

APPENDIX XVI
(Regulation 264)
Specimen Case Diary.
(A Sample Case Diary of A Burglary Case)

Particulars of enquiry			
No. and hour of entry	Place of entry.	Synopsis of entry.	
<u>31-8-37</u> <u>1</u> 10-00 hrs.	Police Station	Gist of the F.I.R	Abdul Sattar Talukdar of Atharabari appeared at the police-station and lodged information of a burglary in his house by some unknown thief or thieves. He stated that the culprits effected an entrance by cutting a sindh and stole away cash and ornaments to the value of Rs. 307.8. He did not suspect anybody. Accordingly, I, Sub-Inspector Ful Muhammad Mia, recorded the First Information Report and took up investigation.
<u>2</u> 10-30 hrs.	Ditto.	Consultation of V.C.N.B. etc.	I consulted the V.C.N.B. of the union and took notes regarding the suspects of the locality. Amongst the suspects I find one Fazil Sk. of Teorail, police-station Iswarganj (an ex-convict) is in touch with criminals residing in the jurisdiction of Kendua police-station. Part III of the V.C.N.B. shows that the gang headed by Fazil Sk. is in the habit of cutting sindhs with an instrument like a chisel. Consulted the crime maps of the current and previous years and took necessary notes. Found two cases on record in the current year in which Fazil Sk. with some Kendua criminals had been suspected.
<u>3</u> 11-00 hrs.	Ditto.	Start for place of occurrence.	Left for Atharabari with constable Ruplal Singh to investigate the case.
<u>4</u> 13-15 hrs.	Atharabari	Arrival. Examination of the place of occurrence.	Reached Atharabari and inspected the scene of occurrence as shown me by the complainant. It is a tin hut facing south with walls made of corrugated iron sheets. A sindh measuring 1-½ X 1-¼ X 1-½ feet was cut on an eastern corner of the kutchra plinth and appears to be sufficiently large to allow of the entrance of a full-grown man. The sindh appears to have been cut with an instrument like a chisel. The impression of the blade on the earth indicates that the sindh was cut from outside and not from inside the house. I cut a piece of paper identical in size to that of the most distinct impression of the blade in the earth and also drew a diagram of it in my case diary. This is done before witnesses Abdul Karim and Moni Lal De, neighbours of the complainant.
<u>5</u> 13-51 hrs.	Ditto.	Finding of a footprint.	I found a number of indistinct footprints extending from a gate on the eastern side to the sindh. An examination of the footprints disclosed that the number of culprits was certainly more than two. I learnt from the complainant that the stolen trunk with all its contents was on a bamboo loft quite high up. I found no means of getting on to the loft except by a wooden almirah, placed so close to the

			loft as to enable tho miscreant an easy means of reaching the loft by climbing on the top of the almirah. I, therefore, examined the top of the almirah and found on dust a very clear impression of a foot. The complainant and inmates of the house denied having stood on the top of the almirah at any time.
<u>6</u> _____	Ditto.	Taking tracing of impressions.	As I had no glass with me, I detached one from a family group photo of the complainant with his consent and used the same in tracing the footprint and retracing therefrom on a piece of paper. All this I have done in the presence of witnesses Abdul Karim, Sonaullah and Basir who watched the proceedings from start to finish and testified to the accuracy of my drawing by putting their signatures on the paper containing the tracing of the footprint.
<u>7</u> 15-15 hrs.	Ditto.	Information and seizure of alamats.	Ahmed Ali, a next-door neighbour of the complainant, reports that a trunk, probably belonging to the complainant, had been found lying on a secluded piece of land surrounded by cane bushes to the west of his house. It was discovered by his son Hakim Ali who happened to cross the land in search of cattle which had strayed last night. On receipt of this information I with the complainant and tho above-mentioned witnesses proceeded to the place and found a trunk, identified by the complainant to be the one carried away by the burglars, lying in a broken state. Some rent receipts, legal documents and blank sheets of papers were scattered around it. It appeared to have been opened by breaking the hasp with some hard substance. The place is isolated from dwelling houses by thorny bushes. Hardly any one ever goes there and there is little chance of the articles having been handled by inquisitive villagers. On closer examination of the locality I found a torn rag – a portion of a lungi or gamcha of the type ordinarily used by villagers of this locality stuck on a small bamboo and overhanging a small track leading to the back of tho complainant's house. In presence of the witnesses, I seized the trunk with all its scattered contents and the torn rag suspected to be a portion either of a gamcha or a lungi.
<u>8</u> 15-39 hrs.	Ditto.	Tracing of finger impression and preservation.	The trunk with its hasp was treated with graphite powder but did not disclose any finger impressions. The blank sheets of paper were also similarly dealt with by graphite powder and on one of them a finger impression with fairly distinct ridges was discovered. I preserved the paper with the finger impression for despatch to the Finger Print Bureau, Calcutta, and took the signatures of Ramendra Das, Khagen De and Jalil on the paper. In their presence the finger impression was intensified.

