



DIRECTORATE OF
PROSECUTION



INDUCTION TRAINING COURSE
FOR
ASSISTANT PUBLIC PROSECUTOR GRADE-II
2015
COURSE MATERIALS

THIRU. S. SHANMUGAM
DIRECTOR OF PROSECUTION (l/c)

&

COURSE COORDINATOR
THIRU. R. JEYARETNAKUMAR
ASSISTANT DIRECTOR OF PROSECUTION

ASST. COORDINATORS:

- ❖ **D. SENTHIL KUMAR**
Asst. Director of Prosecution (J)
- ❖ **RAJENDRAN GAYATHRI**
Asst. Public Prosecutor. Gr. I

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INTRODUCTION

GUIDELINES TO ASSISTANT PUBLIC PROSECUTORS

1. APP being an Officer of the Court is expected to assist and aid the court in arriving at a just decision of a case. You as an APP should be unbiased, sincere, fair and straight forward and should place unvarnished truth before the court. Discharge your duties without fear or favour.
2. You should update your knowledge with the latest case law and the provisions of various Acts and Rules as the Court looks forward to your able guidance and assistance.
3. You should have basic knowledge of criminology and Forensic Science and Forensic Medicine.
4. You Should be thorough with the Criminal Procedure Code, Indian Penal Code and Indian Evidence Act.
5. You should keep notes on the following subjects.
 - a. What are all the offences for which sanction is required, and under which provisions of law
 - b. Offences for which minimum punishment, imprisonment or fine is prescribed under Certain Acts.
 - c. Special Jurisdiction of Courts trying offences such as under NDPS Act, PCP. Act etc
 - d. Make a note whether an offence is cognizable or non-cognizable
 - e. Keep a list of Repealed Acts which were in operation till recently. For e.g. TADA, Children Act and Dangerous Drugs Act have been repealed.
6. Study Criminal Law Amendment Acts apart from other Criminal Laws.
7. Some of the important Provisions in Cr.PC and Indian Evidence Act are noted below
 - a. Code of Criminal Procedure 1973 : Sections 2, 6, 11, to 13, 27, 41, to 44, 51, 54, 91, 92, 144, 149 to 151, 184, 188, 190 to 199, 201

to 213, 260, 294, 299, 300, 313 to 315, 319 to 322, 328, 341, 357, 362, 377, 378, 389, 401, 436 to 438, 451 to 459, 467 to 473, 475 and 479

b. **Indian Evidence Act** : Sections 3, 4, 8, 14, 24 to 27, 45, 52, 61 to 63, 74, 101, 102, 112, 113A, 113B, 114, 119, 124, 126, 133, 141, 145, 151, 154, 159, and 165

8. You must win the confidence of the court. You must be abreast with the latest Judgments of various High Courts of India and the Supreme Court on various Propositions in Law.
9. You make it a point to be present at 10.00 AM in your office and at 10.30 AM in your Court promptly.
10. Help and Guide the Police Officers in offering your opinion and Draft final report in appropriate cases. Promptness and punctuality should surface your work so as to win the Confidence of not only the Police Officers but also other Government Department officials, when they approach you for Guidance.
11. While dealing with Bail Petitions filed by the accused you should apply your mind and in Non-bailable offences and in grave and sensational cases you should be alert and be careful. Get necessary instructions from the Police and while opposing the Bail Petition give reasons there in at the same time without causing avoidable delay in giving reply.
12. While giving Draft final report you should see to it that all the material documents have been gathered and that all the necessary witnesses have been examined during investigation. The charges should be specific connecting the accused with the alleged offence and specific overt act must be mentioned.
13. Before conducting trial of a case study the case Diary File thoroughly in advance and note down the charges framed by the court which require strict proof. Before examining a witness, refresh his or her memory and prepare the witness well before they get into the witness box.

14. Don't fail to mark all the material documents and material objects through the witnesses concerned. Further all material witnesses have to be examined without fail.
15. When a witness turns hostile seek the permission of the court and cross examine the witness exposing the witness about his or her deliberate attempt to support the Defence.
16. While examining the Investigating Officer in a case if there is any hostile witness it is essential to elicit the contradictions of that particular witness through the Investigating Officer by reading the material portions in the 161(3) Cr.P.C. statement. (See S.154 of the Indian Evidence Act). The evidence of a hostile witness cannot be rejected in toto.
17. Make a note of S.320 Cr.P.C. and whenever there is possibility of compromise permissible by Law, try to help the parties concerned thereby the cause of enmity is buried deep and they can live in Peace and harmony.
18. During cross examination of a Prosecution witness you should watch carefully and if any irrelevant or objectionable question is directed against the witness by the Defence Counsel you can rightly object to such questions. You should also see to it that no rustic or illiterate witness is intimidated or misled by the Defence. In the course of cross examination if there is any ambiguity anywhere in the evidence of a witness you should re-examine the witness to clarify that particular portion of the evidence to the Court.
19. You should also take the interest of the Victims into consideration and wherever necessary request the court to invoke S.357 Cr.P.C., to order payment of Compensation to the Victims and you should guide the court properly in this regard.
20. At the end of trial of a case, you should effectively submit your oral arguments placing all the materials in support of the Prosecution and you may also submit Memorandum of Arguments as per Section 314 Cr.P.C. in Court.

21. When a case ends in acquittal, you should apply for a certified copy of the Judgment U/R 348-A the criminal rules of practice and you should go through it as to why there was acquittal. The reasons for acquittal can be noted so that flaw or mistake, if any, can be rectified in future. Further it also gives an idea about the mind of the Court.
22. You should gather and keep with you Reported decisions on Dying Declaration, FIR, Investigation and Identification Parade and such other topics for usage while conducting trials.
23. In deserving and sensational cases you must get certified copies of Judgement in case of acquittal and take speedy steps to give opinion so as to take the case Appeal against acquittal u/s. 378 Cr.P.C. in fit cases.
24. You are placed in an exalted position since you are vested with the Power of withdrawing a case u/s. 321 Cr.P.C. with the consent of the Court, provided you are in charge of the case. You should act like a Judge and apply your mind and give reasons for withdrawal when you present an application in Court.
25. You should furnish fortnightly diaries, monthly statements, half yearly, annual statement and self assessment report to your superior officers within time without fail.
26. You should attend the monthly crime meeting, as well as Judicial officers meeting along with your superior officer. It may be very useful to you for your assertiveness and for good liaison with Judicial officers and Police officers.
27. As per the Apex court Judgement, prosecuting officers are watch dog of the Judicial Forum and hence we must be very careful in observing and enlightening the court, whenever necessary arises.
28. Prior to approving the final reports you should be alert during perusal of the case diary and connected records.
29. You should furnish the particulars of movable and immovable properties acquired by you before joining the service. After that, before acquiring any movable property worth more than Rs.15,000 and immovable property, you must obtain prior permission from the Head of Department.
30. Above all, you should do your duty with dedication, devotion and dignity. Your Hard work alone will pay you rich dividends in the long run.

DIRECTORATE OF PROSECUTION TAMIL NADU,

CHENNAI - 2008

ASSISTANT PUBLIC PROSECUTOR GR.I &

ASSISTANT PUBLIC PROSECUTOR GR.II

Each Asst. Public Prosecutor Grade – I and II shall;

1. Conduct prosecution in all the trial matters before the Additional District & Sessions Court and Assistant Sessions Court respectively/to which he is appointed / posted
2. ensure that the witness are presented before the Court as per the schedule of the cases;
3. Take interest in preparing the arguments of cases by projecting the prosecution case before the court and citing latest case laws relevant to the facts for successful prosecution.
4. Bring to the notice of the senior officials where the witnesses are not produced or do not attend the court inspite of the service of summons.
5. Ensure that the summons to official witnesses and Investigating officers are obtained in-time from the court and executed to avoid undue delay and obstructions to the smooth conduct of prosecutions.
6. Obtain all copies of documents that are filed in court for reference during the trials;
7. Receive notices of Appeals and Bails and in turn intimate the same to the concerned S.H.O. and obtain C.D.files, to get necessary instructions to oppose the Bail filed against the convictions from the lower courts;

8. Soon after the receipt of judgment copy under Rule 100 (1) ix of criminal Rules of practice and where there are acquittals and inadequate sentence passed; and where there exist, good grounds for Appeals and Revisions, he shall advise the Superintendent of police or the concerned Government department to do so, by furnishing details and reasons specifically;
9. Submit monthly statements in the prescribed proforma (NIC NET STATEMENTS 1-4
10. Attend the review meetings of the Deputy Director /Joint Director or many other officer of the Directorate on intimation from time to time, along with required notes/materials etc.;
11. Conduct the prosecution in the cases filed not only by the police Department but also in cases from other Government departments like Forest, Drug Inspectors, Food Inspectors etc. 12. Give his opinion or advice whenever approached by the police or other department officials in a matter pending before the court or during the stage of investigation.
12. Give draft charge sheet whenever approached by concerned official and ensure that the charge sheet is given with legally applicable sections of law after satisfying himself that the material available on record is sufficient to lay charge sheet against the accused or advice whether if some more information or further probe/investigation in the case under scrutiny, if considered necessary.
13. Be responsible and vigilant in giving legal advise / opinion / draft charge sheet so as to avoid future complaints of negligence and irresponsible attitude.
14. Conduct the prosecution of cases entrusted and take every possible legal action for successful prosecution of cases in public interest.
15. Oppose the bail applications after obtaining necessary instructions from the concerned Department officials;
16. Ensure that the witnesses attend the court as per schedule and NDWs are executed well in time by giving suitable instructions to the concerned SHO in writing.

17. Write to the concerned official and to this Directorate in case there is no proper attendance of court by the concerned official and lack of interest shown in production of witnesses before the trial court;
18. Discuss the priority of old cases pending prosecution in consultation with to concerned and get the cases expedited in the court;
19. Maintain cordial relationship with the court, police, department official and other Members of the Bar;
20. Act in a fair and impartial manner in discharge of duties towards court, police and other departments;
21. Assist the court with his fairly considered view as the court is entitled to have the benefit of prosecuting officers specialized expositions.
22. Take all necessary legal steps to ensure that the court does not close the cases on account of non-production of witnesses;
23. Consult the senior prosecuting officer and seek advice on cases involving legal complications / expertise;
24. Attend the review / Crime meetings held by the Deputy Inspector General of police / Commissioner of police whenever communication is received and furnish the required information and also appraise the problems faced in the conduct of prosecution or procurement of witnesses to the court;
25. Render legal advice to the I.O. on request and assist in guiding the proper legal course of action on the case referred; and after scrutinizing the available evidence opine whether to proceed with prosecution in court of law.

ABSTRACT

Public Services – Prosecuting staff – Officers of Assistant Public Prosecutor Grade II – Inspection by Assistant Public Prosecutors Grade I – Registers and File to be maintained by the Assistant Public Prosecutors Grade – II form to questionnaire – Changes – Ordered.

- Read 1. G.O. Ms No. 2937 Home dated 30.10.71
2. From the Joint Commissioner of Revenue Administration Department
Lr.K.Dis (X) 399 / 80 dated 22-12-80

ORDER :

In G.O. Ms No. 2937 Home dated 30.10.71 from questionnaire for the inspection of the Offices of the Assistant Public Prosecutors Grade II by the Assistant Public Prosecutors Grade I was prescribed. The Association of Prosecuting Officers, Tamil Nadu represented that many of the records prescribed to be maintained by the Asst. Public Prosecutors Grade II in the above G.O an superfluous. The Association has therefore requested that the following Register and files alone may be required to be maintained by the Assistant Public Prosecutors Grade II.

1. Personal Register, 2. Government Property Register containing list of (i). Furniture's (ii). Library Book (iii) Register for stationery (iv) Local Despatched and dispatch by post register with stamp account. (v) Register showing details of cases conducted with result

- Files 1. Diary file
2. Opinion file
3. Charge sheet file
4. Withdrawal file
5. Miscellaneous file
6. Stock file (1) Legal (2) Administrative Monthly Statement of disposed cases with reasons for acquittal
7. Annual statement of cases conducted.

The request of the Association was examined in consultation with the commissioner, Revenue Administration Department, Madras. The Commissioner for Revenue Administration has recommended that instead of discontinuing the maintenance of the registers and files ordered to be maintained in G.O. Ms No. 2937 Home date 10.10.71, it will be better to sanction one post of Junior Assistant to each Assistant Public Prosecutor Grade II so that he will render clerical assistance to maintain the register and files and that the Assistant Public Prosecutor can concentrate in the conduct of cases

2. The Government after careful consideration, have decided to accept the representation of the Association of Prosecuting Officers Tamilnadu accordingly direct that the existing part 1 / of the questionnaire prescribed in GO Ms. No. 2937 Home dated 30.10.71 shall be substituted by the following namely :-

Are the following registers prescribed maintained properly and up to date

- 1. Personal Register
- 2. Government Property register containing list of (i) Furnitures (ii) Library Books
- 3. Register for stationery
- 4. Local Dispatch and despatch by post register with stamp account.
- 5. Register Showing details of cases conducted with result.

Are the following files prescribed maintained properly and upto date

- 1. Diary file
- 2. Opinion file
- 3. Charge sheet file
- 4. Withdrawal file
- 5. Miscellaneous file
- 6. Stock file (i) Local (ii) Administrative
- 7. Monthly statement of disposed cases with reasons acquittal
- 8. Annual statement of cases conducted.

(By order of the Governor)

A. John Joseph

Deputy Secretary of Government

GOVERNMENT OF TAMIL NADU

ABSTARCT

Prosecution filing of Charge sheets by Police – Scrutiny by Law Officers before filing – orders – Issued.

G.O,Ms No. 1175 HOME (CTS VI) DEPARTMENT

Dated : 5.6.1984

Vaikasi 23, Tiruvalluvar Aandu, Rukthakshi, 2015.

Read :

From the Assistant Inspector General of Police (Law and Order) Madras
D.O.D Dis.2032/175218/CI/83 date 1.12.83

ORDER

An instance has been brought to the notices of the Government wherein a charge sheet filed by a Police Officer came to adverse criticism by the High Court, Madras. To obviate lapses in the preparation of charge sheets, the Government examined the question whether the charge sheets may be scrutinized by the Law Officers before filing in the Courts. The Government consider that scrutiny of charge sheets by the Law officers will ensure accuracy in specifying the offences and result in better prosecution of cases.

2. The Government accordingly direct that in respect of all offences triable by Magistrates of judicial First Class Magistrates and above, the charge sheets should be scrutinised and approved by the Law officers concerned viz. Assistant Public Prosecutors, Grade – II / Assistant Public Prosecutor, Grade –I / Additional Public Prosecutor / Public Prosecutor, as the case may be, before filing them in the Courts.

3. This order come into effect with immediate effect.

(By the order of the Governor)

T.V.VENKATRAMAN

COMMISSIONER & SECRETARY TO GOVERNMENT

GOVERNMENT OF TAMIL NADU

Tamil Nadu Court Fees and Suite Valuation Act, 1955 Remission of all court fees payable by Law Officers on behalf of Government of Tamil Nadu mentioned under Act of the provision of Tamil Nadu Court Fees and Suits Valuation Act 1955 – Notification – Issued.

HOME (COURTS – I) DEPARTMENT

G.O,Ms No. 38

Dated : 09.01.1998

Read :

1. G.O.Ms No. 665, Home dated 24.3.1976
2. G.O. Ms. No.1067 Home dated 10.5.1973
3. From the Government Pleader, High Court, Chennai
Lr.No. 145/95 All dated 3.7.1997

ORDER

The following Notification will be published in the Tamil Nadu Government Gazette.

In exercise of the powers conferred by Section 73 of the Tamil Nadu Court Fees and Suits Valuation Act 1955 (Tamil Nadu Act XIV of 1995) and in super session of the Home Department Notification No. II (2) 10/2470/78 published at Page 313 of Part II Section 2 of the Tamil Nadu Government Gazette dated the 7th June 1978 the Governor of Tamil Nadu hereby remits all court fees payable by the Government of Tamil Nadu and its officers under the said Act on all the Petitions, applications, copy application documents, suits, appeals and all other cases to be filed in all courts, Tribunals including High Court.

Sd. R.PORNALINGAM
Secretary of Government

Copy of G.O. Ms. No. 1903, Home (Courts.) Department, dated 4th August, 1976

ABSTRACT; Criminal Justice - Appeal against acquittal and appeals for enhancement of sentences - submission to Government - Avoidance of delay - procedure Additional instructions - Madras.

Read: Government Memo No. 98738/Courts./6:-1, 20-1-8-1964.

ORDER:

Under Rule 196 of the Criminal Rules of Practice and circular orders, when an appeal against acquittal or an appeal for enhancement of sentence is presented after more than 90 days from the date of judgment or order which is sought to be revised, a petition to excuse delay, supported by an affidavit explaining the circumstances of such delay should be filed along with it. The High Court had occasion to remark that delays in presenting appeals against acquittals or appeals for enhancement of sentence should not occur and that the High Court would be reluctant to condone such delays. It is therefore necessary that appeals against acquittals and appeals for enhancement of sentence should be presented in time and that there should not be any occasion for offering any explanation for delays while filing the appeal.

2) The Government have, however, observed that inspite of the strict instructions issued in the matter regarding the necessary for dealing with cases of appeals against acquittals and appeals for enhancement of sentences promptly instances of delay in the submission of proposals by the Dist. Collectors and other Heads of Departments concerned in this regard still continue to occur. Delay are also noticed in the prosecuting staff coming to the courts for copies of judgments. Before the appeals are actually filed, the Government have to consult the Public Prosecutor, Madras, invariably in all cases and in some cases, the Advocate-General too regarding the viability of the appeals. The Public Prosecutor, Madras, or the Advocate-General, as the case may be, needs some time for going through the records of the case and the judgment before offering his remarks. Examination of the proposal with the Government also requires sometime.

3) In order to ensure prompt submission of proposals for filing appeals against acquittals and appeals for enhancement of sentence, the following additional instructions are issued in continuation of the Government Memo, cited.

(1) The Public Prosecutor or the Addl. Public Prosecutor or the concerned Prosecuting Staff who conducts the case in the Sessions Court or the Asst. Public Prosecutor who conducts the case in the Judicial Magistrate's court should apply for copies of judgment either on the date of judgment itself or on the next working day without fail. He should obtain copies and forward them with his opinion regarding the advisability of filing appeals, simultaneously to the Superintendent of Police/Dputy Commissioner of Police; and to the Collector/Commissioner of Police within 7 days from the date of receipt of copies of the judgement.

(11) Within 10 days of receipt of the records and copies of the Judgement, the Supt. of Police and the Collector/Commissioner of Police should have a joint meeting with the Public Prosecutor or the prosecuting officer of the case to decide about the feasibility of appeal or revision at this meeting and the Collector/Commissioner of Police should forward the case immediately, thereafter to Government with a copy to the Public Prosecutor, High Court, Madras.

(111) The Collector/Commissioner of Police should specify one of his personal assistants by name to be personally responsible to see that the proposal is sent to Government, with a copy of the Public Prosecutor, High Court, Madras within 3 days of the decision at the above meeting.

(iv) The proposals received by the Government should be referred to the Public Prosecutor, High Court, Madras, within 3 days of date of receipt.

(v) The Public Prosecutor, High Court, Madras, would normally send his report to Government within 10-14 days of the date of receipt of proposals from the Government.

(vi) On receipt of the opinion of the Public Prosecutor, High Court, Madras, the Government will process the case in consultation with the Law Department and other administrative departments concerned, if any, and issue orders within 30 days, instructing the Public Prosecutor, High Court, Madras, to file a petition for leave to appeal against acquittal under section 377(3) of the Criminal Procedure code or to file an appeal against the Court under section 377(1) of the Criminal Procedure code, if the Government decides that appeal need not be filed, orders will be issued within the time limit specified above.

(vii) All cases for appeal against acquittal and of sentences should carry on top of the forwarding letter the deadline date for filing appeal in block letters under-lined in red ink.

4. The Government direct that the above instructions should be followed scrupulously and the time schedules, specified above and indicated in the Annexure to this order, should be strictly adhered to and any delay in submitting proposals beyond the time limit will entail disciplinary action in respect of the persons concerned.

/By order of the Governor/

//True copy//

Annexure

Time schedule for processing proposals for appeals against acquittals and revision of sentences by courts.

I. Date of Judgement:

C1/ 25104/76
Dated: 23-8-76

District Police Office,
Pudukkottai.

Copy communicated to all Inspectors of Police and Sub-Divisional Officers for information in accordance. Any delay will be viewed seriously and the responsibility will be seriously fixed on the Inspectors and the Deputy Superintendents of Police concerned.

Sd/ S. Anantharaman,
for Supt. of Police,
Pudukkottai.

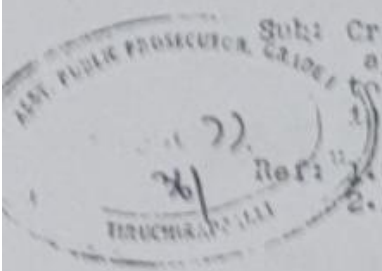
- Copy to Assistant Public Prosecutor I, Pudukkottai
- Copy to Assistant Public Prosecutors II, Pudukkottai & Arambur
- Copy to Superintendents I, II and III
- Copy to Personal Assistant to Superintendent of Police and Camp Clerk to Supt. of Police.
- Copy to 'C1' Stock File.

/t.c.b.o./

[Handwritten Signature]
8/9/76
Superintendent.

amir/-3.9

Mem. No. 160827/Courts-I/76 dt. 27th May 1977.



