prisoners who wear shoes of Indian fashion

enter the precincts of the Court with their shoes on.

12. Define—

- (1) Complaint.
- (2) Enquiry.
- (3) Investigation.
- (4) Wrongful gain.
- See S. 4, Cr. P. C.
- (5) Wrongful loss.
- (6) Moveable property.
- Vide Ss. 22 and 23. I. P. C.

XI.

1. Is the preliminary police investigation a stage of a judicial proceeding?

Vide Ante VI. (I)

2. A private person witnesses a theft and in consideration of Rs. 5 paid to him by the thief refrains from proceeding against him. Of what offence or offences, if any, is that person guilty?

Vide Ante VI. (1)

3. In what way or ways can bad livelihood cases be instituted? what kind of evidence should be sought for to es-

tablish a case of bad livelihood ? Can the fact that a person is an habitual offender be proved by general repute or otherwise. How many persons can be tried together on a charge of bad livelihood ?

Vide II (1).

4. To whom should warrants sent to a police-station for execution be addressed ? When should such warrants be returned to Court ? Should fees be charged on warrants of arrest executed by the police ?

Vide Ante V (1).

5. How do the names of absconded offenders find entry (I) in the register kept in District Superintendent's office (II) in the register kept at Police Stations. What are the duties of a Court Sub-Inspector regarding absconders ? How may offenders who have absconded into foreign territory be arrested ?

Vide Ante III (1).

6. What is the law and what are the rules regarding the production of diaries in Court ? Is a police-officer compelled to divulge to a Court whence he got any information as to the commission of an offence ? What is the law regarding police

officers called as witnesses refreshing their memories from the diaries ?

Vide Ante I (1).

7. How should a station officer deal with a complaint sent to him by a Magistrate under Sec. 202 Cr. P. C. ?

Vide Ante I (2).

8. What are the rules regarding abstention from enquiry under Sec. 157 Cr. P. C. ?

Should cases not investigated under this section be shown in returns as true or false ? How should property said to have been stolen in such cases be shown ?

Vide Ante IV (2).

9. What power has a police officer making an investigation to require the attendance of witnesses ? Are witnesses bound to answer incriminating questions ? How are witnesses omitting to attend punishable ?

Vide Ante II (3).

XII.

I. In what class of cases should a record of statements of witnesses be made under S. 161, Cr. P. C.

Vide Ante I (3).

Should a statement made before a Police officer in the course of an investigation and reduced to writing be signed by the person making it? Can it be used as evidence against the accused?

S. 162 Cr. P. C.

2. Should a police-officer making an investigation record a confession in a document drawn up under Sec. 172 Cr. P. C.?

How should confessing persons and their confessions be dealt with by investigating officers? What is the law as to the relevancy of confessions? What are the rules regarding corroboration?

Vide Ante IV (4).

3. State fully the law and rules regarding the remand of accused persons to police custody?

Vide Ante I (4).

4. A man borrows a horse in Calcutta and dishonestly sells it in Patna. What Police officer might legally investigate the case and in what district should the man be prosecuted?

The man may be prosecuted either in Calcutta or in Patna. The police of the district where the case will be tried, will take up the investigation.

Where may a charge of wrongfully concealing a person known to have been kidnapped be enquired into ?

Vide S. 181 (4) Cr. P. C.

When it is uncertain in which local area an offence was committed, in what place should it be enquired into or tried.

Vide S. 182 Cr. P. C.

5. What is the procedure as to the production of letters and telegrams in custody of the postal and telegraph authorities ? What is the procedure in regard to the production of prisoners confined in jails as witnesses or accused persons ? What would be the course in case of an accused person confined in the Allahabad jail, whose presence was required to answer a charge at Patna ?

Vide Ante IV (6).

6. In regard to what classes of accused persons are special rules prescribed for the service or execution of processes ?

How should warrants sent to police stations be endorsed (1) by court officers sending them, (2) by station officers unable to execute them personally.

Vide Ante II (5).

7. What is the meaning of Joinder of charges ? Give an illustration.

Vide Ante I (5).

8. Describe briefly the difference in the procedure in (1) Summons cases, (2) warrant cases, (3) Summary trials.

Vide Ante IV (8).