<u>9</u> 16-07 hrs.	Ditto.	Enquiry	I came back to the house of the occurrence and ascertained that gold and silver ornaments to the value of Rs. 200, clothes worth Rs. 22.8 and cash amounting to Rs. 85 in silver coins and 5-rupee notes were stolen. The name of the goldsmith who prepared the ornaments could not be ascertained as they were prepared by the father of the complainant who had died some years ago. Learnt that both the complainant and his wife would be able to identify the property. One golden bead of the stolen necklace was detached by the complainant's wife and was subsequently threaded by means of a blue thread obtained from the border of her torn sari. The complainant and his wife will prove the above fact. I then seized the remaining portion of the sari border in presence of neighbours. Abdul Karim and Moni Lal De. Stolen clothes bear the dhobi mark X as I learnt from inspection of other clothes of the complainant washed by the dhobi. Learnt that ShibCharan Dhobi washes the clothes of the complainant and lives close to his house.
<u>10</u> 16-30 hrs.	Ditto	Enquiry at the dhobi's house.	Arrived at the dhobi's house and saw some clothes of the complainant being dried in front of his house bearing the exact dhobi mark noted above. I seized an undershirt of the complainant before witnesses Abdul Karim and Moni Lal De. It bore the particular dhobi mark which is always given to clothes of the complainant. ShibCharan Dhobi will prove the above fact.
<u>11</u> 16-45 hrs.	Ditto	No clue from the inmates of the house.	Neither the complainant nor any other inmate of the house knew anything of the occurrence before day-break. None of them suspected any one nor could they help me with any clue. The neighbours also could not assist me with any information.
<u>12</u> 17-30 hrs.	Ditto.	Enquiry about suspects.	Made secret enquiries about local suspects had learnt that Fazil Sk. of Teorail had been absent from his home since the evening preceding the occurrence. Mahalla chaukidar Sobhan and dafadar Kadu will prove this fact. I purposely refrained from visiting the house of Fazil Sk. as it is necessary to avoid giving anybody indication of suspicion against him. Nothing important could be obtained from enquiries in the prostitute quarters of the bazar.

<u>13</u> 18-00 hrs.	Atharabari and Teorail.	Visit of a stranger to the house of a dagi.	The President of union board, Nabi Hossain, informed me confidentially that while he was passing by the house of Fazil Sk. on the 28th instant, he saw a dark-complexioned man sitting in the courtyard of Fazil Sk.'s house. The man was well-built and had a prominent cut mark on his right cheek. I took the president, union board, into my confidence and requested him to make further enquiries about this stranger and at the same time avoid rousing any suspicion in the man's mind that the police want him in connection with the case.
<u>14</u> 19-30 hrs.	Ditto	Intimation to bordering police-stations.	Officers-in-charge of Kotwali, Nandail, Fulpur and Kendua were informed of this occurrence with a request to watch and report the movements of their suspects and bad characters on the night of the occurrence.
<u>15</u> 20-00 hrs.	Ditto	Close diary	Closed diary pending further investigation tomorrow. Sub-Inspector.
<u>16</u> 07-15 hrs.	Atharabari	Enquiry	Case diary No.1 was submitted yesterday Talked with the people of the locality but no clue could be obtained. Fazil Sk. is still absent from his house.
<u>17</u> 08-45 hrs.	Ditto	Intimation for arrest of a man in Nandail police-station elaka.	Received an intimation from officer-in-charge, Nandail police-station, by special messenger to the effect that at about 00-17 hours last night an unknown man was arrested by a patrol party consisting of rural police and some members of the Village Defence Party about 3 miles away from Nandail Road railway station with a sindhkathi. A thirdclass railway ticket from Atharabari to Nandail dated the 31st August, 1937 was also found.
<u>18</u> 09-15 hrs.	Atharabari	Departure for Nandail.	With a view to see if I can get any clue from the arrested man, I personally proceeded to Nandail which is only 5 miles away. Mahalla chaukidarSobhanSk accompanied me.
<u>19</u> 10-07 hrs.	Ditto	Arrival and interview with the arrested accused and examination of alamats.	Reached Nandail police-station and heard details from the officer-in-charge, Nandail police-station. I saw the sindhkathi and the ticket found with the arrested accused. Examined the sindhkathi which resembles a long chisel with a bamboo handle. The size of the blade exactly tallies with the one used in my case. I also noticed some earth sticking to the blade. A thirdclass ticket bearing No. A729157, issued from Atharabari railway station for the journey from Atharabari to Nandail railway station was found in the possession of the accused. It was issued on the 31st August, 1937. Members of the Village Defence Party named X, Y, Z, proved the arrest. As the details of arrest have already been noted by the officer-in-charge, Nandail police-station, in his case diary I do not repeat them in extenso.
<u>20</u>	Nandail	Interview	Saw the accused with chaukidarSobhan