Sub: Criminal Justice - Appeal against acquittal and appeals for enhancement of sentence - Submission to Government - Avoidance of delay - Additional instructions - Issued.

Ref: 1. G.O. Ms. No. 190, Home dt. 4-8-76.
2. From the Collector, Tirunelveli, letter No. C7/18-61/76(c) dt. 20-11-76 and 11-77.

The Govt. have in the Govt. order cited, ordered that within ten days of the date of receipt of the records and copies of judgments to be appealed against, the Supt. of Police Collector should have a joint sitting with the Public Prosecutor or the Prosecuting staff in charge of the case to decide about the feasibility of filing appeals or revision petitions for enhancement of sentence and that before sending a report to the Government, Collector should take a decision at this meeting.

The Collector of Tirunelveli has brought to the notice of the Govt. certain difficulties in following the instructions. The Govt. have examined the difficulties pointed out by the Collector of Tirunelveli. In modification of the instructions in para 3 (ii) of the Govt. order cited, the Govt. direct that the joint meeting is not necessary in each and every case and that the Collector/Commr. of Police may be at his discretion to dispense with the joint meeting, except in cases where there is a serious difference of opinion. The time-schedule should however be kept up in all cases and the Collector of the Commr. of Police must personally apply his mind to the merits of the case and decide about the need to appeal or not. They should send their proposals for filing appeal against the acquittal or inadequate sentence direct to the Dy. Secy. to Govt., Law (Criminal Cases) by name (S. Pyaravan) as instructed in Govt. memo. No. 28548/76 dt. 26-9-76.

R. Subramanyam,
Commr. and Secy. to Govt.

Copy of chief office endt. No. 11082/CL/77 dt. 17-6-77.

C. No. 25294/CL/77
Dt: 27-4-77.

/true copy/

District Police Officer,
Tiruchirappalli.

Copy communicated to all Insprs. and S.D.Cs. in continuation of this office endt. C.No. 4048/CL/76 dt. For information and guidance.

- Copy to the P.P. Trichy and Additional Public Prosecutor.
- Copy to all Asst. Public Prosecutors.
- Copy to Personal Asst. to Supt. of Police, Trichy.
- Copy to Camp Junior Asst. to Supt. of Police.
- Copy to C.F. Cl and Supt. VI.

Sd/- L. Santosh
for Supt. of Police

L. Santosh
Superintendent (S.O.)

/By order/

P.P. 2/1

S. Gurumoonthi

APP I

Pohu

h/277

(57)

Copy of Government Memorandum No. 19272A Courts VIII/79-1 dated 20-2-1979 (Home (General) Department :-

-x-

Sub: Criminal Justice- Appeals against acquittal/ in adequate sentence-Submission of proposals to Government in time-Instructions-Issued

Ref: 1)G.O.Ms.No.1903 Home dt.4-8-76
2)Memorandum No.136505/A.Courts.VIII/78-1 Home dated 1-9-78.

-x-

further to the instructions issued in the reference cited the Government direct that proposals for preferring appeals against acquittal/x in adequate sentence should contain the following particulars without fail:-

- a) date of judgement
- b) date on which a copy of the judgement was applied for by the Assistant Public Prosecutor/Public Prosecutor
- c) Date on which copies of judgements were made ready by the Court;
- d) Date on which the copies were taken delivery of from the Court.
- e) Date of receipt of opinion from the Assistant Public prosecutor/Public Prosecutor by the Superintendent of police /Departmental officer;
- f) Date of receipt of proposal by the Collector/Head of Department from the Superintendent of Police or from the subordinate officers.
- g) Date of meeting if any, held by the Collector/Head of Department with Assistant Public Prosecutor/Public Prosecutor and superintendent of police/Departmental Officer.

774
19/3/79

2) All Collectors/Heads of Departments are requested to ensure that all proposals for filing an appeal against acquittal in adequate sentence contain the above particulars along with a certified copy of the judgment, without omission.

sd/H.M.Singh
Commissioner and Secretary to Govt.
/true copy/

D3. 39036/79 dated 3-3-79 Collector's Office, Tiruchy

L.D.S. 254/79 dt. 20-3-79
Original to be
file (Priority)

Copy to: Superintendent of Police, Tiruchy
Copy to: Addl. Public Prosecutor Grade I Tiruchy
Copy to: Stock File (Law and order).

/By order/ sd/P.Pandian
For Collector.

d. Varmanan
P. I. Prosecutor Grade I
11/11/79

Huzur Head Assistant - 7.

934

19/3/79

2

Copy of Government Letter No. 110964 Cts. 8/83 - 4 dt. 18.02.1984

Sub Criminal Justice Appeals against acquittal and for enhancement of sentences - Submission of proposals to Government avoidance of delay instructions issued.

1. I am directed to state that in G.O.Ms. No. 1903, Home dated 04.08.1976 the Government have prescribed a time schedule for the submission of Proposals for filing appeals against acquittals and for filing appeals for enhancement of sentences. A copy of the time schedule is given in the annexure to this letter, for ready reference.
2. It is observed that the time schedule laid down in GO Ms No. 1903 Home dated 04.08.1976 is still not being adheared to. Inspite of repeated instructions issued. As a result, many proposals had to be declined due to non receipt of proposals by Government in time. Some collector / heads of departments seem to feel that it would be sufficient, if the proposals are sent to Government just a few days before that last date for filing an appeal such course of delayed submission of proposals to Government doe not provided adequate time in the Secretariat to go through the judgement and scrutinizes the proposal in detail. Otherwise, the whole process becomes the ritualistic routine, mechanical, automatic and soul- less. I am, therefore directed to state that irrespective of the limitation time allowed in each case, proposals for fling of appeals against acquittals / inadequate sentences should be submitted to Government as per the time schedule prescribed in G.O.Ms.No. 1963. Home dated 04.08.1976, delay in these matters should be avoided at all costs and at all levels and failure to adhere to the time schedule will be viewed seriously. I am therefore request you to instruct the officers subordinate to you that severe disciplinary action will be taken against the erring officers.

3. The receipt of this letter may kindly be acknowledged

/ true copy /

Time schedule for processing proposals for appeals against acquittals and revision of sentences by courts.

I	Date of Judgement	On the date of Judgement
II	Public Prosecutor or Addl Asst. Public Prosecutor to *Apply for copy of judgement	Or on the next working day
III	Public Prosecutor or Addl. Public Prosecutor or Asst. Public Prosecutor to forward One copy each of the judgement to Supdt. Of Police / Dy.Commr. of Police	With 7 days from the date of receipt of the judgement copy
IV	The Supdt. Of Police / Dy.Commr. of Police – Collector / Commr. Of Police have joint meeting with Public prosecutor / Prosecuting Staff In charge of the case to decide and Forward the proposal to Government with a typed copy of the calendar and judgement and simultaneously a copy of the proposal with 2 court certified copies of calendar and judgement direct of the Public Prosecutor, High Court Personal Asst to Collector / PA to Commr. Of Police etc., ensure dispatch or decision within 3 days of its being taken	Within 10 days from the date of receipt of opinion of the prosecution staff in the districts or the city as the case may be.
V	On receipt of proposals, Home Dept. to refer the case to Public Prosecutor High Court. For opinion	Within 3 days from the date of receipt of proposals

VI	Public Prosecutor, High Court to Send this opinion to Govt	Within 14 days from the date of receipt of judgement copy and Proposals from the Home Dept.
VII	Final order to be issued by Govt. in Home dept. in consultation with administrative departments and Law Department	Within 14 days from the date of receipt of proposals from Public Prosecutor, High Court
	Total	48 Days of Receipt of Judgement

Copy of Govt. Lr. No. 600/dt. 13.3.85 addressed to the All Assistant Public Prosecutors in districts.

Sir,

Subj: CRIMINAL courts- Magistrate Courts- Bail applications- notice to Assistant Public Prosecutors - Views of the High Court- regarding.

- Ref: 1. From the Assistant Public Prosecutor Grade I, Pudukkottai Lr. No. 51 dated 7.2.84.
- 2. From the Registrar, High Court Roc. No. 1042/84 F1, dt. 5.2.85.

According to the "Manual of Instructions for the Guidance of Magistrates" issued by the High Court Madras the following procedures have to be followed while disposing of bail applications:-

- (i) In cases of Non-bailable Offences as soon as Bail applications are prescribed on behalf of the accused notices have to be issued calling for the objections, if any, to the Station-house offices, if that day is non-Assistant Public Prosecutors' day.
- (ii) If that day, in question, is an Assistant Public Prosecutors' day notices on bail applications have to be served on Assistant Public Prosecutor and he should be heard immediately. If the Assistant Public Prosecutor asks for a short time to obtain instructions from Police, the presiding Officers may grant a reasonable time, not exceeding three days, and the Bail applications should be disposed of as expeditiously as possible.

It has been represented that these rules were framed when one Assistant Public Prosecutor was appointed more than one court. The Government in G.O. Ms. No. 530, Home dated 2.3.82 have ordered that there should be one Assistant Public Prosecutor for each criminal court. Consequently, at present each criminal court is provided with one Assistant Public Prosecutor. In the circumstances, it has been represented that notices on bail applications may be sent to the Assistant Public Prosecutor who are readily available in each court instead of to the station House Officer and that the Presiding officers of the Court can pass orders on the petition after hearing them. The High Court of Madras was consulted in this regard.

(22)

The Registrar, High Court, Madras has stated that the instructions relating to grant of bail incorporated in "The Manual of Instructions for the Guidance of the Magistrates", already provide that if the application for bail is presented to the Magistrate on a day when the Assistant Public Prosecutor is in attendance, then he could be heard immediately, inspite of a provision made that whenever an application for bail is made, intimation should be sent to the Station House Officer incharge of the investigation, reasons to give him a reasonable opportunity to make his representations to the Magistrate. Hence, in such of those courts where Assistant Public Prosecutors, Grade II are available, and if they are readily available in courts on the day when bail applications are moved, then the copies of the applications may be served on them, in which even, there would be no need to forward such applications to the Station house officer. On such of those occasions, when the services of Assistant Public Prosecutors Grade II are not available either due to their absence or on their expressing inability to forward such communications to the Station House Officer, then the existing prescribed procedure of forwarding the concerned bail applications to the Station House Officer incharge of investigation, will have to be adhered to.

2. The Registrar, High Court has therefore, stated that in such of those courts where Assistant Public Prosecutors, Gr. II have been appointed, the first endeavour to be made, is to serve on the copies of the bail applications in which event, there will be no need to forward any intimation to the station House officer, and that only in respect of those matters where there is a inability for one reason or other to serve the intimation on the concerned Assistant Public Prosecutor Grade II, intimation has to be sent to the Station House Officers. The Registrar, High Court, has also pointed out that this clarification would not in any way conflict with the instructions issued in Chapter IX of the "Manual of Instructions for the Guidance of Magistrates" issued by the High Court, Madras.

3. I am to communicate the above views of the High Court for your information and necessary action.

4. The receipt of this letter may be acknowledged.

/true copy/

Yours faithfully,
Sd. x x x x x
for Deputy Secy. to Govt.

Rc

/85 dt. 16.3.85

Office of the Asst. Public
Prosecutor Grade I, Tiruchirapalli

Copy communicated to all the Assistant Public Prosecutors Grade II of this District for information and necessary action.

D. Neelgani 22.3.85
Assistant Public Prosecutor
Grade I, Tiruchirapalli.

S.V. VENKATAKRISHNAN, IPS.,
DIRECTOR OF PROSECUTION

22, SYDENHAMS ROAD
PERTAMET
CHENNAI - 3.

23

D.O.Lr.No. 504/DOP/A3/98 dated 27.1.98

Dear Tr.

Sub: Court Proceedings and application for
release on bail - reg.

Ref: D.O.Lr.No. 5603/DOP/A3/96 dated 1.12.97

May I draw your attention to the letter in reference wherein, it has been requested to instruct the Police Officers, so that, the bail petitions filed by the accused are properly met with in the courts and the bail is opposed properly so that any instance of lack of communication between the Police Officers and Prosecutors or negligence in handling the matter does not lead to the accused getting the benefit of the same.

2. In this connection, the High Court was moved for issuing suitable instructions to the subordinate Judicial Officers for testing of sureties in certain categories of cases, where bail applications are filed, so that the accused are not released on bail on production of bogus/stock sureties which leads to the accused absconding, pending NBWs mounting resulting in pendency of the court cases. The un-fruitful labour, the Police Officers required to put in for executing such NBWs was also pointed out to the High Court. Recently the High Court has given instructions to the subordinate Judicial Officers, framing the norms to be followed while releasing on bail and also for verification of sureties in C.No.3743/96/F1 dated 11.12.97. I am enclosing a copy of the above letter of the High Court for circulation among the subordinate Police Officers for their information.

3. I am also enclosing a copy of the memo issued to the Assistant Directors of Prosecution and Assistant Public Prosecutors, Grade I (Admn.) in C.No. 5603/DOP/A3/96 dated 19.1.98, issued as a follow up to the guidelines of the High Court. I have introduced a return wherein, instances where the accused are released on bail without issuing notice to the Police Officers or the Prosecution and instances where Police Officers do not respond to notice regarding bail petitions and instances where no objections are filed to the court.

4. The object of introducing such return need not be elaborated. It has been the oft-repeated complaint that notice in bail matters has not been issued. When such instances are brought to my notice now, it is proposed to be taken up with the High Court. Similarly, there has been complaint that no reply has been received from the subordinate Police Officers even in cases where bail notice was sent to them, in time, and that bail petition

24

ould not be contested effectively. Such of the instances of failure on the part of Police Officers will be brought to my notice in Statement VIII (B) and I would bring to your notice so that the errant police officers could be pulled up suitably.

5. Again there are complaints that sometimes 'no objections' are filed by the Prosecutors or sometimes by the Police officers directly to the court without opposing the bail petition. Such instances are covered in Statement VIII (C). In this regard, I request you to bring to my notice any instance where any prosecuting officer has filed such 'no objection'. I would bring to your notice any instance where the police officers have filed such no objection directly or sought to file through the Prosecutors. I also request to instruct the police officers that the grounds for objecting the baile should be furnished only to Prosecutors who would represent the matter before the court. In this connection, may I draw your attention to Para 6 of the reference cited.

6. I request you to bring the contents of this letter to the notice of the Sub-Divisional Officers and Inspectors so that they will be aware of their role, they are required to play in bail matters. I would also be bringing to your notice any instances of lapse on the part of any Police Officers reported to me through the return, I am introducing for the Assistant Public Prosecutors / Assistant Directors of Prosecution, for appropriate action at your end.

Yours sincerely,

Director of Prosecution
Chennai-3.

Encl.: a/a

To
All Superintendents of Police & Districts and
Commissioners of Police

Copy to All Dy. Inspectors General of Police & Ranges
Copy to Addl. Director General of Police, L&O, Chennai
Copy to Director General of Police, Chennai
Copy to Inspector General of Police, L&O, Chennai & Madurai

C I R C U L A R

Subj: Bail - Granting of bail for non-bailable offences -
Notice to the concerned Station House Officer
in-charge of investigation - Instructions - Issued.

It has been brought to the notice of the High Court that even though instructions were issued to the effect that when an application for bail is made, intimation should be sent to the Station House Officer in-charge of the investigation to give him a reasonable opportunity to make his representation to the Magistrate, the Magistrates are releasing the accused on bail in non-bailable cases, without affording sufficient opportunity to the police to represent their objections to release the accused. This results in the absconding of the accused later stages and consequently, the court issues non-bailable warrants for those accused. This causes delay in disposing the cases.

The High Court, considered the said difficulty and in order to avoid such difficulty, issues the following instructions, to all the Judicial Magistrates, for observance:

"The Judicial Magistrates and the Metropolitan Magistrates are hereby directed that necessary notice, on bail applications for non-bailable offences, should be given to the concerned Station House officer in-charge of the investigation so as to enable him to submit his objections to the court within the time fixed by the concerned court. Further, if the Assistant Public Prosecutor is in attendance, he can be heard immediately".

All the District and Sessions Judges and Additional District Judge-cum-Chief Judicial Magistrates, the Chief Metropolitan Magistrate, Egmore, Chennai and the Principal Judge, City Civil Court, Chennai are directed to communicate the said circular, to all the Magistrates under their control, for observance. Any deviation in this regard would be viewed seriously.

The receipt of the circular is required to be acknowledged at once.

HIGH COURT, MADRAS.

SD/-MALAI SUBRAMANIAM
REGISTRAR.

DATED: 11.12.1997.

//True copy/forwarded/by order/

To

1. All the District and Sessions Judges.
2. The Chief Metropolitan Magistrate, Egmore, Chennai.
3. The principal Judge, City civil Court, Chennai.

R.O.C.No.303/97 A1 Dated:22.12.97.

Copy communicated to all the Judicial Magistrate in this district for information and strict adherence of the instructions issued by the High court.

2. They are required to acknowledge the receipt of High Court's circular immediately to this office.

Sd/-Mathivanan.

Additional District Judge-cum-
Chief Judicial Magistrate
Thanjavur at Kumbakonam.

WITHDRAWAL G.O. - Clear Copy

Copy of G.O.Ms. No. 938 Home dt. 24th March 1980.

Abstract: Criminal Justice - Withdrawal of Prosecution empowering superintendent of Police to withdraw minor cases of simple nature - orders - issued.

Read: 1. G.O. M.s. No.1401, Home dt. 7.4.49 form the Inspector General of Police, Madra Rc. No. 1916/59 dt. 19.09.1959 From the Public Prosecutor Madras Opinion No. 164/59 dt. 14.10.1959.

ORDER:

Under the existing instructions, the Superintendent of Police have to approach the Collector for the withdrawal of all cases, except petty cases and summons cases. The Inspector General of Police, has prepared that simple cases of theft and house breaking and assault cases under section 324 and 325 IPC though warrant cases, are only minor cases of a simple nature and that reference to the Collector in such cases of simple nature, causes necessary and avoidable correspondence and increase of work all round. The Inspector General of Police has therefore suggested that Superintendents of Police be empowered to withdraw.

1. All cases of prosecutions other than those specification in G.O.Ms.No.1401 Home dt. 7.4.49 and all cases other than grave cases in Magisterial court s and important cases in the sessions.
2. The Public prosecutor, Madras who was consulted on the above proposal of the Inspector General of Police has suggested that in cases which are not grave in nature, the Superintendents of Police may sent a requisition to the Public Prosecutor and if the Public Prosecutor, is satisfied that it is not a grave case and that it is fit to be withdrawn than the Superintendent of Police may ask the Public Prosecutor to withdraw from Prosecution without reference to the collector. He has also suggested that if in opinion of the Public prosecutor the case is of a grave or an important nature, than it should be referred to the collector.

3. The Government have examined these proposals very carefully and they accept the suggestions of the Public Prosecutor Madras. The Government accordingly directs that Superintendents of Police, may request Public Prosecutions in all minor cases of a simple nature without reference to the Collector. The Government direct that the Superintendent of Police should decide on the facts of each case whether it is a minor case of simple nature. The Government also direct that cases specified in G.O. Ms. No. 1401 Home dt. 07.04.49 where prosecution is proposed to be withdrawal viz., (i) for reasons of state (ii) on grounds of public policy and (iii) or cases there sanction for prosecution was accorded by government heard of Revenue should continue to be referred to the Government.
4. The Government further direct that in all cases before sessions courts the Superintendent of Police, shall apply to the Collector for issue for instructions for withdrawal from Prosecution.

WITHDRAWAL OF PROSECUTION

(i) POWER OF COLLECTORS

Collectors should obtain the approval of government before authorizing or directing the Public Prosecutor to withdraw from the Prosecution:-

- a) for reasons of state;
- b) on grounds of Public Police; and
- c) in cases where sanction has been accorded for the prosecution either by the Government or by the Board or Revenue or an authority in the concerned department of Government other than the Revenue Department.

In other cases, the collectors should consult the Public Prosecutor concerned before directing him to withdraw from a prosecution.

(G.O.Ms. No.1401 Home dt, 7th April 1949)

(ii) Power of Superintends of Police to withdraw Minor case of simple nature;

Superintends of Police may request Public Prosecutors and A.P.P (Assistant Public Prosecutors) to withdraw from prosecution in all minor cases of simple nature without reference to Collector. The Superintends of Police should decide on the facts of each case whether it is a minor case of a simple nature cases specified in G.O. Ms. No.1401 Home dt. 7th April 49 (extracted above) where prosecution is proposed to be withdrawn viz ., (i) for reasons of state (ii) on grounds of Public police; and (iii) cases where sanction for prosecution was accorded by Government or Board of Revenue should continue to the Government.

2. In all cases before Sessions courts, the Superintends of Police should apply to the Collector for issue of instruction for withdrawal from prosecution.

(G.O. Ms. No. 938 Home dt. 24th 1960)

(iii) GENERAL INSTRUCTIONS

Under section 454, Criminal Procedure code, it is the Public Prosecutor who is empowered to withdraw, with the consult of the court, from the prosecution of nay persons in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced. The Government have, however, directed that the Public Prosecutor should consult the district Magistrate before withdrawing the prosecution in grave cases in Magisterial Courts and important session cases. While the Public Prosecutor is thus required to consult the district magistrate in such cases, there is no corresponding direction to District Magistrate to consult any competent or higher authority before ordering withdrawal of prosecution in important cases.

The Government now direct that district Magistrate should obtain the approval of government before authroising or directing the Public Prosecutor to withdraw from the prosecution.

1. for reasons of state;
2. on grounds of Public Policy and
3. In cases where sanction has been accorded from the Prosecution either by the government or by the Board of Revenue or an authority in concerned department of Government other than the revenue Department.

and Assistant Public Prosecutors to withdraw Prosecutions.