9. Under what circumstances can a magistrate award compensation to an accused person ?

Vide Ante I (6).

10. In what classes of cases is sanction necessary before a prosecution can be instituted, and by whom must the sanction be given ?

Vide Ss. 195 (a), (b), (c), 196 and 197 Cr. P. C.

In what class of offences can the aggrieved person alone institute a prosecution ?

Vide Ss. 198 and 199 Cr. P. C.

XIII.

1. What is the law as to the deposition of medical witnesses ? Must a medical witness examined by a committing Magistrate appear at the Sessions Court ?

Vide Ante III. (5).

2. What classes of persons have a right to appear before a Criminal Court (1) on behalf of the prosecution (2) on behalf of the accused ?

Vide Ante I. (7)

3. Under what circumstances may a pardon be tendered to an accused person ?

Vide Ante III. (8).

4. Can an accused person be examined during the course of his trial ?

Vide Ante IV. (7).

5. What is the law regarding compounding offences ? How should compounded offences be shewn in returns, as cases convicted or acquitted ?

Vide Ante II. (8).

6. By what Court should an habitual who has been convicted of offences against coinage, stamp law or property be tried ?

Vide Ante III. (9).

7. A is charged before the Court of Sessions and convicted of grievous hurt of B. Can A be tried again on the same facts if B afterwards dies from the injuries received ?

A 'may be tried again for culpable homicide.
(Vide S. 403 Cr. P. C.)

8. Does 'an appeal lie under any circumstances from an order' requiring security for good behaviour? From what sentences is there no appeal on the ground that they are petty?

Vide Ante II. (9).

9. May bail be taken in non-bailable cases under any circumstances?

Vide Ante I. (8).

10. What is the law regarding the recording of evidence in the absence of the accused?

Vide IV. (10)

11. What is the law regarding payment of expenses of complainants and witnesses?

What is the rule where police officers are witnesses?

Vide Ante IX. (10).

XIV.

1. A constable receiving information that a person within the limits of his

Police Station has no means of subsistence arrests him without warrant and takes him to the station. What should the officer in charge do ?

Vide Ante III. (6).

2. A takes B's cow from the field with the intention of keeping it until B repays Rs. 5 which he has borrowed from A. Of what offence, if any, is A guilty ?

Theft.

3. A being Z's servant and entrusted by Z with the care of Z's plates dishonestly runs away with the plate without Z's consent. What offence has A committed ?

A has committed theft.

4. A is caught trespassing in Z's house at night and is charged with burglary the evidence show that he entered in pursuance of an intrigue, under what section should he be convicted ?

(1) If the intrigue amounts to Adultery he has committed an offence under S. 457 (Lurking-House-Trespass by night) in order to commit an offence punishable with imprisonment.

(2) If the intrigue does not amount to Adultery the offence may be House-Trespass.

5. What persons are incompetent to

testify in criminal cases ? What general rules of evidence should a prosecuting officer be acquainted with ?

Vide Ante II. (10).

6. What is a "fact," a "relevant fact" and a "fact in issue" ? Give illustrations. Is the fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin, knowing it to be counterfeit, relevant under any circumstances in a criminal trial ?

Vide Ante I. (9).

7. What is the meaning of "burden of proof."

Vide S. 101 Evidence Act.

8. What sort of questions may be put to a witness in cross examination ?

Vide Ante I. (10).

9. Of what kinds of complaints must Court Officers give early intimation to the District Superintendent ?

What kind of prosecutions require the sanction of the District Superintendent ?

Vide Ante VII. (12).

What prosecution must be conducted by the District Superintendent or As-

sistant District Superintendent in person?

Vide Rule 3 (g) (xii), Chapter XV, B. P. C.

10. A man commits murder, robs eight different persons of their ornaments and finally after killing a second man, who resisted him makes his escape. What offence should be shewn in the crime returns?

Vide Ante III. (10)

11. What serials of Statements A Part I are included under the head "Burglary" in the quarterly returns of serious crime?

Serials 36, 37 and 43.

12. Describe briefly the system of indexing names in the High Court Conviction Register?

What classes of offences entail entry in the Conviction Register?