10-18 hrs.		with the accused and his identity.	in the police-station lock-up. The chaukidar identified him to be Fazil Sk. of Teorail who has been absent from his house since the evening prior to the occurrence of my case. I examined the accused who denied any knowledge of the occurrence. He also denied having received a visit by any person on the evening of the 30th ultimo.
<u>21</u> 11-38 hrs.	Ditto	Taking of foot-prints of the accused.	I asked him to give his foot impression. He was willing. So I took his foot-print on a piece of paper in presence of the officer-in-charge, Nandail, and the local Sub-Registrar. Compared the impression with the one found on the roof of the almirah in the hut of the complainant and found that they tallied in all details. I also took his finger impressions.
<u>22</u> 12-03 hrs.	Nandail	Arrest of accused	I arrested the man in connection with this case and handed over a forwarding report to the officer-in-charge, Nandail, with instructions to send the accused to Court in custody. I fixed 15th September, 1937 as the date for the submission of my report in the case.
<u>23</u> 13-00 hrs.	Ditto	Start	Left for Atharabari with chaukidar, Sobhan Sk.
<u>24</u> 14-13 hrs.	Teorail	Arrival and search. Seizure of ornaments and clothes.	Arrived Teorail. In presence of president Nabi Hossain Sarkar and Abdul Karim, I searched the house of Fazil Sk. after observing all legal formalities and intimating the grounds of search to the Subdivisional Officer. Two items of silver ornaments and one piece of dirty dhoti which smells of molten lac were found in his dwelling hut inside an earthen pot. Fazil's brother-in-law Samir watched the search on behalf of Fazil. Complainant identified and claimed the two items of ornaments. In item Nos. 8 and 9 of the complainant's malitalika, I found mention of such ornaments. I, therefore, seized them and the dhoti which I suspect belongs to some goldsmith. I prepared a search list and obtained the signature of witnesses on it and on the labels. I supplied a copy of the search list to Samir Sk., the representative of Fazil.
<u>25</u> 15-07 hrs.	Atharabari	Identified ornaments.	Came as far as Atharabari and showed the ornaments to complainant's wife who identified and claimed them as her own. She had no special mark for identification. Moved as far as Atharabari railway station and ascertained by examining the ticket issue book that a third class ticket No. A729151 was issued for the early morning train on the 31st August, 1937. This train leaves Atharabari at about 4 a.m. for Bhairab. Babu Bhupendra Banerjee and Nagen Sen, the station-master and ticket clerk of Atharabari, will prove the above fact. Further ascertained that ex-convict Fazil Sk. with another man was present on the station platform at about 04-00 hours on the 31st August, 1937. Both of them were of very strong physique. One of these two men lives on the south of Khalbola prostitute quarters and the