In other cases, district Magistrate should consult the Public Prosecutor concerned before direction him to withdraw from the prosecution.

(G.O.Ms. No.1401 Home dt. 7th April 1949)

In G.O.Ms. No. 1401 Home dt. 7th April 1949, instructions were issued to Collector of Districts that they should obtain the approval of Government before authorising or directing the Public Prosecutor to withdraw from Prosecutions:-

- a) for reasons of state;
- b) on grounds of Public Policy and
- c) in cases where sanction has been accorded for the prosecution either by the Government or by the Board of Revenue or an authority in the concerned department of Government other than revenue Department

In other cases, collectors should consult the Public Prosecutor concerned before directing him to withdraw from Prosecution.

The Inspector General of POLICE has suggested that if any desirably to lay down the prior sanction of Government should be obtained before withdrawing prosecution against of Gezatted officers of Government. After a careful examination of the question of the Government considers that the existing instructions require no change. They however, consider that the above instructions should apply also to the commissioner of police in the city in the same manner as they apply to collector's of districts and direct accordingly.

G.O. Ms. No. 3555 Home dt. 21st December 1956

The Honorable Judge of the High Court who inspector the Police of Chief Presidency Magistrate has observe that it is necessary to keep pending or long period the case entered in the Register of Long pending cases of the Presidency Magistrates Courts, on the ground that the whereabouts of the accused are not traceable. The government agreed with this observation. Accordingly direct that ordinarily simple cases in which the accused are not traceable should ordinarily be withdrawn after the expiry of three years, except those with the Inspector of Police considers to the of Special Importance, for instance , sessions cases of particular importance and cases relating to offences against the state or by or against Public Servants.

Need not be kept pending for over a year but should be withdrawn after expiry of one year if the accused are still not traceable. They also direct that other cases in which the accused are not traceable.

G.O. Ms. No. 4301 Home dt. 3rd Oct 1950

The Collector of South Arcot has raised a presumption for confirmation that a case entered in the Register among pending cases would not come within the purview of Section 494 Criminal Procedure code. The Government consider that an accused in on trail from the movement the case is taken on the file of the competent court up to the pronouncement of the Judgment by that court and that even when the accused whose case is on the file of a court is absconding the must be deemed to be on trail and such case should come within the purview of Section 494 of Cr.P.C

In G.O. Ms. No. 1401 Home. dt 7th April 1949 and Ms. No.3555 Home dt. 21st December 1956, the Government has issued instructions in Board to the Procedure to be observe before ordering withdrawn of prosecutions. Besides the instructions issue in the said Government order the Government direct.

1. That ordinarily, simple cases in which the accused are not traceable, need not be kept pending forever a year but should be withdrawn after the expiry of one year if the accused are still not traceable; and

2. that other cases in which the accused are not traceable should ordinarily be withdrawn after the expiry of three years except those which the Commissioner of Police or the Collector of the District concerned considers to be of special importance, for instance, sessions cases of particulars important and cases relating to offences against the state or by against Public servants.

[G.O. Ms. No.1714 dt 25th June 1957]

Under the existing instructions, the Superintendent of Police, have to approach the Collector for the withdrawal of cases except petty cases and summons cases. The Inspector General Of Police has reported that same simple cases of theft and house breaking and assault cases under section 324 and 325 IPC though warrant cases, are only minor cases of simple nature causes unnecessary and avoidable correspondence and increases of work all round. The Inspector General of Police has therefore suggested that superintendents of Police be empowered to withdraw;

1. All cases of Prosecutions other than those specific in G.O. Ms. No.1401 Home dt. 7th April 1949 and
2. Cases other than grave cases in Magisterial courts and important cases in the sessions.

The public Prosecution, Madras who was consulted on the above proposal of the Inspector General of Police has suggested that, in cases which are not grave in nature, the Superintendents of police may sent a requisition to the Public Prosecutor and if the Public Prosecutor, is satisfied

that it is not a grave cases and that it is fit to be withdrawn, that the Superintendent of Police may ask the Public Prosecutor to withdrawn from prosecution without reference to the Collector. He has also suggested if, in the opinion of the Public Prosecutor the cases in of a grave or an important nature, then it should be refereed to be collector.

The Government have examined the so proposals very carefully and they accept the suggestions of the Public Prosecutor Madras. The Government accordingly directs that Superintendent of police may request Public Prosecutor and Assistant Public Prosecutor go withdraw from prosecution in all minor cases of simple nature without reference to the Collector. The Government directs that the superintendents of Police should decide on the facts each cases whether it is a minor cases of simple nature. The Government also direct that cased specified the Government Accordingly direct that Superintendent of police may request Public Prosecutor and Assistant Public Prosecutor to withdraw from prosecutions in all minor cases of a simple nature without reference to the Collector. The Government directs that the Superintendents of Police should decide on the facts each cases whether it is a minor case of a simple nature. The Government also direct that cases specified in G.O. Ms. No. 1401 Home dt 7th April 1949 where prosecution is proposed to be withdrawn viz., (i) for reason of state (ii) on ground of Public policy and (iii) or cases where sanctioned for prosecution was accorded by Government or Board of Revenue should continue to be referred to the Government.

The Government further direct that in all cases before sessions courts, the Superintendents of Police should apply to the Collector for issue of instructions for withdrawal from prosecutions.

(G.O. Ms. No. 938 Home dt 24th March 1969)

GOVERNMENT OF MADRAS

Abstract.

Criminal Justice-cases of absconding accused-transferred to consider of long pending cases-withdrawal-instructions-issued.

Home Department

G.O.Ms.No.1724

Dated: 25th June, 1957.

G.O.Ms. No. 1401 Home dated 7-4-1949.

G.O.Ms. No. 4301 Home dated 3-10-1950.

G.O.Ms. No. 3555 Home dated 21-12-1956.

Read again:

From the Collector of South Arcot No.C2 244/57 dated 22-4-1957.

ORDER:-

The Collector of South Arcot has raised a presumption for confirmation that a case entered in the register of Long Pending cases would not come within the purview of section 494 Criminal Procedure code. The Government consider that an accused is to be taken from the moment the case is taken on file of the competent court and the pronouncement of the judgement by that court and that even when the accused ~~xxxx~~ whose case is on the file of a court is absconding he must be deemed to be on trial and such a case would come within the purview of section 494 Criminal Procedure code.

2. In G.O.Ms.No.1401 Home, dated 7-4-1949 and G.O. Ms. No. 3555 Home dated 21-12-1956 the Government have issued instructions regard to the procedure to be observed before ordering withdrawal of prosecution. Besides the instructions issued in the said G.O.s the Government direct.

(i) That ordinarily simple cases in which the accused are not traceable need not be kept pending for over a year but should be withdrawal after the expiry of one year, if the accused are still not traceable and

(ii) that other cases in which the accused are not traceable should ordinarily be withdrawal after the expiry of three years except those which the commissioner of police or the collector of district concerned considers to be of special important, for instance sessions cases of particular important and cases relating to offences against the public servants.

Sd. D. Amalorpavanathan,
Deputy Secretary to Government

/true copy/

P.Dis. 639/1957 - copy communicated

High court of Judicature,
Madras. dated 7th Sept. 1957.

Sd.....
Sub.Asst.Registrar, A.D.

/true copy/

Letter Roc. No. 786/1973/E.1 dated 10-8-73 from the Registrar, High Court, Madras, to the Insp. Genl. of Police, Madras, 4.

Sub Jail Prisoner: Remand prisoners who are ill - Admission to Hospital for medical treatment before approaching S. M., for obtaining a warrant-instructions - Regarding. Ref: High Court's circular in P. Dis No. 1280/73 dated 10-8-73.

I am to forward here with a copy of the High Court's circular cited and to request you to issue suitable instructions to the police officers in the above matter.

P. Dis. 1280/73 CIRCULAR

Sub: Prisoner-Ramand prisoners who are ill-admission to hospital for medical treatment before approaching Sub. Magistrate for obtaining a warrant-instructions issued.

- Ref: 1. High Court's circular in P. Dis. No. 226/61 dated 22-3-61.
- 2. Government's letter No. 185948 Pol. IV/72-8, Home dated 2-2-1973.

The Government, in their letter second cited, have stated that one Govindan was arrested by Sub-Inspector of Police at 4-00 a. m. on 25 4-1971. He was taken to the police station at 6 00 a. m. and a case was registered. Govindan complained of stomach ache and he was sent to the headquarters hospital for treatment at 9 00 a. m. on 25 4 71. The doctor advised that Govindan should be admitted in the hospital. Since there was no warrant, the police took Govindan to the sub Magistrate for obtaining warrant. The Magistrate was not available because it was a holiday. As Govindan complained of stomach ache, he was again taken to the hospital. The doctors after treatment said that Govindan should be admitted in the hospital as an inpatient. The police

ORDERED

took Govindan again to the Sub Magistrate and obtained a warrant. He was locked up in the Sub Jail at 4-30 p m. In the night at 01-15 hours on 26-4-71 Govindan was found to be suffering from stomach ache. He was taken to the hospital and the duty doctor who examined him found him dead.

This is a case where a prisoner under police custody could not be kept in the hospital for proper treatment but was taken hither and thither in order to obtain warrant.

To avoid cases of the kind referred to above, the Govt. have suggested that police officers should admit such prisoners to the hospital immediately on the advice of the doctor, posting suitable guard and approach the Magistrate for the order of remand.

The attention of all the District Magistrate is invited to the High Court's circular first cited and to the Rule 25-A in part III of the Madras Subsidiary Jail Manual in this regard.

Though in the High Court's circular in P. Dis: no 226/61 dated 22-3-1961 the High Court already issued necessary instruction in this regard, and an amendment in accordance there with has subsequently been issued and incorporated as Rule 25(A) in the part III of Sub Jail Manual yet in as much as the Government have since brought to the notice of High Court the occurrence of the above instance, the High court, drawn specific attention of all the District Magistrate to aforesaid earlier circular of the High Court and to the Rule 25-A in part III of the Sub Jail Manual (Copies enclosed for necessary observance and strict adherence there to.

High Court Madras :

B Soundarapandiyan/
Registrar

What is PSO:

Section 9 : Of Tamilnadu District Police Act - 1859: Director General of Police to control Force and Make Rules : The Director General may, from time to time, subject to the approval of the State Govt. frame such orders and regulations as he shall deem expedient, relative to the general government and distribution of the force, the places of residence, the classification, rank and particular service of the members thereof;

their inspection, the description of arms, accouterment and other necessaries to be furnished to them; to the collecting and communicating intelligence and information; and all such other orders and regulations relative to the said Police-Force as the said Director General shall, from time to time, deem expedient for preventing abuse or neglect and for rendering such force efficient in the discharge of all its duties.

PSO Contain - 4 Volumes :

Volume I - Instruction / orders issued by the Govt. of Tamilnadu and Police Chief Office relating to the effective administration of the Department with 856 orders in XLVII Chapters.

Volume II - Special and Local Laws pertaining to Tamilnadu State.

Volume III - Forms.

Volume IV - Office Manual Order.

INVESTIGATION:

Chapter XII of Cr.PC - Information to the Police and their power to Investigate (Sections 154 to 176).

Police Standing Orders - Volume I Orders 551 to 561.

First Information to the Police :

PSO 551 - Registry of FIR.

Information, coming under any of the following headings received at a Police Station, shall be registered in the First Information Report Book which is the book prescribed by Section 154, Criminal Procedure Code.

PSO 552 - FIR to be sent to whom.

PSO 553 - Central Excise and Salt Act Cases

PSO 554 - To be written before proceeding to investigation

PSO 555 - Express Reports.

PSO 559 - Registry of cases when station limits are doubtful.

First Information to the Police :

PSO 551 - Registry of FIR.

PSO 552 - FIR to be sent to whom.

PSO 553 - Central Excise and Salt Act Cases

PSO 554 - To be written before proceeding to investigation

PSO 555 - Express Reports.

PSO 559 - Registry of cases when station limits are doubtful.

PSO 548 - Instructions regarding FIR

1. Consecutive FIR No. will be the Crime Number for the subsequent records.
2. Signature of thumb impression of the complainant / victim
3. Copy of the FIR to be furnished to the complainant free of cost.

PSO 549 - Non Cognizable cases

INVESTIGATING - PSO 562 to 596 :

PSO 549 - Refusal of Investigation 157 (1)(b) Cr.PC.

1. Triviality
2. Civil Nature
3. Petty Theft
4. Injured person doesn't wish enquiry
5. Undetectable, simple cases
6. Exaggerated assault.

PSO 549 - Report to be used - FIR only need to be submitted

PSO 564 - Refusal after local investigation after a preliminary local investigation.

PSO 565 - Refusal of local investigation cases which require no future inquiry.

PSO 566 - (1) Investigation to be impartial
(2) Charge Sheets in cases and counter cases.

PSO 567 - Details to be furnished in the case diary.

1. Record of investigation.
2. Time of information reached the I.O.
3. Time which investigation was commenced and closed.
4. Places or places visited by the I.O.
5. Statement of the circumstances ascertained through investigation
6. CD in 2 parts - Investigation - Part 1 - Statement of witnesses - recorded Part 2 (Section 162 Cr.PC)

PSO 569 - Mahazars - Recovery of Stolen Property otherwise than on house search - Record of material facts.

PSO 570 - Forwarding CDs and remarks upon them.

PSO 571 - Further use of CDs

1. Copy of the CD along with Remand Report Section 167 Cr.PC.
2. For warrant of arrest - application in CD.

PSO 572 - G.O Is - Instruction - Death sentence is passed English translation of CD to be sent to Govt. for Considering mercy petition.

PSO 573 - Charge Sheets to be accompanied by Memorandum of Evidence.

PSO 574 - 596 - Pertaining to Investigation of various types of cases reported to Police - Scientific Aids to Investigation etc.,

PSO 597 - Questioning of accused person.

PSO 598 - Recording confession (Section 164 Cr.PC)

PSO 599 - Recording confession (Section 27 IEA)

PSO 600 - Identification Parade.

PSO 601 - Examination of questioned document.

PSO 602 - 603 - Investigation of fire arms cases.

PSO 604 - Police Inspection of Police Office Records.

PSO 605 - Copies of Judgements etc., how to be obtained.

PSO 606 - Inspection of records of Criminal Courts by the Police.

STATION RECORDS PERTAINING TO INVESTIGATION

1. General Diary - PSO 706
2. FIR Book - PSO 551 (Section 154 Cr.PC)
3. Prisoners Search Register - PSO 456 (Section 51 Cr.PC)
4. Arrest Report (Card) - PSO 712
5. Sentry Relief Book - PSO 719
6. Property coming into the hands of Police disposal - PSO 676 (Form 95)
7. Bail Bond - PSO 654 (Section 436 and 437 Cr.PC)
8. Process Register - PSO 715
9. Case Diary - PSO 567
10. Search List - PSO 675 (Section 100 (6) Cr.PC)
11. Charge Sheet - PSO 573 and 574 (Section 173 Cr.PC)
12. Final Report - PSO 658 (Section 173 Cr.PC)
13. Notice to complainants (RCS Notice) - PSO 660 (Section 157 (1) (b) and (2) and 173 Cr.PC).

GOVERNMENT OF TAMIL NADU

Abstract

Public Services - Prosecuting staff - Assistant Directors of Prosecution/Additional Public Prosecutors - Assistant Public Prosecutors, Grade-I and II - Partial modification of guidelines for transfer and postings - Orders Issued.

HOME (COURTS.VI) DEPARTMENT

G.O.Ms.No.603

Dated: 10.07.2003.

Read :

1. G.O.Ms.No.1568, Home, Dated 13.7.88.
2. G.O.Ms.No.224, Home, Dated 2.3.98.
3. G.O.Ms.No.163, Home, Dated 14.2.2000.
4. From the President, Tamil Nadu Prosecuting Officers' Association, Chennai representation Dated 26.7.02.
5. From the Director of Prosecution, Chennai Letter Rc.No.14144/DOP/A1/2000 Dated 4.9.2001 and 26.7.2002.
6. From the President, Tamil Nadu Prosecuting Officers' Association, Chennai representation dated 13.5.2003.

ORDER:

In the G.O. 1st read above, the Government issued the following guidelines to regulate the transfers and postings of Assistant Public Prosecutor, Grade-I:-

- i) The normal tenure of an Assistant Public Prosecutor, Grade-I in a station will be 3 years. Routine transfers will be ordered only in the case of individuals who have completed this term.
- ii) Assistant Public Prosecutor, Grade-I will not be posted in their native districts.
- iii) Assistant Public Prosecutor, Grade-I (Administration) being posts which review the work of all other Assistant Public Prosecutors and who sanction leave etc, in respect of other Assistant Public Prosecutors of the district, only the seniormost Assistant Public Prosecutors, Grade-I will normally be posted as Assistant Public Prosecutors, Grade-I (Administration) of the districts.

Subsequently, in the G.O. second read above, the Government directed that the Assistant Public Prosecutors, Grade-II shall not be posted in their native districts. In the G.O. 3rd read above, similar orders were issued prohibiting the postings of Assistant Directors of Prosecution/Additional Public Prosecutors and Deputy Directors of Prosecution in their native districts.

2. In the representation 4th read above, the President of the Tamil Nadu Prosecuting Officers' Association has requested that the Prosecuting Officers may be permitted to serve in their native district by cancelling the ban orders for the following reasons:-

- (i) Prior to the formation of Directorate of Prosecution, the Assistant Public Prosecutors were under the administrative control of the Collectors and the Assistant Public Prosecutors worked in their native districts. This practice was in vogue for more than four decades and there was no blemish or blame on the part of the Assistant Public Prosecutors in discharging their functions. Assistant Public Prosecutors being permanent residents of their place, they evinced extra caution and care in maintaining their dignity and integrity.
- (ii) The above system of posting Assistant Public Prosecutors in their native district was suddenly dispensed with without even hearing the opinion of Assistant Public Prosecutors. The Assistant Public Prosecutors have no role to play outside the Court and cannot tamper with investigation since they are expected to give opinion or draft charge sheet in accordance with the findings given by the Investigating officer and on the basis of 161 Criminal Procedure Code statements of witnesses recorded. In case of tenure Public Prosecutors, Government Pleaders, etc., they are posted in their native districts. The highly placed law officer of the District is the Public Prosecutor and Government Pleader. Gazetted officers in Health, Animal Husbandry, Agriculture, Education, Commercial, Transport and Revenue Department, are allowed to work in their native districts. Hence he has requested the Government to lift the ban orders for posting the Prosecuting Officers in their native districts.

3. Subsequently, the President Tamil Nadu Prosecuting Officers' Association in the representation sixth read above, has requested to cancel the above said Government Order or to relax the G.O. in the following grounds:-

- (i) Assistant Public Prosecutors, whose spouse employed in the native district may be permitted to serve in the native district along with the spouse.
- (ii) The Assistant Public Prosecutor, who has attained the age of retirement or is at the verge of retirement, may be permitted to serve in the native district.
- (iii) The Assistant Public Prosecutor, who is suffering from serious ailments may be permitted to serve in the native district for the purpose of taking proper treatment with the help of the family members.

4. The Director of Prosecution, Chennai has recommended the request of the Tamil Nadu Prosecuting Officers' Association for withdrawal of the ban for posting of Prosecuting Officers in their native districts.

5. The Government have carefully considered the request of the Tamil Nadu Prosecuting Officers' Association and decided to relax partially the ban orders issued in the G.O.s 1st to 3rd read above prohibiting the posting of Prosecuting Officers in their native districts. Accordingly, the Government direct that the ban orders for posting the law officers in their native districts be relaxed partially in respect of the following categories:-

- i) When a Law Officer's spouse is employed in the native district;
- ii) When the Law Officer is on the verge of retirement (i.e.) when he has a left over service of 2 years for retirement
- iii) When the Law Officer has to take treatment for his ailment in his native district or his presence is very much necessary in his native place to look after his ailing wife, children (Medical Board has to certify that the ailment is very serious in all the cases).

6. The Law Officers posted in their native districts on the above grounds can serve in their native districts only for a maximum period of 3 years.

(BY ORDER OF THE GOVERNOR)

SYED MUNIR HODA,
SECRETARY TO GOVERNMENT.

To
The Director of Prosecution, Chennai 2.

To (Contd.,..)

- The President, Tamil Nadu Prosecuting Officers' Association,
No.35, Pudupet Street, Alandur, Chennai-16.
- All Deputy Directors of Prosecution.
- All Assistant Directors of Prosecution.
- All Collectors.
- The Director General of Police, Chennai-600 004.
- The Commissioner of Police, Chennai-600 008, Madurai, Tirunelveli, Coimbatore,
Salem, Tiruchirappalli.
- All Superintendents of Police.

Copy to :

- The Secretary to Honourable Chief Minister, Chennai-600 009.
- The P&A.R. Department, Chennai-600 009.
- The Special P.A. to Minister for Law, P.T.&Electricity, Chennai-

/Forwarded/By order/

[Handwritten Signature]
SECTION OFFICER.

Copy of letter No. 142/33814/C2/83 dt. 31.3.1983 of the Director General of Police Madras-4 addressed to the Dy. Inspr. Genl. of Police CID (Crime branch) Madras, 4

Circular

Sub: Criminal - Justice investigation of cases- Conduct of identification parades; instructions,

Ref: 1. Govt. Lr. No. 7294 Pol. VII/83-1 Home (Pol. VII) dt. 31.1.83.

2. Govt. Lr. No. 140529/Cts. VIII/82, 2 Home (Cts. VIII) dt. 18.1.1983.

....