Vide Ante V. (7).

XV.

1. State clearly what points should be noted in the certificate on the back

of an A form as to previous criminality and residence of an accused.

Police-officers sending up accused persons for trial shall certify in the A form that they have carefully examined their Register of persons convicted, and that they have in all other respects made full enquiry whether such accused parties have been previously convicted. A similar certificate must be given regarding absconders against whom a charge is proved. Should previous convictions be ascertained, a short report of all particulars concerning them *ie.* date, sentence, court and year should be sent with the A form. In addition to the certificate referred to above, investigating officers will note on the back of A form as follows:—

“Accused has resided in this jurisdiction for a period of more or less than three years.”

If the accused be unidentified the fact should be noted.

2. (a) When is evidence as to character of an accused person relevant ?

Vide Ss. 53, 54 Evidence Act.

(b) When are confessions made to a police-officer relevant ?

Vide Ss. 26, 27 Evidence Act.

3. What persons are incapable of committing any offence under the I.P.C ?

(i) Child under 7 years of age.

(ii) Child above 7 and under 12, who has not sufficient maturity of understanding.

(iii) Person of unsound mind who is incapable of knowing the nature of the act or that he is doing what is either wrong or contrary to law.

(iv) Person incapable of judgment by reason of intoxication caused against his will.

4. Quote the rule fully in Circular No 1, 1902, regarding the procedure to be followed on an accused person against whom an order has been passed under S. 565, Cr. P. C.

I. A convict against whom an order has been passed under the Code of Criminal Procedure, (Act V. of 1898), section 565, shall 14 days before the date fixed for his release, give to the Superintendent of the prison in which he is confined a true statement of the place in which he will take up his residence after his release. Such statement shall be taken down in writing, and shall be read over to the convict and signed by the convict in the presence of the Superintendent of the prison who will countersign it. The following rules shall be also clearly explained to the convict before he leaves the prison; he shall be told for that period he is required to observe them, and a copy of them shall be given to him.

II. If the convict after release does not within ten days take up his residence in the place mentioned in such statement, he shall attend in person at the thana or outpost nearest to the place in which he has taken up his residence, and notify to the officer in charge his place of residence.

III. If, after taking up his residence in any

place, the convict desire to change his residence, he shall attend in person at the thana or out post nearest to his then place of residence and there notify to the officer in charge the place to which he intends to change his residence and the date on which the change will take place. Such attendance shall be not less than seven days before his departure when he is moving to another thana and not less than 2 days, when he is moving to a place within the same thana. If for any reason he does not, within seven days of the date on which he has notified that his change of residence will begin, take up his residence at that place, he shall at once notify, in the manner above set out, the place where he intends to reside.

IV. If the convict intends to travel to another district, he shall, not less than seven days before his departure, similarly notify the places to which he intends to proceed and the probable dates of his arrival at and departure from such places.

V. In applying the foregoing rules to the case of a wandering man having no "residence" in the sense of a fixed place of abode, the place of residence shall be deemed to be the place where he sleeps, even if he remains there only one night. On his release he shall be asked under Rule 1 where he intends to stay, and be told that, if he moves about the country, he must always notify the place of his temporary abode to the police.

(2) With a view to give effect to the foregoing rules, the following departmental orders approved by Government are issued :—

I. The name of any convict regarding whom orders under section 565, Criminal Procedure Code

have been passed must be entered in the Surveillance Register No. 15 at police-stations and outposts and marked with $\frac{P. R. T.}{345}$ in the General Register and all connected registers of the Police Department as well as in the Jail Admission Register.

II. The statement of the prisoner as to his intended residence should be recorded on the release notice to be sent to the police, and also on the previous conviction statement attached to the prisoner's warrant.

III. In giving effect to the rules, no unnecessary harassment of ex-convicts should be permitted. Any reasonable excuse for failure to report residence or any intended change of residence, or delay in reporting any change of residence, should be accepted, and no prosecution under section 176, Indian Penal Code, should be instituted without the orders of the District Superintendent or Magistrate. When any breach of the rules comes to the notice of an officer in charge of a station or outpost and is reasonably explained, particulars must be entered in the Station Diary. If any such breach is not at once reasonably explained, the station officer should make any summary enquiry which may be required to ascertain facts, and submit a report through the Inspector of the Division to the District Superintendent for orders. Any breach of the rules must be recorded in the Surveillance Register XV. at police-stations and outposts.