			<p>other was seen coming from the road proceeding to Kendua police-station. The railway pointsman Abdul Bari will prove this fact.</p>
<p><u>26</u> 16-21 hrs.</p>	Khalbola	Tracing out an accomplice of Fazil.	<p>To trace out the Khalbola man I moved as far as Khalbola Bazar with Mahalla chaukidar and the president of the union board. While passing along the side of the prostitute quarters, we found a man rushing into house to conceal himself from our approach. The owner of the house Sarala Peshakar was called out and through her we secured the man. The description of the man tallies with that of the suspect who was found by the president talking with Fazil in his house in the evening preceding the night of occurrence. The identity is further confirmed by the existence of a cut mark in his right cheek as stated by the president, union board, and noted in the first case diary. The president, union board, identified the man to be the one he saw in Fazil Sk.'s house in the evening prior to the occurrence. One napkin with a portion missing was also found tied round his waist. The missing portion appears to be identical in size and quality to the piece of rag I seized from the place where the trunk was broken and left behind.</p>
<p><u>27</u> 16-51 hrs.</p>	Khalbola	Search and recovery of stolen property.	<p>The man gave out his name as Pitambar De, son of the late Nilambar De, of Khalbola. I accompanied him to his house with all my men. In their presence and in presence of Digambar and Shambhu searched his house after observing all the formalities of search and sending intimation of it to the Subdivisional Officer and found two pieces of clothes bearing dhobi mark X sewn up with a katha.</p> <p>Complainant identified both as his own. I seized the same including the napkin which was tied round his waist and prepared a search list with signatures of witnesses on it and on the labels. One copy of the search list was made over to Pitambar.</p> <p>Pitambar denied any knowledge of occurrence and his acquaintance with Fazil. He claimed the clothes to be his own and stated that he had them washed by Hari Charan Dhobi who when examined by me denied the truth of Pitambar's statement. It transpired on enquiry that for a few days before the occurrence Pitambar was found very friendly with Tarini Sarkar, a notorious tout. This man as I learnt from a Parwana received from Circle Inspector, is a receiver of stolen property. Card index of the man maintained in Circle Inspector's office furnishes this information. On this information I searched Tarini's house observing all the formalities of search and sending intimation to Subdivisional Officer in presence of Digambar and Shambhu De and seized a stick of gold weighing over 4½ tolas. I prepared a search list and</p>

			obtained the signatures of witnesses on it and on the labels. A copy of the list is given to Tarini. This gold stick was probably obtained by melting stolen gold ornaments. Complainant could not identify it nor did any one claim it.
<u>28</u> 17-30 hrs.	Ditto	Arrest of accused and taking of thumb impression.	I arrested Pitambar and searched his person but not injury nor any mark of violence was found on his person. He also does not complain of any ill-treatment by police. Took the finger impression of Pitambar.
<u>29</u> 7-41 hrs.	Ditto	Identification of recovered cloth by washerman.	Ascertained that the clothes were washed by ShibCharan Dhobi who puts this mark X in his clothes. The two clothes recovered were also identified by him as belonging to complainant, to be proved by ShibCharan Dhobi.
<u>30</u> 18-30 hrs.	Khalbola	Forwarding of accused to Court.	Forwarded accused Pitambar De to Court in custody of constables Puplal Singh and Raj Ballav Ram fixing 15th September, 1937, as the date of submission of my report.
<u>31</u> 19-00 hrs.	Atharabari	Enquiry and seizure of sample earth.	Came back to Atharabari and made further enquiries about the owner of the dhoti found in the house of Fazil Sk. and also enquired if other persons were also concerned in this case but to no effect. Took some earth from the mouth of the sindh in presence of witnesses Abdul Karim and Nabi Baksh, the president of the union board.
<u>32</u> 20-27 hrs.	Ditto.	Departure	Left for police-station.
<u>33</u> 23-00 hrs.	Iswarganj	Arrival	Reached Iswarganj police-station and kept all the recovered property and alamats seized in the station malkhana. Closed the diary pending further investigation. <div style="text-align: right;"><u>Sub-Inspector.</u> 2-9-37</div> Case Diary II was submitted yesterday.
<u>34</u> 06-30 hrs.	Ditto.	Forwarding of alamats to expert.	Forwarded the blank paper containing the (intensified) impression along with the two sets of finger impressions of accused Fazil and Pitambar De to Calcutta for comparison by the Finger Print Expert. The torn piece of rag found near the broken trunk, the napkin found with accused Pitambar De with a portion missing, the sindhkathi with earth adhering to same, some earth from the mouth of sindh and the dhoti found in the house of accused Fazil are all sent to the Assistant to the Deputy Inspector-General, Criminal Investigation Department, Bengal, for favour of examination by the experts. These are sent through Subdivisional Officer, "North". Record of the police-station does not show that Pitambar De was ever suspected or convicted in any case. Fazil was convicted in a case under section 411, Indian Penal Code, of Iswarganj police-station on the 19th July, 1933, and sentenced to 4 months' rigorous imprisonment.
<u>35</u>	Iswarganj	Close of	Pending receipt of reports from Expert, I