It is noticed that some investigating officers fail to conduct identification parades even in grave cases like murder where the eyewitnesses implicating the accused were utter strangers who had been them only at the time of commission of offence. This lapse should contribute to the acquittal of accused.

2. In this connection, it is also seen that the Supreme court of India have pointed out that where a witness identify an accused who is not known to him in the court for the first time, his evidence is absolutely valueless unless there had been a previous test identification parade to test his power of observation.

3. In the circumstances, all the investigating officers and supervisory officers are instructed to see that such lapses do not occur. The investigating officer should avail the earnest opportunity to conduct test identification parades for witnesses thereby making their evidence valuable and useful to the prosecution.

4. Receipt of this memo should be acknowledge.

CI/19629/83

Office of the Dy. Inspector Genl.
of Police, CID Crime branch Madras-4
Dt. 10.6.83

Copy to all Inspectors and Dy. Supdts. of Police of Crime Branch CID for necessary action.

GOVERNMENT OF TAMIL NADU
ABSTRACT:

CRIMINAL LAW AMENDMENT ACT 1932 (Central Act 23 of 1932 -
Sub Sections (1) and (2) of Section 10 of the Act - Offence
under sections 188 and 506 of the Indian Penal Code (Central
Act 45 of 1860) made cognisable and non bailable -
Notification - Issued.

PUBLIC (S.C.) DEPARTMENT
G.O.No.S/4118-1-70 Dated: 3.8.1970

ORDER:

The following Notifications shall be published in
an Extraordinary issue of the Tamil Nadu Government Gazette:

NOTIFICATION - I.

In exercise of the powers conferred by sub section (1)
of Section 10 of the Criminal Law Amendment Act 1932 (Central
Act 23 of 1932), the Governor of Tamil Nadu hereby declares
that any offence punishable under Section 188 and 506 of Indian
Penal code (Central Act 45 of 1860) when committed in any
place in the State of Tamil Nadu shall, notwithstanding
anything contained in the code of Criminal Procedure, 1898
(Central Act 5 of 1898) be cognisable.

NOTIFICATION - II

In exercise of the powers conferred by sub section (2)
of Section 10 of the Criminal Law Amendment Act 1932 (Central
Act 23 of 1932) the Governor of Tamil Nadu hereby declares
that an offence punishable under section 188 or section 506
of the Indian Penal Code (Central Act 45 of 1860) when committed
in any place in the state of Tamil Nadu shall, notwithstanding
any thing contained in the code of Criminal procedure 1898
(Central Act 5 of 1898) be non bailable.

/by order of the Governor/

Sd/- E.P.Royappa,
Chief Secretary to Government

/true copy/

RECEIPT OF CASES :-

From criminal courts, civil courts, police officers not below the rank of Deputy Superintendent of police . Other departments of State and Central Government, banks, tribunals, colleges, Government undertakings, Universities etc.

Civil cases, Banks, Universities, other departments etc. - Fee collected as per the G.O. No.996 Home (Police 18) Department Dated 08.09.2000.

TYPE OF EXAMINATION UNDER TAKEN :-

Identification of signatures, initials and handwritings, detection of forgeries, detection and decipherment of erasures , obliteration, indented writings, alterations, interlineations and substitutions, examination of seal impressions, typewritten matter, printed matter, charred documents, torn documents (bits) comparison of inks and paper. Raffle tickets, sequence of strokes , substitution of ^{documents, and} ~~dates~~ ^{age} of documents.

DIFFERENT SURFACES:-

Documents need not be paper alone, they may be cloth, slate, black board , wall, metallic plate, palm leave and plastic.

FORWARDING OF DOCUMENTS :-

Original documents are necessary for comparison. If there is no chance at all to get the original documents photo and xerox copies can be sent and the fact should be mentioned in the requisition to avoid unwanted delay.

documents.

- 2. List of specimen / standard documents.
- 3. Short history of the case.
- 4. Portions to be examined on the documents should be clearly stated or marked without any damage.
- 5. Marking should not be made on original documents. However marking can be made on the xerox copy.

PROCUREMENT OF STANDARD OR SPECIMEN MATERIAL :-

The most important stage in the examination of the documents is the procurement of standard or specimen material.

SIGNATURE :-

Minimum 10 Nos. admitted signatures on some existing documents are preferred. Same language, similar writing material used at

(contemporary period) to the date of the disputed . Example: Acquittances, specimen signature card , withdrawal slips, cheques, deeds, pronotes, petitions, letters in the bank.

HANDWRITINGS :-

Same language - admitted writings on some existing documents are preferred. In case of threatening letters, obscene letters, hand bills, wall posters and anonymous letters the specimen writings should contain similar words or similar letter combinations.

The similar matter has to be composed and then dictated to the suspects as many times as possible on different dates. If wrong hand (unaccustomed hand) writings are suspected similar writings should be obtained.

In case of same name for more than one person father's name or anyother differentiating mark should be given in the specimen signature sheet.

HAND WRITTEN WALL POSTERS AND PALMPHLETS :-

Specimen writings containing the similar words should be obtained on similar size of papers and writing instruments.

TYPEWRITTEN MATTER :-

As in handwriting and signature specimen matter of the suspected machine on some existing documents of the contemporary period are preferred.

METHOD OF TYPING SPECIMEN MATTER :-

Number and make of the machine , should be given on the top of the sheet.

machine including punctuation marks should be taken first and then specimen matter as in disputed.

PRINTED MATTER :-

Blocks, plates, screens, should be seized from the scene of crime (SOC) or printing press. In case of labels on the spurious items, the specimen labels of relevent month of manufacture should be obtained and sent and such details will have to obtained from the manufacturer.

SEAL IMPRESSIONS :-

Dogus seals if any should be seized - Note book from the seal maker has to be seized. Documents containing seal impressions of same language and period.

TRANSFER CERTIFICATE, COMMUNITY CERTIFICATE, MARK SHEETS

Specimen seal impressions of the seal of the authority already in use during the period of the disputed certificate / mark sheet should be collected. If the seal is not available the documents of the contemporary period bearing the seal impressions should be procured.



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006104

GOVERNMENT OF TAMIL NADU
Abstract

Lotteries - Sale of paper and on line lotteries in Tamil Nadu State - Ban orders
- Prohibition of sale of all State lottery tickets - Issued.

HOME (COURTS-II) DEPARTMENT

G.O. Ms.No.20

Dated :8/1/2003

ORDER :

The following Notification is issued in the Tamil Nadu Government Gazette, Extraordinary dated the 8th January 2003:-

NOTIFICATION

In exercise of the powers conferred by section 5 of the Lotteries (Regulation) Act, 1998 (Central Act 17 of 1998), the Governor of Tamil Nadu hereby prohibits the sale of tickets within the territory of Tamil Nadu, of all lotteries organised, conducted or promoted by every state, including the State of Tamil Nadu.

(By Order of the Governor)

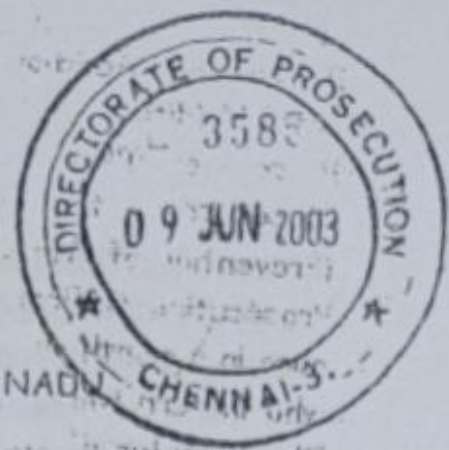
SYED MUNIR HODA
SECRETARY TO GOVT

To
The Director of Tamil Nadu Raffles, Chennai-2.
The Secretary to Government, Finance Department, Chennai-9.
The Director General of Police, Chennai-4.
All District Superintendents of Police.
The Secretary to Govt, Finance Dept, All State Governments
Govt. of India, Ministry of Home Affairs, New Delhi.
Govt. of India, Ministry of Finance, New Delhi.
The Works Manager, Government Central Press, Chennai-79 (for publication of notification)
All C.O.Ps.

/True copy/ forwarded by Order/

[Signature]
Section Officer

5/1/03
8/1/03



GOVERNMENT OF TAMIL NADU

Abstract

Law Officers in the Subordinate Courts including Chennai City both Civil and Criminal side on tenure basis - Review of Progress of work by the Collectors sending of cases, files/records to the Law Officers by concerned officers and to brief the law officers - Instructions - Issued.

HOME (COURTS.VI) DEPARTMENT

G.O. (2D) No. 157

Dated: 13.05.2003.

Read:

1. G.O.(2D) No.173, Home, Dated 9.5.2002;
2. From the Public Prosecutors and Government Pleaders, Tamil Nadu representation dated Nil.
3. From the Director of Prosecution, Chennai Letter R.No.3827/A3/ DOP/2002 Dated 17.10.2002 and 1.4.2003.

ORDER:

In the G.O. 1st read above, the Government, with a view to ensure total involvement and accountability on the part of the law officers (both on time scale of pay and on tenure basis) have issued the following instructions regarding the review of the progress of work of law officers appointed on tenure basis.

- (i) The Director of Prosecution is henceforth made responsible for review of the work of the law officers on tenure basis as in the case of law officers on regular time scale of pay.
- (ii) The Deputy Directors of Prosecution in the regions, except Chennai City, should review the progress of work of Public Prosecutors/Government Pleaders/ Additional Public

Prosecutors/Additional Government Pleader for Land Acquisition cases/Additional Government Pleaders-cum-Additional Public Prosecutors/Pleaders doing Government work/Special Public Prosecutors for Essential Commodities Act cases/SC&ST (Prevention of Atrocities) Act, etc., besides the works of regular Prosecuting Officers under their charge hitherto done by them, once in a month and shall send a report to Director of Prosecution, who in turn will send a State level review report to Government. The Director of Prosecution shall also take up review of work of law officers on tenure besides the regular law officers as it is being done now.

(iii) For Chennai City, the Deputy Director of Prosecution, Chennai shall review the work of City Public Prosecutor, Additional City Public Prosecutors and other Special Public Prosecutors besides his present review of Prosecuting Officers in the cadre. The work of City Government Pleader and other law officers on civil side other than High Court shall be reviewed by the Collector, Chennai.

(iv) The Collectors may correspond/Interact with Deputy Directors of Prosecution directly and sort out any problem in the legal matters.

(v) As the Deputy Directors of Prosecution do not have sufficient space in their office, they shall convene the meetings in the concerned Collectorate and the Collector concerned shall preside over such meetings. The District Superintendents of Police and Commissioners of Police, Madurai, Coimbatore, Salem, Tirunelveli and Tiruchirappalli shall also correspond with the concerned Deputy Director of Prosecution, whenever their services are required. For Chennai City the Deputy Director of Prosecution shall convene the meetings in the office of the Commissioner of Police, presided over by the Commissioner of Police.

In their representation 2nd read above, the Public Prosecutors and Government Pleaders on tenure of the State have represented that the Collectors are already reviewing their work every month. Therefore, another review by the Deputy Director of Prosecution does not seem necessary. They have suggested that the review meeting may be conducted

once in three months. It was also brought to the notice of the Government that at the time of hearing of the cases in the courts relevant files are not handed over to them in time by the concerned staff. They have also requested that instructions may be given to concerned staff to brief the case to the law officers.

2. The Director of Prosecution has stated that the Collectors, may review the work of the law officers on tenure in Districts along with the Deputy Directors of Prosecution concerned once in three months. He has suggested that at times Collectors not able to hold such meetings in time as scheduled or otherwise engaged in other important official duties, in such of those occasions, the Deputy Director of Prosecution concerned may be permitted to preside over the review meeting. He has also suggested that the tenure law officers may be asked to submit the case particulars in the prescribed format in duplicate, one to the Collector and another to the Deputy Director of Prosecution concerned who in turn will forward the same to the Director of Prosecution for consolidation.

3. The Government have carefully considered the representation second read above in greater detail and have decided to issue revised instructions regarding the review of work of law officers on tenure. Accordingly, in supersession of the orders issued in the G.O. 1st read above, the Government issue the following instructions for strict observance and compliance.

- i) The District Collectors shall henceforth review the work of the law officers on tenure basis in the Districts along with the concerned Deputy Directors of Prosecution once in three months; The Government consider that this power need not be delegated to Deputy Directors of Prosecution even in the absence of the District Collectors.
- ii) After review by the Collector, the concerned Deputy Directors of Prosecution shall obtain the remarks and report from the Collectors and send them to the Director of Prosecution Chennai.

- iii) The Director of Prosecution shall consolidate the reports received from the Deputy Directors of Prosecutions and submit to the Government along with his remarks.
- iv) The Director of Prosecution shall analytically review the reports indicating the gradation of performance of each of the law officer as shown below
1. Outstanding performance
 2. Best performance
 3. Good performance
 4. Poor performance
 5. Worst performance
- v) The Director of Prosecution shall be made responsible to send his reports with his remarks once in every three months without fail.
- vi) The Director of Prosecution need not wait for receipt of reports of all the Collectors. He may send his report as and when the reports are received from the Districts.

4. To enable the law officers to effectively present the case before the Courts, they should be properly briefed by the concerned staff/officer well in advance. It is also more important that relevant case files/records should be handed over to the law officers in time. The Director General of Police, Commissioners of Police and the Collectors are, therefore, requested to issue necessary instructions to all the officers/staff concerned that all the relevant files/ records pertaining to the case may be brought to the notice of the concerned law officers in time. The concerned officer/staff may also be instructed to brief the law officers well in advance. Any failure on the part of the concerned staff/officer to produce the records in time shall be viewed very seriously. The Director General of Police/ Commissioners of Police/Collectors are requested to send a copy of instructions issued in this regard to the Government immediately.

5. The District Collectors are requested to acknowledge the receipt of this order and to communicate the above instructions to all concerned for strict compliance.

(BY ORDER OF THE GOVERNOR)

SYED MUNIR HODA,
SECRETARY TO GOVERNMENT.

To

The Director General of Police , Chennai-600 004.

The Director of Prosecution, Chennai-600 003.

All District Collectors.

All Deputy Inspectors General of Police.

All Commissioners of Police.

All Superintendents of Police.

All Deputy Directors of Prosecution.

Copy to:

The Special P.A. to Minister for Law and Information Technology, Chennai-600 009.

All Sections in Home Department, Chennai-600 009.

/Forwarded/By order/

Sy Munir Hoda

SECTION OFFICER.

2/15

Name:
Designation:
Court:

FORMAT

Sl. No.		Civil	Criminal
1.	No. of cases pending as on 1 st January, 1 st April, 1 st July, 1 st October.		
2.	No. of cases received during the quarter		
3.	Total		
4.	No. of cases disposed off during the quarter (a) Conviction (b) Acquittal (c) Trial (d) Transfer to other Courts (e) For favour of the Government (f) Against the Govt. (g) Percentage of Conviction for the last 3 months.		
5.	Pending at the close of the quarter Break up details for the pendency (a) Over one year (b) Over six months (c) Over three months		
6.	Reasons for pendency.		

/true copy/

[Signature]
SECTION OFFICER.

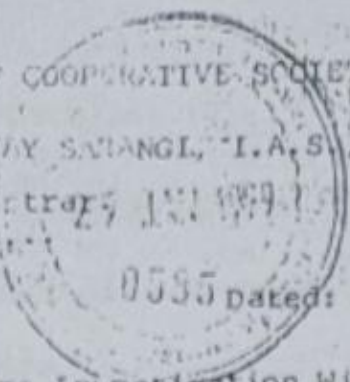
56

OFFICE OF THE REGISTRAR OF COOPERATIVE SOCIETIES, CHENNAI. 10.

DEPUTY REGISTRAR, I.A.S.

CHENNAI, 11.1.99

No. 582/98 SF.1
115827/98/11.



0535 dated: 11.1.99.

Subj: - Complaints - Crime Investigation Wing, C.I.D. -
Misappropriation in Cooperative Societies - Enhancement
of monetary limit of misappropriation for the
complaints to be preferred in CCIW, CID, certain
restriction issued.

Government Order (RU) 50, Cooperation, Food and
Consumer Protection Department, dt. 8.12.98.

In the order cited, Government have issued orders revising
the monetary limit of the amounts involved in the case of mis-
appropriation in Cooperative Societies, for the purpose of filing
of complaints, with various Police Wings. According to the
revised orders, the complaints have to be preferred in the
following manner.

- 1. Local police - Complaints involving misappropriation/
falsification of accounts etc., upto
Rs. 50,000/-
- 2. Crime Branch - Complaints involving misappropriation/
falsification of accounts etc., above
Rs. 50,000/- and upto Rs. 1,00,000/-
- 3. CID, CIB - Complaints involving misappropriation/
falsification of accounts etc., above
Rs. 1,00,000/-

2. The Circle Deputy Registrars are requested to prefer
complaints with respective Police wings in the above manner,
as after.

3. In this connection, the circle Deputy Registrars and
the regional Joint Registrars are informed that the Superintendent
of Police, CCIW, CID during the Coordination meeting conducted
at Government level is pointing out, quite often, the non
standing and delay in handing over of the basic records/additional
records required by the Investigation Officers, for the conduct
of investigation of cases. Though the Regional Joint Registrars
and Circle Deputy Registrars have been addressed by D.O. letters
from the officers of Registrar's Office, avoidable delays are
being noticed in handing over of the records. The Regional
Joint Registrars and Circle Deputy Registrars are therefore
requested to make timely arrangements for handing over of the
records required by the Police Investigation Officers. Securing
and preserving of records have to be assured by the depart-
ment enquiry officers themselves before any prosecution
is launched and as such circle Deputy Registrars should ensure
that enquiry officers concerned are adequately informed to
hand over records and also to issue a certificate themselves. The Regional

Registrars are requested to review the issue of handing over of the records, without any delay.

4. The regional Joint Registrars and the circle Registrars are requested to arrange to render necessary Police Investigation Officers in the early and complete completion of investigation, the work of the Sub Registrars (Prosecution) in the circle officers be fully utilised by the Circle Deputy Registrars in regard.

5. The regional Joint Registrars are requested to receive this circular immediately besides they should forward their acknowledgements from the circle Deputy Registrars to them in their respective offices.

(My Order)

C. Srinivasan
For Registrar 1911

Regional Joint Registrars and Circle Deputy Registrars
All Administrative Section in Registrar's Office

Stock File.

10/1/11

14/1.

ശ്രീ രാജീവ് കുമാർ
ഗവൺമെന്റ് റിജിസ്ട്രാർ
കോഴിക്കോട് - 20

11.5.585/498 U.

16.11.2.98

ശ്രീ രാജീവ് കുമാർ

ശ്രീ രാജീവ് കുമാർ

16.11.2.98

ശ്രീ രാജീവ് കുമാർ

ശ്രീ രാജീവ് കുമാർ

(ந.க. எண். 3281/குவதொஇ/அ4/2012, நாள் 27.06.2012)

வீடு கட்ட துறையின் முன்அனுமதி கோருவது தொடர்பான சீபர்ப்பு பட்டியல்

- 1) மனுதாரரின் எழுத்துபூர்வமான விண்ணப்பம்
- 2) அசையா சொத்து வாங்குவதற்கான படிவம்-1 மற்றும் படிவம்-6ல் உள்ள அனைத்து வினாக்களுக்கும் விவரங்கள் அளிக்கப்பட வேண்டும்.
- 3) காலிமனையினை தனியர் ஏற்களவே வாங்கியதற்கு பெறப்பட்ட துறையின் முன்அனுமதி விவரம் (சான்றொப்பமிட்ட நகல்)
- 4) மனுதாரர் அரகப் பணிக்கு வருவதற்கு முன்பாகவே விட்டுமனை தனியரின் பெயரில் இருந்தால், அது குறித்த விவரத்தினை தனியரின் பணிப்பதிவேட்டில் பதிவு செய்த பக்கத்தின் சான்றொப்பமிட்ட நகல்.
- 5) காலிமனை வாங்கியதற்காக, பதிவுத்துறையில் பதிவு செய்யப்பட்ட கிரையப்பத்திரம் மற்றும் பட்டா ஆகியவற்றின் சான்றொப்பமிட்ட நகல்கள்.
- 6) கட்டிடம் கட்டுபவருடன் செய்துகொண்ட ஒப்பந்தப் பத்திரம் (சான்றொப்பமிட்ட நகல்).
- 7) பஞ்சாயத்து ஒன்றியம் / நகர பஞ்சாயத்து / நகராட்சி / மாநகராட்சியிடமிருந்து பெற்ற வீடு கட்டுவதற்கான அனுமதி உத்தரவு (சான்றொப்பமிட்ட நகல்).
- 8) தற்போதைய மனுலிற்கு முன்பு வரை, மேற்படி காலிமனைக்கு அரகக்கு வரி செலுத்தியதற்கான இரசீது விவரம் (சான்றொப்பமிட்ட நகல்).
- 9) வங்கியிலிருந்து வீடு கட்ட கடன் பெறுவதாக இருப்பின், அதனை வழங்க இசைவு தெரிவிக்கும் வங்கியின் கடிதம். (சான்றொப்பமிட்ட நகல்).
- 10) நிதி ஆதாரத்தில் சொந்த சேமிப்பு என தொகை காண்பிக்கப்பட்டால் உண்டியல் சேமிப்பா அல்லது வங்கி சேமிப்பா என்பது தெரிவிக்க வேண்டும். வங்கி மூலம் சேமிப்பு என்றால் மேற்படி தொகை குறிப்பிடப்பட்டுள்ள வங்கி சேமிப்பு கணக்குப் புத்தகத்தின் சான்றொப்பமிட்ட நகல். மாதாந்திர

சம்பந்தமாக தனி, இது வரை வரலாறு இருந்தால் (உதாரணம் : விவசாயம், முதலீடுகள் போன்ற வட்டி, வட்டி வட்டிகள்) அவை குறித்த விவரங்கள் ஆதார ஆவணங்களின் சான்றொப்பமிட்ட நகல்.

