


**First Information Report
Complaint
Inquiry & Investigation
Final Report
Inquiry into Suicide Case**

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SUBSTANTIVE LAW & PROCEDURAL LAW

Procedure Law – (BNSS- Cr.PC) – Inquiry, Investigation, Trial

- Puts life into Substantive Law (BNS- (IPC) – Offences & Liabilities
 - Servant & aid to justice – Police, Prosecutors, Judges
 - Construction of the provisions required harmonious keeping in mind of the intention of the legislature
 - Evidence Law (BSA) is procedural law related to principles of evidence
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DUTY OF THE STATE

- Duty of the state to provide safeguards Life, Liberty and Property
- Structure created by State - Police, Prosecution, Judiciary & Prison
- If any intrusion is made by an offender, it is for the State to set the law into motion and come to the aid of the person aggrieved
- Aggrieved person moves the criminal law by Complaint or First Information Report
- Complaint/FIR with Police or Magistrate Court



POWER OF MAGISTRATE

- Sec. 210- Any JMFC/ SMFC specially empowered to take cognizance of any offence
 - (a) upon receiving a "**complaint**" (Sec.2(h))
 - (b) upon a "**police report**" (193(2))
 - (c) upon information received or knowledge

Magistrate has two option

Sec. 175(3) - Direction to police for **investigation** - FIR

Sec. 223/225 - Proceeding – **Inquiry**



COMPLAINT SEC.2(H)

- Complaint - Any allegation made orally/in writing about the offence
 - Offence can be cognizable- non cognizable, bailable or non-bailable
- It is made to Judicial Magistrate
- Intention is that he must take action against the accused
- Action in form of Process calling accused, Inquiry and Trial
- Report made by a police officer in **non-cognizable offence** is a **complaint & Police officer is a complainant** in such case
- **Police Report (Charge-sheet) (Sec. 193(2)) is Not Complaint**



INQUIRY SEC. 2(K)

- **Complaint requires Inquiry**
- **Inquiry** – Judicial Proceeding means every inquiry
 - Conducted by Magistrate or Entrusted to Police for Report
- **Fact Finding Process**
 - Magistrate is satisfy himself with prima facie commission of offence by accused
- **Inquiry is Not Trial**
- **Trial starts after the completion of Investigation and/or Inquiry**



INQUIRY IN SPECIAL CIRCUMSTANCES

- Inquiry into Unnatural/Suspected death – Suicide
Cr. P.C. Sec. 194 – Inquiry by Police Officer & Executive Magistrate
- Custodial Death /Rape
Cr. P.C. Sec. 196 – Inquiry by Judicial Magistrate
- Power to hold inquest report in suspected death by Executive Magistrate as to the cause of death



FIRST INFORMATION REPORT (SEC. 173)

- Every information relating to the commission of a cognizable offence
- PSO/SHO reduced it in Writing & Read over to the Informant & Signed Entered in a book (FIR) – State Govt. Prescribed format for FIR
- **Zero FIR** – No question of territorial jurisdiction of Police Station
- FIR registered with Zero number and decided to be forwarded to concerned police station
- **E- FIR** – Email through FIR – Person who sent mail has to remain personally present and to give statement in Police Station in Charge Officer within 3 days time limit.



FIR IN OFFENCE AGAINST WOMEN

➤ **Offences against Women – Rape etc.**

- Recorded by a Woman Police Officer or Any Woman Officer
- If victim woman is mentally or physically disabled - recorded by a police officer, at the residence/ place of choice of victim/relative - in the presence of an interpreter or a special educator
- Video-graphed and victim statement recorded by a Judicial Magistrate (Sec.164)



MANDATORY PROVISION OF FIR

- A copy of the information given forthwith to Informant and Victim
- Copy must be Free of cost
- In the case of refusal for registration of FIR
- Informant may send the substance of it to SP
- SP shall investigate or direct to investigate to any police officer
- All the powers of Investigation exercised by SP or any other officer
- Powers of Investigation – Search- Seizure and Arrest
- FIR can be registered under the order of Magistrate
- Magistrate is vested with the power to direct investigation



FIR

- Early information related to crime by any one – victim, witness, accused
- Recording the circumstances before it is forgotten
- Use as in evidence when the informant is examined
- Reduce the substance of information
- Information must be related to cognizable offence
- Must be reported to Police Station in-charge Officer (PSO)
- Must be first in time -
- It is Record of receipt of information
- It put Police in action for investigation
- Copy of FIR is forwarded to Magistrate forthwith through Sp.