5. When is a person said to commit house-breaking?

Vide S. 445, I. P. C.

What are the Police Code rules regarding the execution of fine warrants and realisation of fines; also :—

- (a) if a defaulter cannot be traced
- (b) if a defaulter dies,

What should a police-officer do ?

Rules regarding fine warrants :—(1) All warrants received by the Police for realisation of fines within its jurisdiction should be entered in a Register in Form B (P. C. Form No 276).

(2) Every such warrant shall specify the time within which it should be returned, which ordinarily should not exceed six months.

(3) The Police must return the warrant in due time, no matter if the fine is not realized.

(4) They should not retain time-expired warrants in their possession or, after the warrant has been returned, pay any domiciliary visit to a defaulter, unless fresh orders to that effect are issued.

(5) Police must report to the Magistrate when a defaulter can pay outstanding fine.

(6) The Magistrate may order a local enquiry to be made before granting a fresh warrant. Such enquiry should not be made by an officer of a lower rank than a Head Constable.

(7) Warrants subsequent to the first must be entered in the thana register in red ink and a reference being made in the remarks column to the year and number of the original warrant.

In the event of the death of a defaulter being

reported, one final and formal enquiry should be made as to whether he has left anywhere any property of any kind liable for his debts.

7. Trace the duties of an investigating officer in connection with stolen property from the moment he recovers it to the time it finally leaves his hands.

1. To prepare a list in P. C. Form No. 288 and to take the signature of 2 or more witnesses to search.

2. To put labels on the articles, to make a mark or sign and to take the signature or mark of the witnesses to 'house search.' The label should contain the number of case, name of parties and section and consecutive number and nature of property.

3. A copy of the list to be given to the owner or occupier of the house.

4. The article should be kept in safe custody till it is sent to the Court or P. S.

5. Name of the article, by whom found and where and when, the names of the witnesses should be noted in the Special Diary.

6. The property should then be entered in the Malkhana Statement and the Property Register. If the property be cash it should find entry in the Register of Receipt and the Station Cash Account.

7. When the property is brought to P. S. it should be kept in the Malkhana or any other secure place and the fact of its receipt at the P. S. to be noted in the Station Diary.

8. When it is sent to Court, duplicate Chalang shall be prepared and trustworthy constable deputed to deliver the property to the Court officer

who will give receipt on one of the Chalan (for cash, an additional printed receipt is necessary)

9. The date of despatch and the name of the constable should be noted in the Station Diary and in the Malkhana Statement.

10. On the return of the constable to see that the Chalan is receipted by the Ct. S. I. and to keep the Chalan in file.

11. To get the property identified by the complainant and witnesses.

8. What special points would you direct your attention to in investigating—

(a) a death from suspected poisoning ?

(b) finding a body in a tank or well ?

Points to be noted are :—

IN POISONING CASES—

(i) When it is necessary to send any articles for Medical Examination, each article should be separately packed in paper when possible, labelled, numbered and attested by the signature of the investigating officer.

(ii) Any stain should be carefully covered and protected by paper or other suitable material.

(iii) Liquid substances should be placed in bottles or any other available receptacles and carefully secured.

(iv) A list of articles so forwarded with an accurate description of them and of any mark, stain, &c., should also be sent to the Court officer.

(v) Great care should be taken that ants or other insects do not gain access to stained articles, as in a short time they may destroy all traces of the stains.

(vi) Bring away under seal any food (especially atta or sweet meats), drink, tobacco, or drugs, which may be in the house or near the body.

(vii) If vomiting has occurred, swab up with a clean rag any vomited matter which may be on the person or bed, and seal up the rag in a packet.

(viii) Bring away under seal any clothing, matting, wood or mud flooring into which any vomited matter has soaked.

(ix) Carefully bottle and seal the contents of any vessel containing vomited matter.