09-13 hrs.		diary	<p>closed the diary.</p> <p style="text-align: right;"><u>Sub-Inspector.</u> 13-9-37</p> <p>Case Diary No. III was submitted on the 2nd September, 1937. The case was kept pending for the report of the Experts.</p>
<u>36</u> 08-15 hrs.	Ditto.	Result of Expert's examination.	<p>It appears from the report of the Finger Print Expert that the impression on plain paper found near the trunk tallied with that of Pitambar De.</p> <p>From the reports of the microscopist I find that the piece of rag found near the broken trunk is the missing portion of the napkin found with accused Pitambar De.</p> <p>I also found from the Expert's report that the soil found on the sindhkathi is the same as that sent from the mouth of the sindh.</p>
<u>37</u> 12-17 hrs.	Atharabari	Arrival	Reached Atharabari and made various enquiries but all in vain. Ascertained that porstituteSarula of Khalbola got some of her ornaments prepared by one Anukul De, son of the late Kamal Chandra De, of Amtola, police-station Kendua. The prostitute was formerly a resident of Amtola: so the iatter is known to her. I learn that occasionally both Pitambar and Anukul meet together in the house of Sarala and they are both very friendly. Sarala Peshakar will prove this point.
<u>38</u> 13-21 hrs.	Ditto.	Start for Amtola	Started for Amtola, police-station - Kendua, with the pointsman Abdul Bari (taking permission from the station master).
<u>39</u> 15-17 hrs.	Amtola	Arrival, Search recovery of stolen necklace.	<p>Reached Amtola, collected dafadar Abdul Hamid of the union and Mahalla chaukidar Shambhu Rajbhar and searched the house of Anukul Ch. De in presence of Kali Prasanna Bhattacharji, Jagat Pal and Abdur Rahim after observing all the formalities of search and sending intimation of this search to Subdivisional Officer, Netrakona. Seized one gold necklace which was found concealed inside a pillow with one of its beads tied with a thread obtained from the border of a sari. Anukul could not offer any explanation for the possession of this ornament nor could he say how his wearing dhoti which has been identified by Abdul Hamid his neighbour as belonging to Anukul, could get to the house of accused Fazil Sk. of Teorail. I seized the necklace by preparing search list in presence of the witnesses and obtained their signatures on it and on the labels. One copy of the search list is given to Anukul De.</p> <p>I arrested Anukul De and searched his person but found no marks of violence or any other thing with him. He does not complain of any ill-treatment by the police or any one. (Abdui Bari identified Anukul as one of the two men whom he saw with Fazil on the morning of the</p>

			31st August, 1937, at Atharabari railway station.)
<u>40</u> 17-06 hrs.	Ditto.	Start	Left for Atharabari with accused and the recovered property.
<u>41</u> 19-30 hrs.	Atharabari	Arrival and identification of property.	Reached Atharabari and showed the necklace to complainant and his wife and they both identified the same as belonging to them.
<u>42</u> 19-35 hrs.	Ditto.	Forwarding of accused.	Forwarded the accused Anukul Ch. De in custody fixing 15th September, 1937 as the date for submission of my report.
<u>43</u> 19-37 hrs.	Ditto.	Start for P.S.	Left for Iswarganj police-station with the recovered property, etc.
<u>44</u> 22-05 hrs.	Iswarganj	Arrival	Reached Iswarganj and kept this property in the Malkhana. Closed the diary for further investigation. Sub-Inspector. 14-9-37 Case Diary No. IV was submitted yesterday.
<u>45</u> 08-30 hrs.	Iswarganj	Forwarding of exhibit to experts.	Forwarded (1) the thread used in tying the bead of the necklace, (2) the border of the sari handed over to me by the complainant to the Assistant to the Deputy Inspector-General, Criminal Investigation Department, Bengal, for examination by expert.
<u>46</u> 08-45 hrs.	Ditto.	Report for further order.	As it is not possible to submit my report by the 15th September, 1937, I send a report to fix another date.
<u>47</u> 09-10 hrs.	Ditto.	I. Slip for P C.	I. Slip sent to Officer-in-charge, Kendua police-station, to report direct to Court Inspector, sadar, if Anukul Ch. De has got any previous conviction.
<u>48</u> 09-15 hrs.	Ditto.	Close of diary	Closed the diary pending the receipt of expert's report. Sub-Inspector. Case Diary No. V was submitted on the 14th September, 1937. The case was kept pending the report of the expert.
<u>49</u> 08-37 hrs.	Ditto.	Receipt of expert's report.	Received the report of expert. It appears from the report that the thread used in tying the bead comes from the border of the sari produced by complainant.
<u>50</u> 10-08 hrs.	Ditto.	Submission of C.S.	As the charge under sections 457/380 and 411, Indian Penal Code, have been substantiated against all the 3 accused persons, I send them up for trial leaving the date to be fixed by the Court. Intimation sent to complainant communicating the result of investigation. Sub-Inspector.