- 11) நிதி ஆதாரமாக நகலகளை விற்றது அல்லது அ-கு வாய்ப்புள் மூலம் கிடைக்கும் தொகை என வட்டியும் பங்குதீர்வு, அந்தரத் தரலும் / வெளி நகலகளின் இருப்பு உரிமை குறித்து ஏற்கெனவே பரிசீலிப்பெட்டியில் பரிசீலி செய்யப்பட்ட பங்குதீர்வு சான்றொப்பமிட்ட நகல்.
- 12) நிதி ஆதாரமாக தெருங்கிய உதவின்களிடமிருந்து வட்டியில்லாத கடனாக / இனாமாக தொகையைக் குறிப்பிட்டு இருப்பின், (அதிகபட்சம் ரூ. 3,00,000/- (ரூபாய் மூன்று இலட்சம் வரை) அத்தொகையை தன இருப்பவரின் சம்பந்தக் கூறும், மற்றும் அத்தொகையை அவர் பெற்றதற்கான நிதி ஆதாரம்.
- 13) உரிமை பெற்ற பொறியாளராக, மேற்படி வீட்டுவாணையில் வீடு கட்டுவதற்கான செலவு திட்ட மதிப்பீடு (சான்றொப்பமிட்ட நகல்), (வீடு எந்தளவு சலுகை அடிப்படில், எந்தளவு தளத்தில், எவ்வளவு மதிப்பில் கட்டப்படுகிறது என்ற விவரங்களுடன்).
- 14) தனியார் மீது மூன்றை மூன்று வருடங்களுக்கு நடவடிக்கை / விசாரணை எதும் இல்லாமல்பெறாததாக பிரிவு அதிகாரியின் சான்று.

கையொப்பம்

இயக்குநர் (பொ)

(ந.க. எண். 2281/குவதொஇ/அ4/2012, நாள் 27.06.2012)

கட்டிய வீட்டினை வாங்குவதற்கு துறையின் முன்அனுமதி கோருவது தொடர்பான சரிபார்ப்பு பட்டியல்

- 1) மனுதாரரின் எழுத்துபூர்வமான கோரிக்கை மனு.
- 2) கட்டிய வீட்டினை வாங்குவதற்கான படிவம்-1ல் அனைத்து வினாக்களுக்கும் விவரங்கள் அளிக்கப்படவேண்டும்.
- 3) வீட்டு உரிமையாளருடன் கிரையம் வாங்குபவர் செய்து கொண்ட முன் ஒப்பந்த பத்திரத்தின் சான்றொப்பமிட்ட நகல்.
- 4) மேற்படி கட்டிய வீட்டினை விற்பனை செய்வது சம்மந்தமாக வந்த விளம்பரத்தின் நகல்.
- 5) பதிவு பெற்ற பொறியாளர் மற்றும் கட்டிட மதிப்பீட்டாளரால் வழங்கப்பட்ட, வீட்டின் விரிவான மதிப்பீட்டு அறிக்கையின் சான்றொப்பமிட்ட நகல்.
- 6) வீட்டின் அங்கீகரிக்கப்பட்ட வரைபடம் (சான்றொப்பமிட்ட நகல்).
- 7) வீட்டுமனையின் வில்லங்கச் சான்றிதழின் சான்றொப்பமிட்ட நகல்.
- 8) மனை மற்றும் கட்டப்பட்ட வீடு / அடுக்கு மாடி குடியிருப்பு விற்பவர் வைத்திருக்கும் கிரையப்பத்திரம், பட்டா ஆகியவற்றின் சான்றொப்பமிட்ட நகல்.
- 9) வீட்டிற்கு விற்பனைக்கு முன்பு வரை அரசுக்கு செலுத்திய தீர்வை ரசீது (சான்றொப்பமிட்ட நகல்).
- 10) கட்டிய வீட்டினை / அடுக்கு வீடுகள் குடியிருப்பில் ஒரு வீட்டினை வாங்கும்பொழுது ஆகும் மொத்தச் செலவு தொகை (பதிவு கட்டணம், முத்திரைத்தாள் கட்டணம், பத்திரம் தயாரிப்பு, எழுத்துக் கட்டணம் முதலிய விவரம் உட்பட) விவரங்கள்.
- 11) வீடு வாங்க வங்கியிலிருந்து கடன் பெறுவதாக இருப்பின், அதனை வழங்க இசைவு தெரிவிக்கும் வங்கியின் கடிதம் (சான்றொப்பமிட்ட நகல்).

- 12) நிதி ஆதாரத்தில் காட்டப்படும் தொகை, சொந்த சேமிப்பு எனில், உண்டாயல் மூலம் சேமிப்பா அல்லது வங்கி சேமிப்பா என்பது தெரிவிக்க வேண்டும். வங்கி மூலம் சேமிப்பு என்றால், மேற்படித் தொகை குறிப்பிடப்பட்டுள்ள வங்கி சேமிப்பு கணக்குப் புத்தகத்தின் சான்றொப்பமிட்ட நகல், மாதாந்திர சம்பளத்தை தவிர பிற வகையில் வருமானம் ஏதேனும் இருந்தால் (உதாரணம் : விவசாயம், முதலீட்டின் மீதான வட்டி, கட்டிட வாடகை) அவை குறித்த விவரங்கள் ஆதார ஆவணங்களின் சான்றொப்பமிட்ட நகல்.
- 13) நிதி ஆதாரமாக, நகைகளை விற்பது அல்லது அடகு வைப்பதன் மூலம் கிடைக்கும் தொகை என காட்டப்படும்பட்சத்தில், அந்தத் தங்க / வெள்ளி நகைகளின் இருப்பு / உரிமை குறித்து பணிப்பதிவேட்டில் பதிவு செய்யப்பட்ட பக்கத்தின் சான்றொப்பமிட்ட நகல்.
- 14) நிதி ஆதாரமாக, நெருங்கிய உறவினர்களிடமிருந்து வட்டியில்லா கடனாக / இனாமாக ஒரு தொகையைக் குறிப்பிட்டிருந்தால் (அதிகபட்சம் ரூ. 3,00,000/- (ரூபாய் மூன்று இலட்சம் மட்டும்)). அத்தொகையை தா இருப்பவரின் சம்மதக் கடிதம் மற்றும் அத்தொகையை அவர் பெற்றதற்கான நிதி ஆதாரம்.

கையொப்பம்

இயக்குநர் (பொ)

பிற்சேர்க்கை - 4

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(ந.க. எண். 228/குடிநீர்/அ4/2012, நாள் 27.06.2012)

அரசுக் கடன் பெற்று வீடு கட்டுவதற்கு துறையின் முன்அனுமதி கோருவது தொடர்பான சீர்தீர்வு பட்டியல்

- 1) படிவம் எண். 6 மற்றும் படிவம்-1ல் அனைத்து விளாக்களுக்கும் விவரங்கள் அளிக்கப்பட வேண்டும்.
- 2) அரசுப் பணியாளர், வீடு கட்ட அனுமதி கோரும் எழுத்துப்பூர்வமான விண்ணப்பம்.
- 3) காலி வீட்டு மனையினை வாங்குவதற்காக பதிவுத்துறையில் பதிவு செய்யப்பட்ட கிரைய பத்திரத்தின் சான்றொப்பமிட்ட நகல்.
- 4) மனு அளிப்பதற்கு முன்பு வரை உள்ள காலத்திற்கான வீட்டு மனையின் வில்லங்கச் சான்றின் சான்றொப்பமிட்ட நகல்.
- 5) மனு அளிப்பதற்கு முன்பு கடைசியாக மேற்படி வீட்டுமனைக்கு செலுத்திய நிலவரி தொடர்பான இரசீதின் சான்றொப்பமிட்ட நகல்.
- 6) முன்பு வீட்டு மனை வாங்குவதற்காக துறையின் முன்அனுமதி வழங்கிய ஆணையின் சான்றொப்பமிட்ட நகல்.
- 7) வீட்டுமனை வாங்குவதற்காக முன்பு பெறப்பட்ட துறையின் முன்அனுமதி குறித்த விவரத்தைத் தனியாகப் பணிப்பதிவேட்டில் பதிவு செய்யப்பட்ட பக்கத்தின் சான்றொப்பமிட்ட நகல்.
- 8) உரிமம் பெற்ற பொறியாளரால் வழங்கப்பட்ட, வீடு கட்ட ஆகும் செலவு மதிப்பீடு அறிக்கையின் சான்றொப்பமிட்ட நகல்.
- 9) உரிமம் பெற்ற பொறியாளரால், அங்கீகரிக்கப்பட்ட வீட்டு கட்டிட வரைபடத்தின் சான்றொப்பமிட்ட நகல்.
- 10) வீடு கட்ட உள்ளாட்சி அமைப்புகளிடமிருந்து (பஞ்சாயத்து ஒன்றியம் / நகராட்சி / மாநகராட்சி) பெறப்பட்ட அங்கீகாரச் சான்றின் சான்றொப்பமிட்ட நகல்.

- 1) ...
- 2) ...
- 3) ...
- 4) ...

...

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குற்ற வழக்குத் தொடர்வுத் துறை

ந.க. எண். 2281/குலதொஇ/அ4/2012,

நாள் 27.06.2012

இயக்கக ஆணை எண். 76/2012

குற்ற வழக்குத் தொடர்வு இயக்ககம்,

தமிழ்நாடு குடிசை மாற்று வாரிய வளாகம் 2வது மாடி,

நெ. 5, காமராஜர் சாலை, சென்னை - 600 005.

கற்றுக் குறிப்பாணை

பொருள் : பொதுப்பணிகள் - குற்ற வழக்கு தொடர்வுத்துறை - அரசு ஊழியர்கள் அசையா சொத்து வாங்குதல் - பின்பற்ற வேண்டிய விதிமுறைகள், சரிபார்ப்பு பட்டியல்கள் (Check list) அனுப்பிவைத்தல் - தொடர்பாக.

பார்வை : தமிழ்நாடு அரசு பணியாளர் நடத்தை விதிகள் 1973, விதி 7(1)(அ)

குற்ற வழக்கு தொடர்வுத்துறை இயக்ககத்தின்கீழ் பணிபுரிந்து கொண்டிருக்கும் அரசு அலுவலர்கள் / ஊழியர்கள் அசையா சொத்து வாங்கும்போது பார்வையில் காணும் அரசு விதிமுறையின் கீழ் துறையின் முன்அனுமதி கோருவது தொடர்பாக பின்பற்ற வேண்டிய நடைமுறைகள் இணைத்து அனுப்ப வேண்டிய ஆவணங்கள் / விபரங்கள் போன்றவை குறித்த சரிபார்ப்பு பட்டியல்கள், இச்சற்றுக் குறிப்பாணையின் 1 முதல் 4 வரையிலான பிற்சேர்க்கைகளாக அளிக்கப்படுகின்றன.

2) இந்தச் சுற்றறிக்கை மற்றும் பிற்சேர்க்கைகளை நகல் எடுத்து அனைத்து சட்ட அலுவலர்களுக்கும், அமைச்சுப் பணியாளர்களுக்கும் மற்றும் அனைத்து அலுவலக உதவியாளர்களுக்கும் வழங்கும்படி அனைத்து குற்ற வழக்கு தொடர்வுத்துறை, துணை / உதவி இயக்குநர்கள் கேட்டுக் கொள்ளப்படுகிறார்கள்.

3) அனைத்து துணை / உதவி இயக்குநர்கள் இப்பொருள் குறித்த நேர்வுகளில் விண்ணப்பங்களை இயக்ககத்திற்கு அனுப்பும்போது, உரிய சரிபார்ப்பு பட்டியலின்படி அனைத்து ஆவணங்களும் / விபரங்களும் இருப்பதை உறுதிப்படுத்திக்கொண்டு, இயக்ககத்திற்கு அனுப்பிவைக்கும்படி கேட்டுக் கொள்ளப்படுகிறார்கள்.

4) தமிழ்நாடு அரசுப் பணியாளர் நடத்தை விதிகள் 1973, விதி 7(3) (அ) (ஆ) (இ) (ஈ)-ன்படி அரசு அலுவலர், அரசுப் பணியில் சேர்ந்த 3 மாத காலத்திற்குள், தனது மற்றும் குடும்ப உறுப்பினர்களின் அசையும் மற்றும் அசையா சொத்து குறித்த விவரங்கள் மற்றும் பொறுப்புகள் (Liabilities) ஆகிய விவரங்களை, 1வது அட்டவணை படிவம் 1 முதல் 5 வரையிலான படிவங்களில் அளிக்க வேண்டும். தனிர, 5 வருடங்களுக்கு ஒரு முறை அரசு அலுவலர், தனது மற்றும் குடும்ப உறுப்பினர்களின் சொத்துக்கள் மற்றும் பொறுப்புகள் குறித்த அதிகக்கையை பிரிவு அதிகாரிகளுக்கு அளிக்க வேண்டும். இதனை பிரிவு அதிகாரிகள் தவறாமல் பெற்று ஆய்வு செய்து, முந்தைய அதிகக்கையுடன் ஒப்பிட்டுச் சரிபார்த்து, அதற்கான கையொப்பம் இட்டு பாதுகாப்பாக வைக்கவேண்டும்.

5) மேற்குறிப்பிட்ட சரிபார்ப்புப் படிவங்கள், ஒரு வழிகாட்டி நெறிமுறையாக மட்டும் எடுத்துக் கொள்ள வேண்டும். இப்பொருள் சம்பந்தப்பட்ட ஒவ்வொரு நேர்மையும் தனித்தனியாகப் பரிசீலனை செய்யப்போது, தேவையான கோரும் பிற விவரங்கள் / ஆவணங்களையும் சம்பந்தப்பட்ட அலுவலர்களிடமிருந்து பெற்று அளிக்க வேண்டும்.

6) இந்தச் சுற்றுக் குறிப்பானை மற்றும் சரிபார்ப்புப் படிவங்களைப் பெற்றுக் கொண்டதற்கான ஒப்புக்கொண்ட உடனே இயக்ககத்திற்கு அனுப்பிவைத்தல் வேண்டும்.

இணைப்பு பிற்சேர்க்கை 1 முதல் 4 வரை

கையொப்பம்

இயக்குநர் (பொ)

பெறநர்

அனைத்து குற்ற வழக்கு தொடர்வத் துறை,
துணை இயக்குநர்கள் / உதவி இயக்குநர்கள்
அனைத்து இயக்ககப் பணியாளர்கள்

இணைப்புடன்)

நகல் : கோப்புக்கு

பிற்சேர்க்கை - 1

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(ந.க. எண். 2281/தவதொஇ/அ4/2012, நாள் 27.06.2012)

ஊர் கட்டுவதற்காக காலிமனை வாங்குவதற்கு துறையின் முன்அனுமதி கோருவது தொடர்பான சிபார்சு பட்டியல்

- 1) காலிமனையினை வாங்க இருக்கும் அரசு அலுவலரின் / பணியாளரின் எழுத்துப்பூர்வமான கோரிக்கை விண்ணப்பம்.
- 2) படிவம் 1-ல் உள்ள அனைத்து வினாக்களுக்கும் முழுமையாக விவரங்கள் அளிக்கப்பட்டு, கையொப்பமிட்டு இருக்கவேண்டும்.
- 3) காலிமனையின் உரிமையாளர், அவரது பெயரில் பத்திரப் பதிவுத்துறையில் பதிவு செய்யப்பட்ட கிரைய பத்திரத்தின் சான்றொப்பமிட்ட நகல் மற்றும் காலிமனையின் சான்றொப்பமிட்ட மட்டா நகல்.
- 4) விற்பனைக்கு முன்பு வரை காலிமனை உரிமையாளர் செலுத்திய நில வரி தொடர்பான இரசீதின் சான்றொப்பமிட்ட நகல்.
- 5) காலிமனைக்கு, தற்போதைய தேதி வரை எடுக்கப்பட்ட வில்லங்கச் சான்று நகல் (சான்றொப்பமிட்டது).
- 6) வீட்டு மனைக்கு அங்கீகாரம் அளித்த நகப்புற திட்ட இயக்ககத்தின் சான்று (சான்றொப்பமிட்டது).
- 7) காலிமனையினை விற்பவருக்கும், வாங்குபவருக்கும் இடையே அலுவலக பணி ரீதியாக எவ்வித தொடர்பும் இல்லை என்பதற்காக மனுதாரரால் அளிக்கப்படும் சான்று.
- 8) மனுதாரர் மீது துறை ஒழுங்கு நடவடிக்கை ஏதும் நிலுவையில் இல்லை என்பதற்கான பிரிவு அதிகாரியின் சான்று.
- 9) வீட்டு மனையினை வாங்கும்போது ஆகும் மொத்த செலவு தொகை (பத்திரப்பதிவு, முத்திரைத்தாள் மற்றும் அச்சக் கட்டணம் முதலிய செலவு உட்பட)
- 10) காலிமனையினை வாங்க இருக்கும் மொத்தத் தொகைக்கான நிதி ஆதாரங்கள்.



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ABSTRACT

Fundamental Rules - Rule 49 of Fundamental Rule - Sanction of Additional Pay to irrespective of the duration of the charge held or the number of posts of additional charge held by Group A and B officers - Amendment - Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (FR.IV) DEPARTMENT

G.O.(Ms) No. 122

Dated : 3rd October 2011

புள்ளி 16

திருச்சூர் ஆம்ந் 2042

Read :

1. Govt. Lt.No. 39180 / FR II / 93, P&AR Dept., dated 16.06.1993

ORDER :

As per FR-49 (i) (iii) Additional Pay for holding full additional charge shall be granted at the rate of one fifth of the pay drawn in the regular post or half of the minimum pay of the additional post, whichever is less for the period of five months. Additional pay shall not be paid for the period of holding full additional charge in excess of five months.

2. In the Government letter read above orders were issued to the effect that the period of restriction in holding the additional charge for five months will apply for the sanction of additional pay as well as holding additional charge of the posts. As such, sanction of additional pay is **not** permissible for 5 months in each post, when an officer was directed to hold full additional charge of one or more posts.

3. After detailed examination, the Government have decided to amend the Sub-clause (iii) of clause (1) of FR-49, to the effect that the Additional Pay shall be sanctioned irrespective of the number of posts of additional charge held by Group A and B officers only and also without the restriction that the additional charge shall not be paid for the period in excess of five months.

The following Notification will be published in the Extra-ordinary issue of the Tamil Nadu Government Gazette, dated 03.10.2011.

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India and all other powers hereunto enabling, the Governor of Tamil Nadu hereby makes the following amendment to the Fundamental Rules :-

2. The amendment hereby made shall come into force on the 3rd October 2011.

AMENDMENT

In the said Rules, in rule 49, in Clause (1), for sub-clause (iii), the following sub-clause shall be substituted, namely :-

"(iii) Additional pay for holding full additional charge shall be granted at the rate of the one fifth of the pay drawn in the regular post or half of the minimum pay of the additional post, whichever is less. The additional pay shall be sanctioned irrespective of the duration of the charge held or the number of posts of additional charge held by Group A and B officers only".

(BY ORDER OF THE GOVERNOR)

**V. IRAI ANBU,
SECRETARY TO GOVERNMENT**

- To
- All Secretaries to Government, Chennai - 9.
- All Departments of Secretariat, Chennai - 9.
- The Secretary, Legislative Assembly Secretariat, Chennai - 9.
- The Principal Accountant General (A&E), Chennai - 18.
- The Principal Accountant General (A&E), Chennai - 18 (By Name).
- The Accountant General (Audit-II), Chennai - 35.
- The Accountant General (Audit-II), Chennai - 6.
- The Principal Accountant General (Civil Audit), Chennai - 18.
- The Accountant General (CAB), Chennai - 9.
- The Pay and Accounts Officer (North), Chennai - 79.
- The Pay and Accounts Officer (South), Chennai - 35.
- The Pay and Accounts Officer (East), Chennai - 5.
- The Pay and Account Officer, Secretariat, Chennai - 9.
- All Heads of Departments.
- All District Collectors.
- All District Judges.
- All District Magistrates.
- The Secretary, Tamil Nadu Public Service Commission, Chennai - 6.
- The Registrar, High Court, Chennai - 104.
- The Commissioners of Corporation of Chennai/Madurai/Coimbatore/Thiruchirappalli/Salem/Tirunelveli/Thiruppur/Vellore/Tuticorin/Erode.
- The Registrars of All Universities.
- All State Government owned Corporations/Boards.
- The Pension Pay Officer, Chennai-6.
- All Treasury Officers.
- All Sub - Treasury Officers.
- The Works Manager, Government Central Press, Chennai - 79.
- (Two copies for Publication in the Extra-ordinary issue of Tamil Nadu Government Gazette)

Copy to :-

- The Secretary to Hon'ble Chief Minister, Chennai - 9.
- The Finance Department, Chennai - 9.
- The Finance (Pension) Department, Chennai - 9.
- The Finance (PC) Department, Chennai - 9.
- The Director of Pension, 807, Anna Salai, Chennai - 2.
- The Director of Treasuries and Accounts, Chennai - 15.
- The Director of Local Fund Audit, Chennai - 108.
- The Sections in Personnel and Administrative Reforms Department, Chennai - 9.
- The Private Secretary to the Principal Secretary to Government, Personnel and Administrative Reforms Department, Chennai - 9.
- The Private Secretary to the Secretary to Government, Personnel and Administrative Reforms (Training) Department, Chennai - 9.
- The Private Secretary to the Vigilance Commissioner and Commission for Administrative Reforms, Secretariat, Chennai - 9.
- The Personnel and Administrative Reforms (AR-II) Department, Chennai - 9.
- The Law (P&AR/Sty) Department, Chennai-9.
- The State Election Commission, Koyambedu, Chennai - 106.