(x) Ascertain the exact time between the receipt of food, drink or medicine, the appearance of symptoms, and occurrence of death. Also what were the first symptoms. Did vomiting or purging occur? Did the person become drowsy or fall asleep? Was there cramp or twitching of the limbs or any tingling in the throat or skin?

In drowning cases—(i) Note any marks of blood around the mouth, or on the sides of the well or tank.

(ii) On removing the body, carefully examine for and note any external marks of injury, especially about head and neck.

(iii) Note state of skin, whether smooth or rough.

(iv) Examine the hand, and carefully remove anything they may hold.

9. What should a special diary contain under section 173, Cr. P. C. ?

It must show—(i) the time at which the information reached him ;

(ii) the time at which he began and closed his investigation ;

(iii) the place or places visited by him ;

(iv) a statement of the circumstances ascertained through his investigation.

Under heads (iii) and (iv) he should note the particulars of the house searches made, by whom, at what hour, and in what place arrests were made, in what place property was found, and of what description, on what points further evidence is necessary, and what further steps are being taken in view to the completion of the investigation.

10. Define "Unidentified," and state what are the duties of a Court-officer when an unidentified prisoner is sent up for trial ?

Vide Rules 11 and 12 Chapter XV A, B. P. C.

11. Explain the duties of a Court-officer in connection with police-station cash account.

Court-officer's duties are :—(i) To compare with his own Malkhana Register. (2) With the permission of the Magistrate or Sub-divisional officer to obtain a certificate from the officer in charge of the registers kept in his office as regards all sums remitted to the Magistrate or Sub-divi-

tional officer. (3) To record a certificate himself in regard to money remitted to his own office. (4) To transmit the cash accounts to the office of the D. S. P.

12. Define the following :—

- (1) Bailable offence.
- (2) Judicial proceeding.

Vide S. 4. Cr. P. C.

- (3) Dishonestly.
- (4) Fraudulently.
- (5) Reason to believe.

Vide Ss. 24, 25, 26 I. P. C.

XVI.

1. When do "facts" not otherwise relevant become relevant ?

Vide S. II Evidence Act.

2. When does the opinion of an expert become relevant ?

Vide S. 45 Evidence Act.

3. What are the duties of Court Sub-Inspectors in connection with absconders ? What step should be taken to

effect the arrest of absconders living in foreign territory ?

Vide Ante III (1).

What is it necessary to specify in a warrant for the attachment of the property of an absconder ?

All property of absconding accused persons other than land paying revenue to Government, which is ordered to be attached, should be specified in the warrant of attachment. When it is found that no property is specified in a warrant, the Court Sub-Inspector should at once bring the omission to the notice of the Court.

What is the procedure to be observed before the recapture on the mainland of of a convict who has escaped from the Andamans ?

The police who have arrested a person upon the charge of having escaped will apply to the Magistrate before whom the accused has been brought for an adjournment to enable them to ascertain whether a warrant has been received from Port Blair for his recapture. If no warrant has been received by the police of the province in which the convict has been arrested, enquiry should be made at the Home Department of the Government of India. If the warrant be forthcoming, the Magistrate, by whom the case is being enquired into, will decide whether there is any reason why the accused should not be removed in custody, under S. 86, Cr. P. C., to the Magistrate at the Andamans, who issued the warrant.

4. Give the rule for the disposal of property found on a prisoner. Can a prisoner dispose of such property ?

In case of conviction of the prisoner, what is done with the property ?

In case a fine is inflicted and not realised, what is the proper action to take as regards the property ?

Vide Rule 15 (i) and (k), Chapter XV, B. P. C.

5. In what cases may a police-officer refrain from making a local investigation ? In what cases shall he refrain from investigation ?

Vide Ante IV. (2).

6. Under what circumstances can a police-officer search a house without a warrant, and what police officers have the power to search ?

Vide S. 165 Cr. P. C.

Describe how a search should be conducted, and the procedure, if property is found.

Vide Ante V. (9).

7. What is the rule regarding the identification of suspected persons arrested by the police, who have not been named by the complainant or witnesses ?