IMPORTANCE OF FIR

Obligation upon Police officer of Police Station

- Receive such information – Cognizable
- Record the same as prescribed - FIR for Cognizable Offence

If information is related to Non-cognizable offence – Separate Register is maintain for it and reported to concern Judicial Magistrate

It is dealt as Complaint and complainant has to approach the Magistrate

- FIR is Graphic Description – Details of Informant, Accused, Offence, Law, Injury to body, Loss of property etc.
- Name of PSO & Name of Investigation Officer (IO)
- Valuable piece of evidence
- FIR valuable document used for corroboration or contradiction



POWER TO INVESTIGATE (SEC.175)

- Cognizable Offence by Police Station in charge Officer
- Any other subordinate officer but the constable
- In Serious offences SP may order to investigate by Dy.SP
- Investigation power shall not be questioned on any ground
- By order of Magistrate in complaint case – Ordinary Complaint
- Special Circumstance – Discharge of Duty by Public Servant
allegations of misuse or abuse of power amounts offence requires investigation – Magistrate may order Investigation subject to -
 - Report from Superior Officer on incident containing facts
 - Opportunity to Public Servant of his assertion



INVESTIGATION (SEC. 2(L) SEC. 176

- All proceedings for **Collection of Evidence**
- **Proceedings** conducted by the police officer or
- By Any Person authorised by Magistrate
- But not by Magistrate
- Proceedings
 - Interrogation of Witness/ Victim/ Accused – Police Statement
- Evidence
 - Oral
 - Documentary
 - Materials recovered or discovered



STEPS IN INVESTIGATION

- Steps in Investigation (Sec. 176)
 - Officer proceeds to the spot & Ascertains facts & Circumstances
 - Collection of Evidence - Effects discoveries
 - Measures for Discovery
 - Offence punishable is 7 yrs or more – **Visit of Forensic Science Expert** is mandatory for guidance and collection of evidence
 - Arrest of suspected/offender
 - Rape case – Woman Police Officer – Recording of Statement – in Presence of Parent or Social Worker
 - Formation of Opinion – Final Report – Charge-sheet (Sec. 193)
- If offence is not serious- no need to proceed and investigate
- No sufficient ground for investigation – not investigate



SEARCH AND SEIZURE (SEC. 105, 185)

○ Search

- Under Warrant of Magistrate in Non-cognizable offence
- Without Warrant in Cognizable case by IO or authorised subordinate

○ Search for Person or for Material or In Person – Any place

Procedure – Record grounds for Search in Case Diary

- Duty of Occupant to provide facility and not to obstruct
- Two independent witness to watch the procedure of search
- Seizure and list of it Signed by IO, Witness and Occupant
- Copy of Seizure Memo given to occupant
- Videography of entire procedure u/s 105, 185
- Recording forwarded to DM/SDM/JMFC within 48 Hrs



EXAMINATION OF WITNESS BY POLICE (SEC. 180)

- Power to Examine Any Person –
Complainant/Informant/Witness/Victim/ Accused
 - Acquainted with Facts & Circumstances of the Case
- Bound to Answer truly
 - Other than tendency to expose him in criminal charge
- Statement is Recorded in Writing - Police Statement
- May recording of Audio-video of Statement
- Crime against woman – statement of victim by woman police officer or woman officer



MEDICAL EXAMINATION OF RAPE VICTIM (SEC.184)

- Offence of Rape/attempt to rape
- Proposed to get her examined by Medical Expert
- Govt./Local Authority's Hospital Doctor – Exceptional case by Pvt. Medical Practitioner
- Within 24 Hrs from the time of FIR
- Consent is essential – Victim or Competent person
- Examined without delay
- Report precisely all the details of victim and consent
- Timing of Commencement and Completion of Examination
- Forward Report to Investigator within 7 days
- Without Consent No Examination



FINAL REPORT – CHARGESHEET (SEC. 193)

- Investigation to Conclude Without Unnecessary Delay
- Crime Against Women & Children – within 2 Month from FIR
- PSO forward Final Report to Magistrate including electronically within 90 days in the offence punishable 10 yrs or more or 60 days in other cases
- Final Report in Prescribed Form by State Govt.
- Final Report with Police and Judicial Statement and Evidence
- Details of Accused – Arrested – Bailed – Jailed – Wanted – Offence and Section under the Law/ Witness details can be concealed in the interest of justice
- With Medical Examination Report
- Details of Offence and Evidence
- Informed the Informant
- Submitted through Superior Police Officer
- Copy to the Accused



FURTHER INVESTIGATION

- Fresh facts came into light after submission of Chargesheet
- Need further Investigation
- Further Investigation is permitted
- Investigation officer seek formal permission of Court
- File supplementary charge-sheet of any numbers



INQUIRY INTO SUICIDE/SUSPECTED DEATH (SEC 194)

- Suicide/ Killed by Another/ Animal/Machinery/Accident
- Died in Suspicious Circumstances
- PSO shall inform Executive Magistrate to hold Inquest
- Inquest means as to the cause of death primary report
- At the place where dead body found
- In the Presence of Two respectable Witness
- Draw Report indicating wounds, fracture etc, injury marks
- Weapon/Instrument Marks appeared on body indicated
- Signed by PSO, Witness/ Executive Magistrate
- Report forwarded to District Magistrate/SDM within 24 Hrs.
- DM/SDM/Executive Magistrate empowered to hold Inquest Report



SUICIDE BY MARRIED WOMAN (SEC. 194)

- Woman commit suicide within 7 yrs of Marriage
- Suspicious Death of Woman within 7 yrs of Marriage
- Relative of Woman make request in such death of a woman
- Reasonable doubt regarding cause of death of such woman
- PSO consider it for any other reason to do so
- Forward Dead Body to the Civil Surgeon for examination
- If its involve risk of purification due to weather, distance - On the road examination of body



End of the Topics
Thanks

