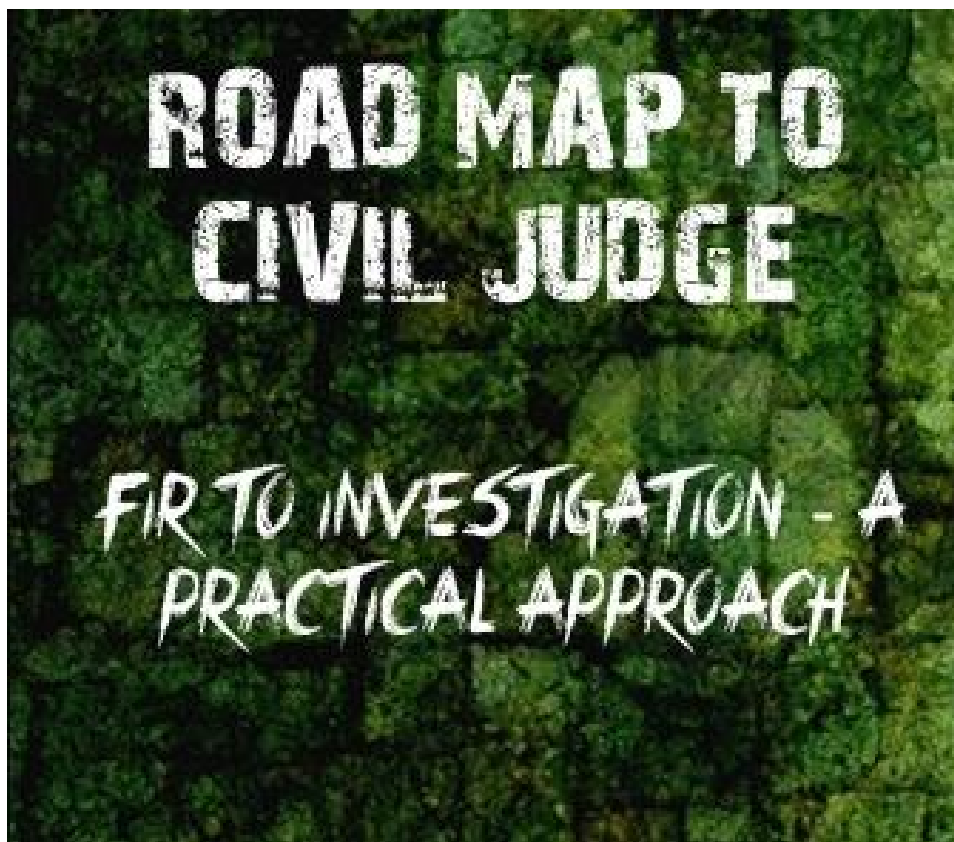


LAWXPERTS.

WHY YOU SHOULD STUDY THIS ?

1. HIGH QUALITY.
2. BASED ON STANDARD SOURCES
3. POSSIBILITY OF DIRECT QUESTIONS
4. COMPLETELY SYLLABUS-ORIENTED.



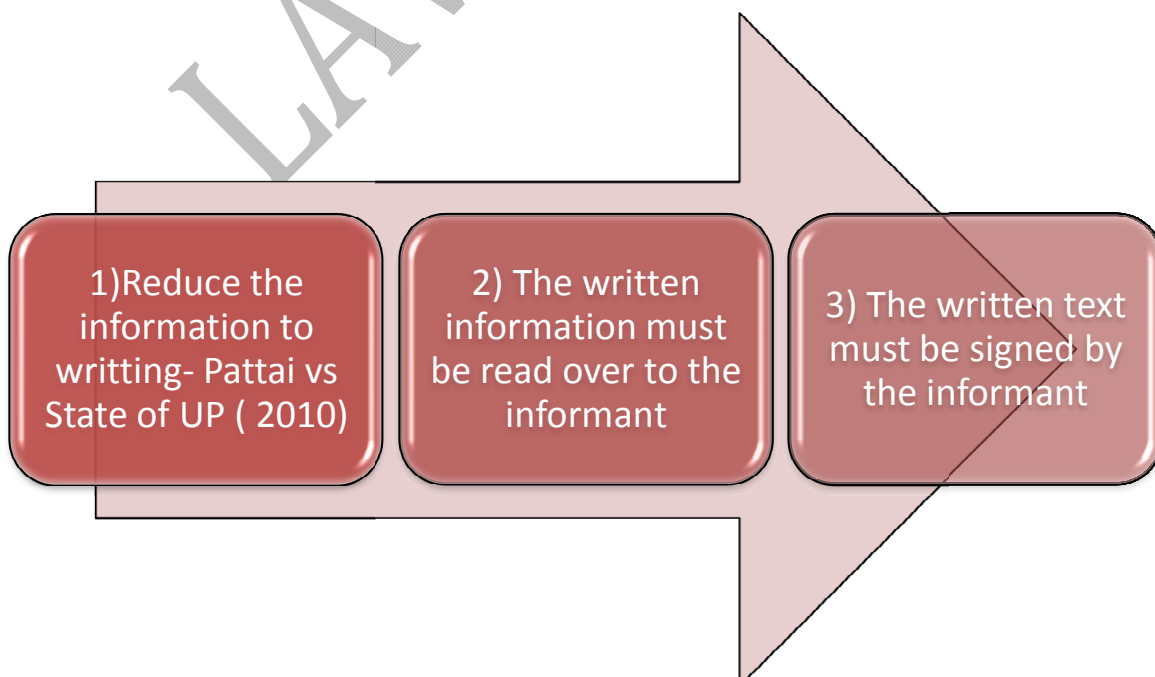
This is a copyrighted material of lawxperts. This material shall not be modified, copied, distributed, repackaged, shared, displayed, revealed, extracted, emailed, transmitted, sold or otherwise transferred, conveyed or used, in a manner inconsistent with the Agreement, or rights of the copyright owner. You shall not redistribute, repackage, transmit, assign, sell, broadcast, rent, share, lend, modify, extract, reveal, adapt, edit, sub-license or otherwise transfer the Content. You are not granted any synchronization, public performance, promotional use, commercial sale, resale, reproduction or distribution rights for the Content.