Whenever it is necessary to submit a person suspected of having been concerned in any offence to identification, particular care should be taken, pending the arrival of the identifying witnesses, to keep the suspect in some place when they cannot have access to him. On their arrival the suspect should be mixed up with eight or ten men similarly dressed and of the same religion and social status, and the identification, whenever possible, in the presence of a Magte. or Sub-Registrar; or if no such officer is available, in the presence of two or more respectable persons unconnected with the case, who should be asked to satisfy themselves that the identification under conditions precluding the possibility of collusion. Care must be taken that the identification by each witness is done out of sight and hearing of the other identifying witnesses. A statement in P. C. Form No. 237 A. should be prepared when suspects are prosecuted for identification, and when the identification is not held in the presence of a Magistrate, the witness should be required to testify the fairness of the manner in which the identification was effected in the proper columns.

8. Under what circumstances can a Court bind a person down to keep the peace under S. 106 Cr. P. C.? What Courts have the power, and for what term can a person be bound down?

Answer the same question as regards S. 107. Cr. P. C.

Vide Ss. 106 and 107 Cr. P. C.

9. What Courts have power to take

action under S. 110, Cr. P. C. and against what classes of persons ?

Vide S. 110 Cr. P. C. :

10. When an officer in charge of a P. S. receives information of a cognizable offence, what action should he take ?

Vide S. 154 Cr. P. C.

He will first see, if the case is of his station jurisdiction or of another P. S.—If the case be of another P. S. which the officer in charge cannot investigate under S. 156 Cr. P. C., the statement should not be taken down in the prescribed form but in a separate piece of paper. If the case be of his jurisdiction he will take the following action :—

(a). He will draw up F. I. R. and decide if the case is to be investigated or not.

If the case falls under S. 157 (b) Cr. P. C. he will refuse investigation and the ground of refusal noted in the remarks column and enter the substance of the information in the Station Diary. (b) If investigation be deemed necessary the preliminary steps taken for the arrest of the accused or the recovery of the property &c. should be noted in the last column of the F. I. R. (c) If the case is to be investigated at the spot he shall proceed in person or shall depute one of his subordinate officers to proceed to the spot to investigate the facts and circumstances of the case. (d) If the case to be investigated at the P. S., he may summon the witnesses to the station house and there hold an inquiry.

What instructions were issued in Cir.

No. 9 of 1901 regarding such complaint preferred by persons :—

- (a) Who do not appear in person before the police officer ?
- (b) Who do not wish for a police investigation ?
- (c) Who do wish for a police investigation ?

What should the chaukidar do if a written complaint is made over to him ?

It having been brought to notice, that the law as embodied in section 154, Criminal Procedure Code, is not thoroughly understood by the majority of investigating police officers; District Superintendents of Police are directed to instruct all police officers, under their control, that written reports of crime are not only allowable under the above mentioned section of the Criminal Procedure Code, but that police officers are bound to accept such reports, whether in English, Bengali, or Hindi, and Uriya in Orissa Division. For the future, therefore, when written reports and lists of stolen property are not furnished, investigating officers will be required, in cases concerning property, to explain the omission, in each case.

2. Complainants are not required to take written reports or lists of stolen property, to the police-station, in person. It is only necessary that such reports and lists should be signed by the person making them. It is open to a complainant to give his written report or list to the chaukidar, who will take it to the police station. Station officers

should be directed to instruct all chaukidars that they should bring such reports or lists (after ascertaining that they are signed) to the station immediately, when they refer to cases in which investigation by the police is compulsory. Reports of cases in which investigation by the police depends on the wish of the complainant, need only be taken to the station at once, if complainant expresses a desire for an enquiry. Should no enquiry be demanded, chaukidars may submit the written reports of such cases at their weekly visits to the station. It should be explained also to police officers that it is not compulsory on any complainant to make a written report. It is at his option to take advantage of the procedure indicated above, or to present himself in person at the station to report orally.

11. When is culpable homicide not murder? Give the exceptions.

Vide S. 300 I. P.C.

12. Define the right of private defence—

(a) of the person.

(b) of property.

Is there any right of private defence against the act of a person of unsound mind or intoxicated person?

Vide Ss. 97, 98. I. P. C.

XVII.