SF/SC

// Forwarded By Order //

SECTION OFFICER.

குற்ற வழக்குத் தொடர்வுத் துறை

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ந.க. எண். 238/குலதொடு/அ/2012,
நாள் 18.12.2012

குற்ற வழக்குத் தொடர்வு இயக்ககம்,
தமிழ்நாடு குடிசை மாற்று வாரிய வளாகம் 2வது மாடி,
எண். 5, காமராஜர் சாலை, சென்னை - 600 005.

சுற்றுக் குறிப்பாணை

பொருள் : பொதுப்பணிகள் - குற்ற வழக்கு தொடர்வுத்துறை - குற்ற வழக்கு தொடர்வுத்துறை கூடுதல் பொறுப்பு ஊதியம் பெறுவதற்காக கருத்துரு இயக்ககத்திற்கு அனுப்பப்படும்பொது பின்பற்ற வேண்டிய விதிமுறைகள் - சரிபாப்பு பட்டியல்கள் (Check list) அனுப்பி வைப்பது - தொடர்பாக.

பார்வை : 1) இவ்வியக்ககக் குறிப்பாணை எண். 238/குலதொடு/அ/2012
நாள் 12.04.2012.

2) இவ்வியக்ககக் சுற்றுக் குறிப்பாணை எண். 238/ஆ/குலதொடு/2012
நாள் 20.07.2012 (இயக்கக ஆணை எண். 34/2012)

பார்வை ஒன்று மற்றும் இரண்டில் காணும் இவ்வியக்ககக் குறிப்பாணைகளில், குற்ற வழக்கு தொடர்வு இயக்ககத்தின் கீழ் பணிபுரிந்து கொண்டிருக்கும் துணை இயக்குநர் / உதவி இயக்குநர்கள் / கூடுதல் அரசு வழக்கறிஞர்கள் / அரசு உதவி வழக்கு நடத்துனர்கள் ஆகியோர்களின் கூடுதல் பொறுப்புக்கோரும் கருத்துருக்களை இவ்வியக்ககத்திற்கு அனுப்பப்படும்பொது பின்பற்ற வேண்டிய நடைமுறைகள் / இணைத்து அனுப்ப வேண்டிய ஆவணங்கள் / விவரங்கள் குறித்த சரிபாப்பு பட்டியல் அனுப்பப்பட்டுள்ளது. அதனை பெரும்பாலான துணை இயக்குநர்கள் / உதவி இயக்குநர்கள் பின்பற்றவில்லை என்பது தெரிய வருகிறது. இதனால் குறைபாடுகள் உள்ள கூடுதல் பொறுப்புக்கோரும் சுயதங்கள் திரும்ப வேண்டிய நிலையை, தேவையற்ற காலதாமதமும் ஏற்படுகிறது. இதனை வரும்பாலைகளில் தவிர்க்க, இது குறித்த நடைமுறைகளில் கீழ்க்காணும் அறிவுரைகளைப் பின்பற்றக் கோப்படுகிறது :-

(அ) தற்போது அரசாணை நிலை எண். 122, பணியாளர் மற்றும் சீர்திருத்த துறை நாள் 3.10.2011-ன்படி, கூடுதல் பொறுப்புக்கோரும் பெறுவதற்கு 150 நாட்கள் என்ற வரையறை தளர்த்தப்பட்டு, முழு கூடுதல் பணிபுரியும் அனைத்து காலங்களுக்கும் அனைத்துப்



The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The text also mentions the need for regular audits to identify any discrepancies or errors in the accounting process.

In addition, the document highlights the role of technology in modern accounting. The use of software can significantly reduce the risk of human error and streamline the workflow. It suggests that businesses should invest in reliable accounting systems that can integrate with other business applications.

Furthermore, the text discusses the importance of staying up-to-date with the latest tax regulations and accounting standards. This requires continuous education and professional development for the accounting staff. The document also touches upon the importance of maintaining good relationships with tax authorities and auditors.

The document concludes by reiterating the key points discussed. It stresses that a strong foundation in accounting is essential for the long-term success of any business. By following the best practices outlined, businesses can ensure their financial records are accurate, reliable, and compliant with all relevant laws and regulations.

Finally, the document provides some practical advice for businesses looking to improve their accounting processes. It suggests starting with a clear understanding of the business's needs and then selecting the appropriate accounting system. It also recommends implementing strong internal controls to prevent fraud and ensure the integrity of the financial data.

கூடுதல் பொறுப்பு கோருபவரின் சான்றிதழ்

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"கூடுதல் பொறுப்பாக நீதிமன்றம்
பதவியை முதல் வரை,
உத்தரவின்பேரில் பார்த்தேன். அதற்காக எனது முறையான நீதிமன்றம் மற்றும் கூடுதல்
பொறுப்பு நீதிமன்றம் ஆகியவற்றில் ஆற்றிய பணிகள் குறித்து, எழுதப்பட்ட பொதுவான
நாட்குறிப்பின் நகலை இத்துடன் இணைத்து அனுப்பப்படுகிறது என்று சான்று அளிக்கிறேன்."

கையொப்பம்

இதனைக் கூடுதல் பொறுப்புக்கான கோரும் விண்ணப்பத்தில் அளிக்கவேண்டும்.

ஊ) கூடுதல் பொறுப்புக்கான கோரும் விண்ணப்பம் ஆணை நகல், பொறுப்பு மாற்றல் சான்று,
நாட்குறிப்பு நகல் ஆகியவற்றை பிரிவு அலுவலக எழுத்தர் சரிபார்த்து, கீழ்க்கண்ட சான்றை
அளிக்கவேண்டும்.

கூடுதல் பொறுப்பு விண்ணப்பத்தை சரிபார்க்கும்

பிரிவு உதவியாளரின் சான்றிதழ்

"கூடுதல் பொறுப்புக்கான கோரும், குற்ற வழக்குத் தொடர்வு அலுவலரின் விண்ணப்பம், கூடுதல்
பொறுப்பு உத்தரவு நகல், படிவ விவரம் (Form), கூடுதல் பொறுப்பு ஏற்றல் சான்று, கூடுதல்
பொறுப்பு விடுவிப்பு உத்தரவு நகல், கூடுதல் பொறுப்பு விடுவித்தல் சான்று போன்றவைப்
பரிசீலிக்கப்பட்டு சரியாக உள்ளது என்று சான்று அளிக்கப்படுகிறது. மேலும் கூடுதல்
பொறுப்புக்கான கோரும் குற்ற வழக்குத் தொடர்வுத்துறை அலுவலர் சமர்ப்பித்த முறையான
பதவி பணி மற்றும் கூடுதல் பொறுப்புப் பதவிப் பணி குறித்து எழுதப்பட்ட பொதுவான
நாட்குறிப்பு நகல், கூர்ந்து ஆய்வு செய்யப்பட்டு சரியாக உள்ளது என்பதற்கு சான்று
அளிக்கப்படுகிறது. அந்த நாட்குறிப்பு நகல் பிரிவு அலுவலகத்தில் நிறுத்திக்
கொள்ளப்பட்டுள்ளது என்பதற்கும் (retained in unit office) சான்று அளிக்கப்படுகிறது."

கையொப்பம்

இதனைத் தனியாக ஒரு தாளில் அளிக்கவேண்டும்.

- எ) குற்ற வழக்குத் தொடர்வுத்துறை, துணை மற்றும் உதவி இயக்குநர்கள், கூடுதல் பொறுப்புக் கோரும் கருத்துருக்களை இயக்ககத்திற்கு அனுப்பும்போது கீழ்க்கண்ட சான்றை அளிக்கவேண்டும் :-

கூடுதல் பொறுப்பு கருத்துருக்களை அனுப்பும் துணை /

உதவி இயக்குநர்களின் சான்றிதழ்

“கூடுதல் பொறுப்புக் கோரும் குற்ற வழக்குத் தொடர்வுத்துறை அலுவலரின் விண்ணப்பம், சரிபார்க்கும் மட்டியலின்படி சரிபார்க்கப்பட்டு, சரியாக உள்ளன என்பதற்குச் சான்று அளிக்கப்படுகிறது. மேலும் கூடுதல் பொறுப்புக் கோரும் குற்ற வழக்குத் தொடர்வுத்துறை அலுவலர் சம்பந்தித்த முறையான பதவி பணி மற்றும் கூடுதல் பொறுப்பு பணி குறித்த பொதுவான நாட்குறிப்பு நகல் கூர்ந்து ஆய்வு செய்யப்பட்டு சரியாக உள்ளது என்பதற்கும் அந்த நாட்குறிப்பு, பிரிவு அலுவலகத்தில் நிறுத்திக் கொள்ளப்பட்டுள்ளது என்பதற்கும் (retained in unit office) சான்று அளிக்கப்படுகிறது.”

கைபொப்பம்

இதனைக் கூடுதல் பொறுப்புக் கோரும் கருத்துருவின் முகப்புக் கடிதத்தில் (Covering letter) அளிக்கவேண்டும்.

- எ) மேலும் அனைத்து துணை / உதவி இயக்குநர்கள், கூடுதல் பொறுப்பு பணி ஊதியம் வழங்கக்கோரும் குற்ற வழக்குத் தொடர்வுத்துறை அலுவலர்களின் விண்ணப்பங்களை இயக்ககத்திற்கு அனுப்பும்போது, உரிய சரிபார்க்கும் மட்டியலுடன் ஒப்பிட்டு, மனுக்களை நன்கு பரிசீலித்து, அனைத்து ஆவணங்களும் / விவரங்களும் இருப்பதை உறுதிப்படுத்திக் கொள்ள வேண்டும்.
- ஐ) மேற்குறிப்பிட்ட குறிப்பானையை ஒரு வழிகாட்டி நெறிமுறையாக மட்டும் (guiding principles) எடுத்துக்கொள்ள வேண்டும். இப்பொருள் சம்மந்தப்பட்ட ஒவ்வொரு நேர்வையும் தனித்தனியாகப் பரிசீலனை செய்யும்போது, தேவையென கோரும் பிற விவரங்கள் / ஆவணங்களையும் சம்மந்தப்பட்ட அலுவலர்களிடமிருந்து பெற்று அளிக்க வேண்டும்.

02) மேற்கூறியிட்ட அறிவுரைகளை நகல் எடுத்து, அனைத்து சட்ட அலுவலர்களுக்கும் நகவல் அறிந்து கொள்வதற்காக வழங்கும்படி, குற்ற வழக்கு தொடர்வதுறை அனைத்து நுணை / உதவி இயக்குநர்கள் கேட்டுக் கொள்ளப்படுகிறார்கள்.

03) இந்தச் சுற்றுக் குறிப்பாணையைப் பெற்றுக் கொண்டதற்கான ஒப்புக்கையினை உடனே இயக்ககத்திற்கு அனுப்பிவைத்தல் வேண்டும்.

இயக்குநர் (பொ)

பெறுநர்

அனைத்து நுணை இயக்குநர்கள் /
அனைத்து உதவி இயக்குநர்கள்

நகல் : இயக்கக ஆணைப்பத்திரம்
நகல் : கோப்புக்கு / இருப்புக் கோப்பு / கூடுதல் நகல்.

CHECK LIST FOR ADDL. CHARGE ALLOWANCE PROPOSAL

Particulars required for sanctioning of additional charge

Sl. No.	Particulars	Whether attached or not (Yes / No or Reason)
1.	Application of the individual	
2.	Form 49 duly filled and signed by the individual and counter signed with concerned DDP / ADP	
3.	Copy of CTC taking over (In CTC, name of the Court or office and date of taken over should be clearly mentioned)	
4.	Copy of Proceeding taking over	
5.	Copy of CTC handing over (In CTC, name of the Court or office and date of handed over should be clearly mentioned)	
6.	Copy of Proceeding handing over	
7.	Diary Certificate given by Concerned Asst / Jr. Asst.	
8.	Diary Certificate given by Concerned DDP / ADP	

9.	Diary Certificate given by Concerned Addl. PP / APP	
10.	Total numbers of witness examined (both regular and additional charge post) with counter signed by DDP / ADP	
11.	Total numbers of draft charge sheet furnished (both regular and additional charge post) with counter signed by DDP / ADP	
12.	Total numbers of Legal opinion (both regular and additional charge post) with counter signed by DDP / ADP	
13.	Certificate of DDP / ADP concerned to the effect that the total numbers of witnesses, draft charge sheet, legal opinion, and the period to be verified with relevant record and found correct.	
14.	Certificate regarding, M.L., U.E.L. other than C.L. by the DDP / ADP	
15.	Certificate for "Not claimed before" by the DDP / ADP	
16.	Reason for belated (if necessary)	



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ABSTRACT

Public Services - Prosecuting Staff - Grant of advance increments to prosecuting Staff possessing P.G. Degree in Law and P.G. Degree in Criminology - Orders - Issued.

HOME (COURTS - VI) DEPARTMENT

G.O.Ms.No. 289

Dated : 24.02.1995

Read again :

- 1) G.O.Ms.No. 80, Home, dated 24.4.79
- 2) G.O.Ms.No. 3125 Home, dated 15.12.1982.

Read also :

- 1) From the Collector of North Arcot Ambedkar District, Vellore
Lr. L. Dis. 8525/90 (C3) dated 3.3.90.
- 2) From the Collector of South Arcot Cuddalore
Letter L. Dis. C1/18974/93 dated 11.2.93.
- 3) From the Director of Public Health and Preventive Medicine
Madras Lr.L.Dis.No. 153340/E1/93/S2(1) dated 20.10.93

ORDER :

In the Government Orders read above, the Government sanctioned two advance increments to the persons in the Law Department in Secretariat and the Judicial Officers respectively possesses post Graduate qualification in Law whereas the required qualification is B.L.

degree only. Representations have been received by the Government, with a request that in the case of Assistant Public Prosecutors also minimum prescribed qualification is only a B.L. degree and such of those Assistant Public Prosecutors who possesses degree in Law or its equivalent and M.A. degree in criminology and Forensic Science may also be sanctioned advance increments for possessing such higher qualifications.

2. The minimum prescribed qualification for the post of Assistant Public Prosecutor is only a B.L. degree. Acquisition of post graduate qualification will be conducive for the effective conduct of prosecution and that the degree of Criminology and Forensic Science will also be useful for Assistant Public Prosecutors. Inasmuch as the staff of Law Department and Judicial Officers are allowed this concession, the Assistant Director's of Prosecution, Assistant Public Prosecutors, Grade-I and Assistant Public Prosecutors, Grade-II have Post Graduate degree in Law and Post Graduate Degree in Criminology may also be allowed the benefit by way of encouragement and effectiveness. The Government direct that the Assistant Director of Prosecution, Assistant Public Prosecutors, Grade-I and Grade-II who possess Post Graduate degree in Law and Post graduate degree in Criminology be granted two advance increments with effect from the date of this order.

3. The advance increments can be sanctioned only once and are not admissible after a stage of promotion from a post, pay in respect of which has already been fixed, taking into account the advance increments also. That is, the advance increments are not admissible for each stage of promotion without restriction.

4. This order issues with the concurrence of the Finance Department vide its U.O.No. 3817/FS/P/94 dated 11.8.94.

(BY ORDER OF THE GOVERNOR)

P.V. RAJARAMAN
Secretary to Government.

To

All Assistant Directors of Prosecution.

All Assistant Public Prosecutors Grade-I (Admin)

The Director General of Police, Madras-4.

The Commissioner of Police, Madras-8.

The Director of Vigilance and Anti-Corruption, Madras-6.

The Director of Public Health and Preventive Medicine, Madras-6.

The Accountant General, Madras-18.

Copy to :

The P & AR Department, Madras-9.

The Finance Department, Madras-9.

The Secretary to Chief Minister, Madras-9.

The Senior P.A. to M(L), Madras-9.

The Tamilnadu Prosecuting Officers Association, Madurai.

SF/SC.

(Sd) xxxxxx
Section Officer.



HOME DEPARTMENT
SECRETARIAT,
MADRAS - 600 009.

Letter No. 90207/Courts VI/92-21, Dated 30.05.1995

From,

Thiru. S. Ratnasabapathy,

Additional Secretary to Government.

To

The Director of Prosecution, Madras-3.

All Assistant Directors of Prosecution.

All Assistant Public Prosecutor Grade-I (Admn)

The Director General of Police, Madras-4.

The Commissioner of Police, Madras-8.

The Director of Vigilance and Anti-Corruption, Madras-6.

The Director of Public Health and Preventive Medicine, Madras-6.

The Accountant General, Madras-18.

Sir,

Sub : Public Services - Prosecuting Staff - Grant of Advance increments to Prosecuting Staff possessing P.G. Degree in Law or P.G. Degree in Criminology - Orders - Issued - Clarification - Issued.

Ref : 1. G.O.Ms.No. 289, Home, dated 24.2.1995.
2. From the Assistant Public Prosecutor Grade-II,-
XVI Metropolitan Magistrate Court, George Town
Madras - petition dated nil.

ந.க. எண். 0194/தவபொஇ/அ2/2013, நாள் 26.01.2013

சரிபார்ப்புப் பட்டியல் (Check List)

(சட்டம் / குற்றவியல் பாடங்களில், முதுநிலை பட்டப் படிப்பு தேர்ச்சி பெற்றதற்காக இரண்டு முன்னாள் உயர்வுகள் வழங்கக்கோரும் கருத்துருவடன் (சான்று ஒப்பம் இடப்பட்டு) அனுப்பவேண்டிய ஆவணங்கள் / விவரங்கள்.

- (அ) மனுதாரரின் மனு. (அசல்)
- (ஆ) சட்டம் / குற்றவியல் பாடங்களில் முதுநிலை படிப்புப் படிப்பதற்காக பிரிவு அதிகாரியிடம் அல்லது துறை தலைவரிடம் பெற்ற அனுமதி ஆணை.
- (இ) சட்டம் / குற்றவியல் பாடங்களில் முதுநிலை படிப்புப் படிக்கும் பக்கலைக் கழகம் அராசால் / பக்கலைக் கழக மாணிய குழுவால் அங்கீகரிக்கப்பட்டதற்கான சான்று.
- (ஈ) சட்டம் / குற்றவியல் பாடங்களில் முதுநிலை படிப்பில் சேர அனுமதித்து பக்கலைக் கழகம் அளித்த சான்று.
- (உ) சட்டம் / குற்றவியல் பாடங்களில் முதுநிலை மேற்படிப்பு மாணவர் என்பதற்காக பக்கலைக் கழகம் வழங்கிய அடையாள அட்டை.
- (ஊ) சட்டம் / குற்றவியல் பாடங்களில் முதுநிலை படிப்புக் கால ஆண்டுகள் மற்றும் எந்த கல்வி ஆண்டு முதல் எந்த கல்வி ஆண்டு வரை விவரம்.
- (எ) சட்டம் / குற்றவியல் பாடங்களில் முதுநிலை படிப்பு ஒவ்வொரு ஆண்டிற்குமான பாடத் திட்டம் (Syllabus for each year).
- (ஏ) சட்டம் / குற்றவியல் பாடங்களில் முதுநிலை மேற்படிப்பு, முதலாம் ஆண்டு தேர்வு எழுதி பெற்ற மதிப்பெண் பட்டியல்.
- (ஐ) சட்டம் / குற்றவியல் பாடங்களில் முதுநிலை சட்ட மேற்படிப்பு இரண்டாம் ஆண்டு தேர்வு எழுதி பெற்ற மதிப்பெண் பட்டியல்.
- (ஓ) தேர்வு கால அட்டவணை (Examination Time Table).
- (ஔ) தேர்வு அறைக்கு செல்ல அனுமதிக்கும் அறைசீட்டு (Hall Ticket).

குற்ற வழக்குத் தொடர்வுத் துறை

ந.க. எண். 2411/குலதொஇ/அ4/2013,

நாள் 15.05.2013

இயக்கக ஆணை எண். 81/2013

குற்ற வழக்குத் தொடர்வு இயக்ககம்,

தமிழ்நாடு குடிசை மாற்று வாரிய வளாகம் 2வது மாடி,
எண். 5, காபராஜர் சாலை, சென்னை - 600 005.

சுற்றுக் குறிப்பாணை

பார்வை : அரசு ஆணை பல்வகை எண். 200, பணியாளர் மற்றும் நிர்வாகச்
சீர்திருத்தத்(அ) துறை, நாள் 19.04.1996.

பார்வையில் காணும் அரசாணையில், தொலைதூர கல்வி / மாலை நேரக் கல்லூரி முறையில் சேர்ந்து மேற்படிப்பு பயில விரும்பும் அரசு அலுவலர்கள், அவர்களது அரசுப் பணிகளுக்கு எவ்வித இடையூறு இல்லாமல் படிப்பதற்கு அந்தந்தப் பிரிவு அலுவலக தலைவர்களும் (Head of offices) அனுமதி வழங்குவதற்கு அதிகாரம் அளிக்கப்பட்டுள்ளது. அந்த அரசாணை நகல் இத்துடன் அனுப்பப்படுகிறது.