FIR TO INVESTIGATION – A PRACTICAL APPROACH

FIR- First Information Report- this word is alien to Cr.P.C , However in language known to the code it is simply an information given to officer in charge of police station - *regarding?* – commission of an cognizable offence (S.154 Cr.P.C) / non cognizable offence (S. 155 Cr.P.C) . **Note** : *separate section in the code* ! – However the procedure of registering the FIR is same in cognizable and non- cognizable cases, it only differs in investigation stage.

(**Brian Tickle** ! Is there any special privilege given to women for registration of FIR? The privilege is-Informant women – information on offence committed under specified sections of IPC viz. 326 A, 326 B etc – the information must be recorded by women police officer or any woman officer. Likewise for temporarily or permanently mentally or physically disabled – FIR to be registered at their home/ any other convenient place + videograph it- CRIMINAL LAW AMENDMENT 2013)

Legal requirements of an FIR



Purpose and Object of FIR

- Basic material for investigation. (put into writing before memory fades- Sorajudin vs State of Madras)
- Once recorded cannot be altered later (Government record)- its check to both prosecution and accused.

Evidentiary Value of FIR.

FIR- not substantive evidence- *Ravi Kumar v. Sate of Punjab AIR 2005 SC 1929* – only for

- ✓ *corroborating under section 157 of the Evidence Act - Apren v. State of Kerala*
- ✓ *contradicting (cross-examination under section 145 of Evidence Act) – obviously the informant.- Ashram v. State of MP(2207)11 SCC164.*
- ✓ *section 8 Evidence Act – to establish motive /preparation/ previous / subsequent conduct – Nizar Ali v. State of UP*
- ✓ *section 11 Evidence Act to establish inconsistency with fact in issue/ to explain relevant fact.*
- ✓ *A confession fir cannot be used against accused informant - 25 of the Evidence Act. Aghnoo v. Sate of Bihar.*

What you will do when police officer refuse to register FIR-Send information to

- ✓ Superintendent of Police u/s 154(3) Cr.P.C– in post or person – *Gurjiat Singh v. State of Punjab.*
- ✓ the Magistrate concerned u/s156(3) of the CrPC- *Sakrivasu v. State of UP.*

(Brain tickle ! Can a criminal proceeding be initiated against police officer on refusal of registering FIR ? Yes ! A police officer refusing to enter in the diary a report made to him about the commission of an offence, and instead making an

entry totally different from the information given, would be guilty under Sections 166A and 177 of IPC.)

Punishment for giving false information. - Dealt U/s 182, 203 & 211 of IPC. Even if such information is not reduced to writing under Section 154(1) of CrPC, the person giving the false information- be punished for preferring a false charge u/s 211 of IPC.

Must Read on FIR :-

- ❖ Guidelines for Preliminary investigation before registering Fir - ***Lalitha Kumari vs Government of Uattar Pradesh.***
- ❖ FIR – cannot be rejected merely because it is based on hear say – Hallu vs State of MP.

Investigation - includes all the proceedings under the code for the collection of evidence conducted by a Police officer or by any person (other than a Magistrate) who is authorized by a Magistrate. (Section 2(h) of the Code). Cognizable offence – Order of magistrate not required- S. 154. Non-Cognizable order of magistrate required S- 155.

The investigation consists of the following steps: *HN Rishud and Inder Singh v. Satte of Delhi, State of MP v. Mubarack Ali.*

- ✓ Registration of the case as reported by the complainant u/s 154 Cr.P.C.,
- ✓ Proceeding to the spot and observing the scene of crime,
- ✓ Ascertainment of all the facts and circumstances relating to the case reported,
- ✓ Discovery and arrest of the suspected offender(s),
- ✓ Collection of evidence in the form of oral statements of witnesses (sections 161/162 Cr.PC.), in the form of documents and seizure of material objects, articles and movable properties concerned in the reported crime,

- ✓ Forwarding exhibits and getting reports or opinion from the scientific experts (section 293 Cr.P.C)
- ✓ Formation of the opinion as to whether on the materials collected, there is a case to place the accused before a magistrate for trial and if so, taking necessary steps for filing a charge sheet, and
- ✓ Submission of a Final Report to the court (section 173 Cr.P.C.) in the form of a CHARGE SHEET along with a list of documents and a Memo of Evidence against the accused person(s)

Documents ought to be made during the Police investigation:-

- ✚ First Information Report (section 154 Cr.P.C.)
- ✚ Crime details form,
- ✚ Arrest / court surrender memo
- ✚ Property seizure memo and
- ✚ Final Report Form (section 173 Cr.P.C.)

On what grounds investigation can be refused:- the following cases may be ground to reject investigation under the discretion provided under 157 (1) (b) of the Code-

Triviality	<ul style="list-style-type: none">• Section 95 of IPC• Act of slight temper
Civil nature	<ul style="list-style-type: none">• Title disputes etc• where it does not disclose a offence under IPC
Petty thefts	<ul style="list-style-type: none">• Theft below Rs 10/-• However not done by habitual offender
Undeductable simple cases	<ul style="list-style-type: none">• Simple trespass without intention to offend

THE END.