1. Describe the procedure of a police officer executing a warrant beyond the jurisdiction of the court issuing it.

Vide S. 84. Cr. P. C.

2. How is a previous conviction proved?

Vide S. 511. Cr. P. C.

3. When is a confession made by an accused person irrelevant ?

Vide S. 24 Evidence Act,

4. Define the terms document and " evidence."

Vide S. 3 Evidence Act.

5. Detail the duties of a Court Sub-Inspector in connection with Police Register slips.

On receipt of D. S. P's order on the Final Memo making the convict P. R., a slip (P. C. Form No 9 F) annually numbered must be issued and dealt with as follows :—

(i) It will be made over to the local proficient who, after preparing the F. I. slip and recording the endorsement "F. I. taken" on the back of the P. R. slip, will make it over to the jail authorities to be attached to the warrant.

(ii) In the case of unidentified convicts, the

word "unidentified" must be written in redink, across the P. R. Slip and in the P. R. Register.

(iii) In the case of convicts whose home is in another District, a duplicate P. R. Slip will be sent to the D. S. P. concerned, who will then proceed to make the necessary entries in the P. R. slip book, and return the slip with an endorsement to the effect that this has been done.

(iv) P. R. Convicts, who will be transferred to the jails of their native District for release, will be distinguished in the P. R. slips by the entry of the words "to be released in.....District" against heading 5 of the P. R. Slip, and will be known as P. R. T. prisoners.

(v) Prisoners who are inhabitants of Native States and marked P. R. T, will be released from British Jails nearest their homes. The P. R. slips of such prisoners should be sent to the Police of such States for information.

(vi) The slips of P. R. prisoners about to be released will be endorsed with the date of release by the jailor, and treated as Release notices.

(vii) on the 1st and 16th of every month the D. S. will send to the Jail for the Release Notices and P. R. slips of convicts about to be released during the subsequent half month. With these notices will be given a list of the prisoners who died in the preceding half month.

(viii) Release notices and P. R. slips of convicts about to be released will be made over to the D. S. P. of the District in which prisoners may be confined, no matter of what district they may be resident.

(ix) On receipt of the Release notices and

P. R. slips, the D. S. will give them a consecutive number and enter them accordingly in his Register of Receipts and Issues of Release notices. Those referring to other district should be forwarded to the districts concerned and those pertaining to his own district will then be translated, if necessary; and issued to police stations, with orders to the officer in charge to report a week after the expiry of the prisoner's sentence whether he has returned home or not. These notices should be sent to stations through the Sadar and Sub-divisional Court-officers, in order that the names of the identifying warders may be entered in the Conviction Register.

On receipt of the reports from stations the Release notices will be filed in monthly bundles according to their consecutive number in the D. S's. office.

(x) A Khatian in P. C. Form No. 11 F should be maintained in each District showing the action taken stage by stage from the time the P. R. slip issues until the F. I. slip is finally deposited in the Criminal Identification Department,

6. What are the duties of the Court Sub-Inspector with regard to unidentified prisoners charged with offences?

Vide Rules 11 and 12, Chapter XV A, B. P. C. Vol I.

7. What description of evidence is required to substantiate a charge under section 110, Criminal Procedure Code (bad livelihood)?

Vide Ante II (i) and S. 110 Cr. P. C.

8. Define the Criminal Procedure

Code terms—

- (1) European British subject.
- (2) Investigation.
- (3) Place.
- (4) Police-station.
- (5) Warrant case.

Vide S. 4. Cr. P. C.

9. What are the rules for service of summonses (a) to witnesses in Government employ, (b) to a servant of a railway company?

Vide Rule 13 (a), (i), (j). Chapter XV, B. P. C. Vol. I.

10. state the law and rules relating to the remand to police custody of accused person.

Vide Ante I (4).

If a police officer directs the villagers to keep certain persons in attendance to answer a criminal charge, are those persons to be detained in "police custody"?

"Police Custody" includes custody on the authority of the police: every person who is kept in attendance to answer a charge in such a way that he is practically deprived of his freedom is to be considered as in custody. A Police-officer who, without himself arresting a person, directs some of the neighbours to take charge of him is responsible in the same way as if he had himself made the arrest.