2) எனவே மேற்கண்ட அரசாணைப்படி, தொலைதூர கல்வி / மாலை நேரக் கல்லூரி முறையில் சேர்ந்து மேற்படிப்பு பயில விரும்பும் அரசு அலுவலர்களுக்கு, அரசு விதித்துள்ள நிபந்தனைகளுக்கு உட்பட்டு, உரிய அனுமதியை, அந்தந்தப் பிரிவு அலுவலகத் தலைவர்கள் வழங்கலாம் என்பது தெரிவிக்கப்படுகிறது.

3) மேலும், மேற்படி முறையில் சேர்ந்து கல்வி பயிலுவதற்காக அலுவலக தலைவரால் வழங்கப்படும் அனுமதி குறித்து, தொடர்புடைய அரசு அலுவலரின் பணிப்பதிவேட்டில் உரிய பதிவு மேற்கொள்ளப்பட வேண்டும்.

4) இந்தச் சுற்றுக் குறிப்பாணை மற்றும் அரசாணை நகல் ஆகியவற்றினைப் பெற்றுக் கொண்டமைக்கான ஒப்புகையினை இயக்ககத்திற்கு மறுதபாலில் அனுப்பிவைத்தல் வேண்டும்.

இணைப்பு : அரசாணை நகல்.

கையொப்பம்

இயக்குநர் (பொ)

செய்தல்

அமைந்து குற்ற வழக்குத் தொடர்வு துணை இயக்குநர்கள் மற்றும்
உதவி இயக்குநர்கள் (இணைப்புடன்)

- நகல் : இயக்குநரின் நேர்முக உதவியாளர்
- நகல் : இயக்குநர் ஆணையத்தரன்
- நகல் : இயக்குநர் கோப்பு / கோப்பு



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ABSTRACT

Tamil Nadu Government Servants Conduct Rules, 1973 - Prescribing additional format to apply for grant/renewal of Passport - Instruction issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (A) DEPARTMENT

G.O.(Ms) No 7:

Dated: 02.07.2015

திக. எ. 2015-17.

பின்புலக் கட்டளை @ 20-16.

READ:

1. G.O (Ms).No.117, Personnel and Administrative Reforms (A) Department, dated 13.11.2014.
2. From the Joint Secretary (PSP) & Chief Passport Officer, Ministry of External Affairs, CPV Division, Government of India, New Delhi. Letter No.VI/401/01/05/2014, dated 26.05.2015.

ORDER:

As per rule 24 A of the Tamil Nadu Government Servants Conduct Rules, 1973 obtaining Identity Certificate and No Objection Certificate is necessary for the Government Servants to apply for grant/renewal of Passport.

2. In the letter second read above, Ministry of External Affairs, Government of India, in tune with the Government's objective of 'Minimum Government, Maximum Governance' and in order to simplify the procedure for issuance of Passport to Government Servants, Public Sector Undertakings/Autonomous body employees etc., who find it difficult to obtain Identity Certificate/ No objection Certificate from their department, have now decided to introduce a new feature which is termed as '**Prior Intimation**' letter to the Authority concerned by the Government Servants before submission of a Passport application.

3. As foreign travel has become very common and economically viable, more and more Government Servants are frequently travelling abroad either as tourists or to see their near and dear ones. Consequently, a large number of proposals to issue Identity Certificate and No Objection Certificate to apply for grant/renewal of Passport are received by the Government. Based on the instructions issued by the Government of

P.T.O.

India in the letter second read above, the Government have therefore now decided to introduce a new procedure which is termed as **Prior Intimation** to be submitted by all Government Servants while applying for grant/renewal of Passport in the format annexed with this order.

4. After submission of Passport application by the Government Servant, a copy of the Prior Intimation Letter shall be sent to the Authority concerned under which the Government Servant is working. In case to the Government Servant, they shall revert back to concerned Regional Passport Office mentioning the details of such objection.

5. Necessary amendment to rule 24-A of the Tamil Nadu Government Servants Conduct Rules, 1973 will be issued separately.

(BY ORDER OF THE GOVERNOR)

P.W.C. DAVIDAR
PRINCIPAL SECRETARY TO GOVERNMENT.

To

- All Secretaries to Government, Chennai-9.
- All Departments of Secretariat, Chennai-9.
- All Heads of the Department including District Collector / District Judges / District Magistrates.
- The Secretary, Tamil Nadu Public Service Commission, Chennai-3.
- The Registrar General, High Court of Madras, Chennai-104.
- The Registrar, Madurai Bench of Madras High Court, Madurai.
- The Personnel and Administrative Reforms (AR-II) Department, Chennai-9.
(to publish in the Internet)

Copy to:

- The Private Secretary to the Chief Secretary to Government, Chennai-9.
 - The Private Secretary to Principal Secretary to Government,
Personnel and Administrative Reforms Department, Chennai-9.
 - The Private Secretary to Principal Secretary to Government,
Personnel and Administrative Reforms (Training) Department, Chennai-9.
 - The Public (Special-A / Special-B) Department, Chennai-9.
 - The Public (SC) Department, Chennai-9.
 - All Sections/All Officers in Personnel and Administrative Reforms
Department, Chennai-9.
- SF/SC.

/Forwarded / By Order/

P. Kalaiselvi
Section Officer.
2015

ANNEXURE

Place

Date:

(To be addressed to the authority concerned with full postal address)

To

.....
.....

Tel.

Fax

Email

Subject: Prior intimation for submission of Passport application.

Sir/Madam,

I hereby give prior intimation that I am applying for an ordinary Passport to Regional Passport Office

2. This is for your kind information and record.

Yours faithfully,

Signature (.....

Name

Date of Birth

Designation

Name of Office where working

Address of Present office

Residential Address

//True Copy//

P. Leo Louis
Section Officer

10/2/15

No. 25016/17/2007-Legal Cell
 Government of India
 Ministry of Home Affairs,
 IS Division-II:Legal Cell

New Delhi, dated the 11th Feb, 2009

To

The Home Secretaries of all States/UTs,
 The DGPs and IGP's of all States/UTs.

Sub : Comprehensive guidelines regarding service of summons/notices/
 Judicial process on the persons residing abroad.

Sir,

Section 105 of Criminal Procedure Code (Cr.P.C.) provides for reciprocal arrangements to be made by Central Government with the foreign governments with regard to the service of summons / warrants/ judicial processes. MHA has entered into Mutual Legal Assistance Treaty/ Arrangements with 25 countries. In respect of other countries, the Ministry attempts to serve the judicial papers by giving an assurance of reciprocity. However, despite this Ministry's best efforts the summons and other judicial process get delayed for various reasons.

With a view to streamlining the procedure, MHA has examined the matter and comprehensive guidelines are enclosed covering various aspects of service of the summons/ Notices/ Judicial process on persons residing abroad.

You are requested to kindly have these comprehensive guidelines circulated amongst all courts/ all investigating officers under your jurisdiction for strict compliance.

Yours faithfully,

Sd/-

(Amar Chand)

Under Secy. To the Govt. of India

Encl : As above.

Copy to :

- i) M/o Law and Justice , Deptt. Of Legal Affairs, Shastri Bhawan, New Delhi
- ii) M/o External Affairs, CPV Division, Patiala House Annexe, Tilak Marg, New Delhi.
- iii) JS(PP), MHA, Lok Nayak Bhawan, Khan Market, New Delhi
- iv) JD(Policy), CBI, North Block, New Delhi
- v) Joint Director, IB, New Delhi.

No. 25016/17/2007-Legal Cell
Government of India
Ministry of Home Affairs

Subject: Comprehensive guidelines referred to in Letter No. 25016/17/2007-Legal Cell, dated _____ of Internal security Division, Ministry of Home Affairs regarding service of summons/notices/judicial process on persons residing abroad.

Section 105 of Criminal Procedure Code (CrPC) speaks of reciprocal arrangements to be made by Central Government with the Foreign Governments with regard to the service of summons/warrants/judicial processes. The Ministry of Home Affairs has entered into Mutual Legal Assistance Treaty/Agreements with 22 countries which provide for serving of documents. These countries are Switzerland, Turkey, United Kingdom, Canada, Kazakhstan, United Arab Emirates, Russia, Uzbekistan, Tajikistan, Ukraine, Mongolia, Thailand, France, Bahrain, South Korea, United States of America, Singapore, South Africa, Mauritius, Belarus, Spain and Kuwait. In other cases the ministry makes a request on the basis of assurance of reciprocity to the concerned foreign government through the mission / Embassy. The difference between the two categories of the countries is that the country having MLAT has obligation to consider serving the documents whereas the non-MLAT countries does not have any obligation to consider such a request.

Summons/notices/judicial processes issued by the Indian Courts.

2. The summons/warrants/judicial processes received by MHA are forwarded to the concerned Indian Missions/Embassies which in turn, takes up the matter with the designated authority in that country. In case of MLAT countries, the manner of communication is as laid down in MLAT and can be either directly between MHA and the Central Authority or can be through the diplomatic channel. The designated authority after considering the request directs its agency to serve the document on the concerned person and the report of the service, if any is also received through the same chain. This is broadly the system in majority of the countries. However, in some countries private companies/NGOs have also been entrusted with the service of judicial papers.

3. Based on the experience gained, some guidelines are given below which may be followed while making a request to MHA for service of judicial processes. It may, however, be noted that it is the discretion of the requested country to serve the documents and any time frame for a positive response cannot be predicted.

a) All requests for service of summons/notices/judicial processes on persons residing abroad shall be addressed to the Under Secretary(Legal), IS-II Division, Ministry of Home Affairs, 9th Floor, Lok Nayak Bhawan, New Delhi- 110003. All requests shall be forwarded through post only with a covering letter from the Registrar/Court official giving the following information:

- a) Material facts of the criminal matter including purpose of the request and the nature of the assistance sought.
- b) The offences alleged to have been committed, a copy of the applicable laws and maximum penalties for these offence.

- c) Name, designation, telephone and fax number of the person/officer who will be able to give any clarification, if required.
 - d) The complete address of the issuing authority to which the judicial papers/service reports may be returned.
 - e) Approval of the competent authority to bear any expenditure, which they be charged by the foreign government/agency for the service of the documents.
 - f) Degree of confidentiality required and the reasons therefore(in case of confidentiality requirement).
 - g) Any time limit within which the request should be executed. This will be subject to allowance of sufficient margin of time by the requesting agency, as indicated in para 3(iv) of the guidelines
- b) MHA, on receipt of request, will examine it in view of the provisions of treaty, if exists, with the requested country and as per the provision of CrPC in case of non-treaty country.
 - c) India has a MLAT with Singapore and the Govt. of Singapore has prescribed a proforma which shall be completely filled and sent alongwith the request for service of judicial documents. The said proforma is at Annexure - 1 to these guidelines.
 - d) MHA requires at least a period of 12 weeks times for service of such notices in the concerned countries. It is, therefore imperative that a date of hearing/appearance may be decided accordingly.
 - e) In the case of non English speaking countries, the notices should be accompanied with the certified/authenticated translation(in duplicate) in the official language of the country where the notice is proposed to be served.
 - f) Name and address of the individual/organization should be complete in all respect and PO BOX no. and Passport no. will not suffice as address of the individual.
 - g) Ministry of Home Affairs responsibility to service the summons is only in Criminal Matters. Hence, summons in Criminal matters only may be sent to the Ministry for service abroad.
 - h) MHA does not undertake service of the non-bailable warrants of arrest. The service of non-bailable arrest warrents amounts to the extradition of the individual. The request for extradition are based on certain legal procedures contained in applicable treaties negotiated on the basis of the International Principle of Extradition. Such requests are to be forwarded to the Ministry of External Affairs, CPV Division, Patiala House Annexe, Tilak Marg, New Delhi - 110001.

(A) SUMMONS ISSUED BY THE FOREIGN COURTS/AUTHORITIES:-

- 4. The summons issued by the Foreign Courts/Authorities and received in MHA will be served by the State Police through CBI-Interpol. However, Indian Mission/MEA while forwarded such requests to MHA will ensure that:-
 - a) The summon is followed with a translated copy in the Indian language.
 - b) A reasonable time say 10 weeks is allowed after the summons are received in the Ministry of Home Affairs.
 - c) An Assurance of Reciprocity(AOR) is followed from the countries which insist for the same in respect of Indian Summons.

[Form for requests from prescribed foreign countries to Singapore for Assistance]
TO: The Central Authority in the Republic of Singapore
FROM: The Central Authority in India -Ministry of Home Affairs

**REQUESTS FOR MUTUAL LEGAL ASSISTANCE
IN A CRIMINAL MATTER**

Certificate on behalf of
The Central Authority in India- Ministry of Home Affairs
I, [name, appointment /position of person certifying] on behalf of the
Central Authority in India, Ministry of Home Affairs, who is responsible for [state
area of responsibility e.g. criminal prosecutions, investigations] in the
[requesting party] and who is also authorized to make requests for mutual legal
assistance in criminal matters (in the Ministry of Home Affairs - India) certify
that the Ministry of Home Affairs- India respectfully requests the assistance of
the Government of the Republic of Singapore in a [Criminal matters].

REQUEST

This request is made pursuant to the Agreement between the Govt. of
Republic of Singapore and the Govt. of India agreed on 29th June 2005
(hereinafter " The Agreement") concerning Mutual Legal Assistance in Criminal
matters.

NATURE OF REQUEST

This request relates to the [describe subject of criminal matter e.g. service
of summons/Notices/judicial processes issued by the Hon'ble Court _____
In Case number _____ u/s _____]. The authority having the conduct of the
criminal matter is [describe authority concerned with the criminal matter]

CRIMINAL OFFENCES / APPLICABLE LEGISLATION/PENALTIES

[Set out the offences alleged to have been contravened in relation to the criminal
matter as well as maximum penalties for these offences and attached copies of
applicable legislative provisions. State identity of suspect/ accused person if
known) e.g.

Offence u/s _____ of the Indian Penal Code/ Cr.PC (define the section)

Section _____ " _____ "
"Quote"

1State whether it is an investigation, prosecution or an ancillary criminal matter.
Criminal matter is defined in section 2 of Singapore Mutual Assistance in
Criminal Matters Act (Cap 1904). An electronic version of this is available at
<http://statutes.aga.gov.sg/>

STATEMENT OF FACTS

[DESCRIBE the material facts of the criminal matter including in particular, those necessary to establish circumstances connected to evidence sought in the Requesting Party and the relevance of Singapore evidence to the criminal matter in the Requesting Party. Such other information as is required where the requests relates to particular heads of assistance (e.g. location of persons, enforcement of confiscation order) should also be stated] e.g.

PURPOSE OF REQUEST

By this request it is intended to [state purpose which is intended to be achieved by the assistance sought to secure admissible evidence to be used in the trial of _____] e.g. serve a summons issued by the Hon'ble Court _____ in case no. _____ u/s _____ of the Indian Penal Code/ Cr.PC and to secure the presence of the accused before the said court on _____ (date and time)

MANDATORY ASSURANCE & UNDER TAKINGS

It is confirmed that this request:

- (a) does to the prosecution or punishments of a person for a criminal offence that is , or is by reason of the circumstances in which it alleged to have been committed or was committed, an offence of a political character.
- (b) is not made for the purpose of the prosecuting punishment or otherwise causing prejudice to the person on account of that persons race, religion, nationality or political opinions.
- (c) does not relates to the prosecution of a person for an offence in a case where the person has been convicted, acquitted or pardoned by a competent court or by other authority [Requesting party] i.e. of the Government of India in respect of that offence or of another offence constituted by the same act or omission as that offence.

The Central Authority in [Requesting Party] i.e. India – Ministry of Home Affairs further undertakes that:

- (a) that any of the evidence / thing obtained pursuant to this request will only be used for the purpose of the request in connection with [State particulars of criminal matters]; and e.g. Case No. _____ u/s _____ of the Indian Penal Code /CrPC; and
- (b) that should the Hon'ble Attorney General of the Republic of Singapore required the return of any evidence / thing obtained pursuant to this request, at the conclusion of [state particulars of criminal matters] for e.g. case no. _____ and of all consequential appeals, the evidence/ thing will be returned to the Honorable Attorney General of the Republic of Singapore.

ASSISTANCE REQUESTED

The Government of Republic of Singapore is requested to take such steps as are necessary to give effect to the following:
[describe particular type of assistance required] e.g.

To serve the summons issued by the Hon'ble Court of _____ in Case No. _____ u/s _____ of the Indian Penal Code/ Cr.PC on the accused Mr. _____ r/o _____.

4
EXECUTION OF REQUEST

Confidentiality

[State confidentiality requirements of the Requesting Party, if any] e.g.

There is no requirement of confidentiality in this matter.

Procedure to be followed

It is requested that the following procedures be observed in the execution of the request

- [State details of manner and form^s in which evidence is to be taken and transmitted to the requesting party, if relevant]
- [State any special requirements as to certification/ authentication of documents]
- [State if attendance by representative of the requesting party at examination of witnesses/ execution of request is required and, if so, the title of the post held by the proposed representative.

e.g.

The summon along with the copy of the complaint filed in the court may be served upon _____ and his signature on the duplicate copy of the summon may be taken as token of acknowledgment and forwarded to the Ministry of Home Affairs, Government of India, through diplomatic channel.

Period of Execution

It is requested that the request be executed within [State period giving reasons i.e. specify likely trial or hearing dates or any other dates/ reasons relevant to execution of requests] E.g. at least 10 days before i.e. (date) _____, which is the next date of hearing in the Court of _____

Signed by : _____
Name /Designation :
Office :
Date :

²please provide proforma or form of words as appropriate

SAMPLE NOTICE TO PERSON SERVED UNDER ARTICLE 14

TO

[State name and address of person to be served] e.g.
Mr. R Ravindran
93, Loyang View
Singapore 507188

The Central Authority in India – Ministry of Home Affairs [Requesting State] has made a request pursuant to the Agreement between the Government of Republic of Singapore (Requested State) and the Government of India (Requesting State) concerning Mutual Legal Assistance in Criminal Matters for the service of the attached process:

[describe process and documents, if any to be served] e.g.

Viz: to serve summons issued by the Ld. Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai in CC No.4700982/SS/2007 u/s 500 of the Indian Penal Code.

Please note that by serving the process on behalf of the Central Authority in India – Ministry of Home Affairs [Requesting State], the Government of Republic of Singapore [Requested State] takes no position with respect to the merits of any proceedings in the Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai in CC No. 4700982/SS/2007 u/s 500 of the Indian Penal Code in the [Requesting State].

Please review the attached process carefully for instruction and deadlines. If you have any questions about them you may wish to consult a lawyer. You may also contact [[the representative of the Requesting State] directly at [Phone number or other contact details] e.g. Mr. Jayant L Phoujdar, Advocate, Mumbai High Court directly at 022-66377902, 79037904.

However, if the process is a process other than a summons to appear as a witness under the law of the India [Requesting State], please note that [to be advised by the Requesting State of other possible consequences, if any under its law if the person refuses or fails to accept service or fails to comply with the terms of service of process]. E.g. warrant of arrest will be issued by the Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai, if the person refuses or fails to accept service or fails to comply with the terms of service of process.

(_____)

Central Authority of India – Ministry of Home Affairs.

Date:

F A X

From

Thiru A. Nagarajan, I.A.S.,
Special Commissioner and
Commissioner of Prohibition
and Excise,
Chopauk, Chennai-5.

To

Thiru P. Kalimuthu, I.P.S.,
Inspector General of Police (S&O)
O/e the Director General of
Police,
Government Estate,
Chennai-2.

Letter No. 51/ 6060/97-1 Dated: 4.3.97.

Sir,

Sub: PROHIBITION AND EXCISE - Anna District - Illicit
transport of rectified spirit - Seizure of rectified
spirit by the Police - Crime No. 254/97 filed by
the Sub-Inspector of Police, Thirukkashukumiran -
Classification of spirit.

Ref: 1. Letter No. No. 12773/97 V† Dated: 20.2.97
from the Assistant Commissioner, (Excise)
Kancheepuram.

...

In his letter cited, the Assistant
Commissioner, (Excise) Kancheepuram has stated that the Sub-
Inspector of Police, Thirukkashukumiran has seized 1320 litres
of rectified spirit illicitly transported without valid permit
and requested the Assistant Commissioner, (Excise) Kancheepuram
to take possession of the seized spirit and to allot the
same to the licensed users.

2. In this connection I invite attention
to the following Government orders and instructions issued
by this Office :

- 1) G.O. No. No. 106 Prohibition and Excise (VIII)
Department Dated: 25.10.94.
- 2) G.O. No. No. 107 Prohibition and Excise (VIII)
Department Dated: 25.10.94.
- 3) This Office letter No. 51/ 61312/93 Dated: 0.11.94.
- 4) This Office letter No. 51/ 6363/95 Dated: 22.11.95.

SAMPLE NOTICE TO PERSON SERVED UNDER ARTICLE 14

TO

[State name and address of person to be served] e.g.
Mr. R Ravindran
93, Loyang View
Singapore 507188

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[describe process and documents, if any to be served] e.g.

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Please note that by serving the process on behalf of the Central Authority in India – Ministry of Home Affairs [Requesting State], the Government of Republic of Singapore [Requested State] takes no position with respect to the merits of any proceedings in the Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai in CC No. 4700982/SS/2007 u/s 500 of the Indian Penal Code in the [Requesting State].

Please review the attached process carefully for instruction and deadlines. If you have any questions about them you may wish to consult a lawyer. You may also contact [(the representative of the Requesting State) directly at [Phone number or other contact details] e.g. Mr. Jayant L Phoujdar, Advocate, Mumbai High Court directly at 022-66377902, 79037904.

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(_____)

Central Authority of India – Ministry of Home Affairs.

Date:

M A M

From

Thiru A. Nagarajan, I.A.S.,
Special Commissioner and
Commissioner of Prohibition
and Excise,
Chopank, Chennai-5.

To

Thiru P. Kalimuthu, I.P.S.,
Inspector General of Police (I&O)
Q/o the Director General of
Police,
Government Estate,
Chennai-2.

Letter No. 51/ 5065/97-1 Dated: 4.3.97.

SIR,

Sub: PROHIBITION AND EXCISE - Anna District - Illicit
transport of rectified spirit - Seizure of rectified
spirit by the Police - Crime No. 254/97 filed by
the Sub-Inspector of Police, Thirukkashukundram -
Confiscation of spirit.

Ref: 1. Letter No. 12773/97 V† Dated: 20.2.97
from the Assistant Commissioner, (Excise)
Kancheepuram.

* * * * *

In his letter cited, the Assistant
Commissioner, (Excise) Kancheepuram has stated that the Sub-
Inspector of Police, Thirukkashukundram has seized 1320 litres
of rectified spirit illicitly transported without valid permits
and requested the Assistant Commissioner, (Excise) Kancheepuram
to take possession of the seized spirit and to allot the
same to the licensed users.

2. In this connection I invite attention
to the following Government orders and instructions issued
by this Office :

- 1) G.O. Ms. No. 106 Prohibition and Excise (VIII)
Department Dated: 25.10.94.
- 2) G.O. Ms. No. 107 Prohibition and Excise (VIII)
Department Dated: 25.10.94.
- 3) This Office letter No. 51/ 61812/93 Dated: 0.11.94.
- 4) This Office letter No. 51/ 43363/95 Dated: 22.11.95.

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3. As per the Government orders referred to 11/0, the Commissioner of Police Chennai, Madurai and Jambhatko, Deputy Commissioner of Police (Prohibition) in the Chennai-Zone, Zonal Superintendent of Police and Additional Superintendent of Police in the Prohibition Enforcement Wing have been empowered to seize and confiscate Rectified Spirit.

4. The disposal of the spirit seized arises only after handing over of seized spirit to the Assistant Commissioner, (Excise), only confiscated.

5. It is seen from the report cited, that the Police have requested the Assistant Commissioner, (Excise) Kancheepuram to take possession of, seized spirit without passing confiscation orders by the Police. The argument advanced by the Police for not passing confiscation order is that only the Zonal Superintendent of Police and Additional Superintendent of Police in the Prohibition Enforcement Wing were empowered to seize and confiscate rectified spirit and that as the Prohibition Enforcement Wing has been abolished, they cannot pass confiscation orders.

6. It was announced by the Hon'ble Chief Minister on the floor of the Legislative Assembly while replying to the discussions on the Demands relating to "Police" and State Excise on 26.8.96 that the Prohibition Enforcement Wing, and the Forest Cell, Criminal Investigation Department would be abolished and merged with the regular Police.

7. Consequent on the abolition of the Prohibition Enforcement Wing and merger with the regular Police, the regular Police have powers to seize and confiscate rectified spirit.

8. I therefore request you to issue suitable instructions to your subordinates to pass confiscation orders in the matter and then to hand over the

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seized spirit to the Assistant Commissioner (Excise) Kanchoopur.

9. I also request you to trace the source from where this quantity of rectified spirit was illicitly transported so that remedial measures can be taken by me.

Yours faithfully,


For Special Commissioner and
Commissioner of Prohibition and Excise.

Copy to the Collector Anna District
at Kanchoopur.

Lr.No. 41/61012/93 dated 8-11-1994

16 NOV 1994

To
The Collectors of all the Districts (with ...)

(P43-450 to be copied & sent)

Sir/Sadam,

2/11/94

Sub: PROHIBITION AND TAXES - Rectified spirit - seizure and confiscation by the Police - Tamil Nadu Disposal of Articles (Confiscated under the Tamil Nadu Prohibition Act, 1937) Rules, 1979 - Amendment Rule 3 - ordered - certain instructions regarding the disposal of seized Rectified spirit - issued.

Ref: 1: P.O.No. 106, P&E (VIII) Vent. dt. 25.10.94.

2. G.O.No. 107, P&E (VIII) Vent. dt. 25.10.94.

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1. send herewith copies of the refs. cited.

2. In their orders first cited, the Govt.

have issued orders empowering the Commissioners of Police, Madras, Madurai and Coimbatore, Deputy Commissioner of Police (Prohibition) in the Madras Zone, Zonal Superintendents of Police and Additional Superintendents of Police in the Prohibition Enforcement Wing to exercise the powers under sub-section (3) and sub-section (7) of Section 32-A of the Tamil Nadu Prohibition Act, 1937.

Powers of seizure & confiscation

2

3. Further, in ...

the Govt. have issued an amendment to the Tamil Nadu Disposal of Articles (Confiscated under the TN Prohibition Act, 1937) Rules, 1979 by adding a new entry 'Rectified Spirit' entry 3 in sub-section (3) of the said rules. According to the

the competent authority adjudging the confiscation of Rectified Spirit shall hand over the same to the Assistant Commissioner (Excise) concerned. The Assistant Commissioner (Excise) shall sell the Rectified Spirit to the licensees under the Tamil Nadu Rectified Spirit Act, 1959 in auction, provided it is certified by the Director, Tamil Nadu Forensic Sciences Department that such spirit is fit for use. If such Rectified Spirit is unfit for use as so certified by the Director, FSD or if there is no such licensee to purchase such Rectified Spirit even after auction for not less than three times, such Rectified spirit shall be destroyed by the Assistant Commissioner (Excise) in the presence of not less than two independent witnesses.

4. Therefore, in pursuance of these orders, the Police Department officials who have been empowered in the G.O. first cited, would, hereafter, seize and confiscate Rectified Spirit imported, exported, transported or transited without obtaining the licence or permit as required under the provisions of the Act or for non-compliance of any of the terms of any rule, notification, order, licence or permit issued thereunder. Upon confiscation, the confiscating authority would hand over the seized Rectified Spirit to the Assistant Commissioner of the District concerned. Thereafter, the seized Rectified Spirit has to be disposed of in the manner laid down in the G.O. second cited.

5. In this connection, the following guidelines are issued:

- i) Immediately after the receipt of the confiscated Rectified Spirit from the confiscating authority, the A.C.(Excise) shall arrange for keeping the same in proper custody, after ensuring the quantity of seized/confiscated spirit.
- ii) Samples of suitable size of Rectified Spirit should be sent to the Director, Tamil Nadu Forensic Science Dept., MDS with a request to analyse it and report whether the same is fit for use or unfit for use.
- iii) If the sample of seized spirit is found to be unfit for use, as certified by the FSD, MDS, the A.C.(Excise) shall straightaway arrange for the destruction of the seized spirit in the presence of two independent witnesses and send a report of compliance to the confiscating authority and the C.P.S.
- iv) If the analysis reveals that the seized R.S. is fit for use, then the A.C.(Excise) shall follow the procedure indicated below:
 - a) The A.C.(Excise) shall draw up the major R.L. licence (List of such licences enclosed for ready reference) by RPAD to participate in an auction to be conducted for the purpose of selling the Rectified spirit.
 - b) The A.C.(Excise) shall conduct the auction in the usual manner, after

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giving sufficient time to the licensee,

- e) If any licensee is coming forward to purchase the seized R.S. in the auction, the same shall be sold to the licensee, after collecting the entire sale proceeds in advance.
- d) While selling the R.S. to the licensee, the A.C. (Excise) shall verify the original R.L. licence and fly leaf and make an endorsement in the fly leaf to the effect of sale of R.S. Such endorsement should be duly attested by the A.C. (Excise) himself.
- e) The A.C. (Excise) shall ensure that the seized spirit is sold only to the valid R.L. licence holders, and not otherwise.
- f) The A.C. (Excise) shall ensure that the concessional limits indicated in the R.L. licence are not exceeded, by way of sale of the seized spirit. For this purpose, the A.C. (Excise) shall ensure whether the licensee participate in the auction are eligible for the purchase of such quantity of R.S.
- g) Immediately after the sale proceeds are collected, the entire amount should be remitted to Govt. account without any delay.
- h) For the transport of R.S. from the o/o the A.C. (Excise) to the licensed premises of the licensee to whom the seized R.S. is to be sold, the A.C. (Excise) shall issue a transport permit prescribed in the T.N.R.O. Rules, 1959.

I however, the first auction did not bring in

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any R.L. license, the A.C. (Excise) shall repeat the same exercise for the second and third time. On each occasion, the A.C. has to address all the R.L. licensees, whose annual quantity exceeds 10000 litres by means of Registered Trenchal to ensure that the notification reaches all the licensees.

j) In case, there is no licensee coming forward to purchase the seized spirit on all these occasions, the A.C. (Excise) shall destroy the seized R.S. in the presence of two independent witnesses. After doing so, the A.C. (Excise) shall send a report to the confiscating authority and the C.P.N.

Most important of all, urgent action is required to be taken by the A.C. (Excise) so that the entire exercise, i.e. right receipt of seized R.S. from confiscating officials to the date of completion is completed within a maximum time limit of 45 (forty five) days.

6. I request you kindly kindly to instruct the A.C. (Excise) to scrupulously follow these guidelines in the matter of disposal of confiscated Rectified Spirit.

7. The receipt of this letter should be acknowledged immediately.

Yours faithfully,

2/11/94

o/a
2/11/94

8/11
C.P.N.

14 NOV 1994

Secy. to Govt., P&S (VIII) Dept., FBO, MDS-9.
I.O. of Police (REV), Madras-4.
Director, TNPS Lab., Madras-4.
Stock file.

DEPARTMENT OF PROHIBITION AND EXCISE, MADRAS-5.

SERVICE MATTERS

1. Prosecuting Department was first created in 10 districts and Asst. Public Prosecutors were recruited from the BAR by replacing Prosecuting Inspectors in the year 1939. Subsequently the scheme of recruiting APP's from the Bar was made absolute. [G.O.M.S. 2336 Home Dept. Dated 18.9.43]
2. ANDHRA PRADESH was formed as a separate state after that two separate units for APP's were existed, one in Madras City and the other in Madurai. These two units were integrated into one unit. Amendments to special Rules for Tamil Nadu General Service were made in the year 1984. According to amendments 5 years active practice as Advocate is necessary for APP's appointment. State was made as a unit for Transfer. [G.O.M.S. 2603 Home Department dated (7.11.84)]
3. The APP II in the Districts were raised to the Gazetted rank and amendments were issued to that effect [G.O.M.S. 2266 Home (Courts VI) Dept. 27.10.83]
4. Guidelines for appointment and Transfer of APP I and APP Gr II were issued. Appointments for both categories should be made after obtaining orders from Minister for Law. Transfer of GR I and II from one District to another can be done after obtaining orders from Minister for Law. Transfer within the District shall be made after obtaining orders from secretary Home. Transfer and postings of APP GR I & II to other departments shall be made after obtaining orders from Minister for Law [G.O.M.S. 77 HOME (services E) Dept. Dated 11.1.90]
5. The duty of Law officer is to safeguard the interest of Govt. in Court cases and so strict attendance of Law offices without deputing junior is necessary [G.O.M.S. 508 Home (Courts IV) Dept. 4.3.85]
6. Requisitioning the services of APP's by other Department Heads - Procedure for addressing APP I of the District direct without sending thro collector was ordered [G.O.M.S. 2357 Home (Courts VI) Dept. 13.9.82]
7. Assistant Public Prosecutor, Gr I in the District should attend the monthly crime meeting conducted by Superintendent of Police [G.O.M.S. 1646 Home Dept. 10.9.75]
8. The office of APP I is to be inspected by APP I of the district and the maintenance of files and Registers are prescribed.

FILES:

1. Diary File, 2. Opinion File, 3. Chargesheet File, 4. Withdrawal File, 5. Miscellaneous File, 6. Stock File, (i) Administration, (ii) Legal, 7. Monthly Statement of cases conducted with reasons for acquittal, 8. Annual Statements of cases.

REGISTERS:

1. Personal Register, 2. Property Register, (i) Furniture, (ii) Library Books, 3. Stationery Register, 4. Despatch Register, 5. Stamp account, 6. Register showing cases conducted with result [G.O.M.S. 491 Home (Courts VI) Dept. 3.3.81]
9. Questionnaire for the inspection of offices of APP II by APP I was prescribed [G.O. 2937 Home Dept. 10.1.71]
10. Opinion and Chargesheets given by APP Gr II's are essential and if Police Officer is not agreeing with that opinion or chargesheet, he has to get further opinion from APP I of the district [Letter No. 75492/Courts VI/83-9 Dated 17.2.84]
11. Magistrate Courts - Notice on bail application should be given to APP concerned. [Letter No. 600 Home Department 13.3.85]
12. Filing of Charge sheets by Police. scrutiny by APP's before filing is necessary if the offences are triable by first class Magistrate [G.O.M.S. 1175 Home (Courts VI) Dept. 5.6.84]
13. Criminal Cases - Drafting of charge sheets in Primarily Registered cases should be done only by APP I and the same to be approved by Public Prosecutor [G.O. Rt 3700 Home Dept. 5.11.75]
14. The cases investigated by the CBCID police should be prosecuted only by APP Gr I [G.O. 2D 147 Home (Services E) Dept. Dt. 16.12.91]
15. Criminal Justice - Withdrawal of Prosecution - Empowering Superintendent of Police to withdraw minor cases of simple nature. Govt. directed SP to request APP to withdraw Prosecution in minor cases [G.O. 938 Home Dept. Dated 24.3.60]
16. Time Limit has been prescribed by Govt. for sending proposals for appeals against acquittal and for enhancement. APP's should apply for copy of the judgement on the date of judgement or next day. 7 days time is prescribed for sending proposal. [Letter No. 110964/Courts 8/83-4 Dt. 18.2.84]
17. Periodical reports in Personal files shall be half yearly for Probationer and Annual for approved Probationer and (all inmates). Personal files should be shown to concerned officer and acknowledgements to be obtained. Adverse entries

- should be communicated to the concerned officer and separate acknowledgement is necessary. No appeal lies against the unfavourable remarks but the officer can make representation to the officer empowered to serialize the Personal File. Time Limit is 3 months from the date of communication. [G.O.M.S. 2033 Public (Services) Dept. 3.9.70]
18. APP Gr I in the morfall is delegated with some powers. They can sanction temporary G.P.F. advance, periodical increments and Medical Leave, Earned Leave in the period of 30 days to APP II. They can also sanction 50% part final withdrawal of G.P.F. for APP II [G.O.M.S. 896 Home (Courts VI) Dept. 9.5.83]
 19. Improvement of efficiency in Govt. administration - collectors of the District can continue to inspect the office of APP I but they need not send their reports to Govt. [Memorandum 20091/Courts VI/76-3 Dt. 8.12.76]
 20. Provisional combined seniority list of APP I & II in Madras and District was issued. [Letter No. 15560/Courts VI/86-6 Dt. 4.8.86]
 21. Govt. servants - Interview with Ministers - He can meet the Minister without obtaining prior permission of Head of Department. However he should submit in writing the Head of Department thro' proper channel the details of discussion he had with the Minister - Failure to do so will entail disciplinary action [G.O.M.S. 9 P and A.R. (Per. A) Dept. 2.1.85]
 22. That the Police should see that the case diaries reach the concerned APP atleast a day before the first hearing of the case. APP should avoid asking for adjournments. That the collectors should arrange for quarterly meetings of APP's and Police officers of and above the rank of Circle Inspectors where the problems of APP's and Police Department could be periodically reviewed. [G.O.M.S. 259 Home Dept. Dated 23.9.1985]

CLASSIFICATION OF GOVERNMENT SERVANTS

(P.R. 9.A and G.O.Ms. 253 Personnel and Administrative Reforms (Per. S) Department Dt. 24.5.90)

GROUP A : Employees in the posts on the scale of pay, the minimum of which is Rs. 3,000/- and above.

GROUP B : Employees in the posts on the pay scales the minimum of which is Rs. 1,640/- and above but below Rs. 3,000/-

GROUP C : Employees in the pay scale the minimum of which is Rs. 775/- and above but below Rs. 1,640/-

GROUP D : Employees in the posts on the pay scales the minimum of which is below Rs. 775/-

AGE

The maximum age limit for direct recruit to all posts under Govt. of Tamilnadu has been raised to 30 years. The existing concession of 5 years in respect of BCSCST shall continue [G.O.Ms. 112 P & A.R. Dept. 27.2.89]

REGULARISATION

1. According to Rule 23(a) of the TamilNadu State and Subordinate Service Rules, regularisation can be done from the date of first appointment as determined by the appointing authority.
2. Regularisation could be done only by the appointing authorities unless the powers are delegated to the subordinate authorities.

PROBATION

1. A person on his appointment should under go the prescribed period of probation.
2. The date of commencement of probation shall not be earlier than the date of the commencement of probation of the junior person already in service [G.O.Ms. No. 429 P & A.R. Dept. Dt. 17.4.86]
3. The person for whom probation is commenced should be fully qualified to hold the post [G.O. (ibid)]
4. A probationer, who has already passed any of the prescribed test before commencement of probation, need not pass the same again during probation Rule: 15 of Per. II of TamilNadu Service Manual. Vol. I
5. As far as possible a probationer should not be deputed on Foreign Service. Deputation should be resorted to only in exceptional cases. [G.O.Ms. No. 94 P & AR Dept. Dt. 3.2.82]
6. A person, who has completed Probation, need not undergo probation in the same service if he is promoted [G.O.Ms. No. 1171 Public Service Dt. 12.4.71]
7. A member in one service who has already undergone probation in that category of service if promoted to another service, he should undergo a specified period of probation.

CONDONATION OF BREAK IN SERVICE

As per the provision to Note 1 of F.R.26(a) the interruptions in officiating service may be condoned by the Government subject to the following conditions:-

1. The break in service should have been caused by reasons beyond the control of the Government Servant concerned.
2. The services rendered preceeding the break should not be less than a year and
3. The break should not be more than of 6 months duration.

Further the break in service of an officiating Govt. Servant caused by his discharge under rule B(a) (iii) of the TamilNadu State and Subordinate Service Rules shall be condoned by the Government so as to enable him to count for increment the service prior to the break.

SERVICE REGISTERS (Annex. II Part III. FR.)

1. Service Registers should be opened for every Govt. Servant at his own cost. It should be kept in the safe custody of the Head of Office.
2. Service Registers should also be opened in respect of persons who are appointed under emergency provisions and are likely to be retained in service for over one year (Note 1 under Rule 2)
3. All the entries in the Service Register should be attested by the Head of Office.
4. The Employees may maintain a duplicate copy of the Service Register.
5. It is the right of an employee to verify the service register and ensure the correctness of its entries. (Rule 3)
6. Personal certificate of character should not be entered (Rule 4)
7. Copies of all orders regarding reduction, dismissal or suspension should be filled in the Service Register (Rule 5)
8. All Punishment including censures should be entered in the service book [G.O.Ms. N 1046 P & AR Dept. Dt. 9.10.84]
9. Entries regarding training undergone by the employees should be made in the service register [G.O.Ms. No. 38 P & AR Dept. Dt. 5.1.85]
10. The services of an employee on transfer should also be verified till the date of his relief.

ALTERATION OF DATE OF BIRTH

1. The entries in the Service Register, if found wrong, due to clerical error, may be rectified at any time [Govt. Memo No.30285/85-7 P & AR Dept. (Per. P) Dt. 27.10.89]
2. The change of date of birth subject to other conditions can be examined if applied for within five years which should be reckoned from the date of entry into service irrespective of the fact whether it is temporary or regular appointment [Govt. Lr. No. 71764/Per. S/8617 P & AR Dept. Dt. 21.11.84]
3. For this, the concurrence of the TamilNadu Public Service Commission is required [G.O.Ms. No. 898 P & AR Dept. Dt. 3.8.78]

CHANGE OF NATIVE PLACE

The native place of an employee shall be entered in the Service Book with reference to the place of birth or place of domicile as certified by the employee at the time of entry into service. Such entry shall not be altered later [G.O.Ms. No. 174 P & AR Dept. Dt. 19.2.85 and Govt. Lr. No. 18039/87-9 P & AR Dept. Dt. 4.5.88]

COMMUNITY

- a. A Government servant who desires to change his community shall do so within 5 years from the date of joining or within 5 years from the date of issue of executive instructions bringing the particular community as backward whichever is later [Govt. Lr. No. 54690/Per. M/592.2]
- b. Community once entered at the time of entry into service cannot be changed [Vide G.O.Ms. No. 125 P & AR Dept. Dt. 2.3.89]

- c. In respect of newly introduced classification of communities as BC/SC/ST, the employees who are in service at the time of reclassification should apply for the change of community declared as BC/SC/ST [Govt. Lr. No. 98540/Per. S/88-1 P & AR Dept. Dt. 12.12.88 and G.O.Ms. No. 125 P & AR Dept. Dt. 1.3.89]

If the name of community is already entered in the service book of the individual on reclassification, the authority competent to make entries in the service book of the Government Servants may revise the entries, as and when reclassification is notified by [Govt. Lr. No. 14671/Per. S/92-1 P & AR Dept. Dt. 17.3.92]

LAST PAY CERTIFICATES

- The pay of transferred employee may be paid till date of relief immediately [G.O.Rt.No. 1007 Finance Dt. 13.10.79]
- On transfer, the L.P.C. has to be prepared in duplicate in TNTC form 122 and one copy to be handed over to the Government Servant concerned and the other to be sent directly to the new office.
- Pay and allowance are to be drawn at the new office on the basis of L.P.C. produced by the Government Servant without waiting for the direct copy from the old office. The copy of L.P.C. surrendered by the Government Servant in original shall be attached with his first pay Bill [Ruling 5 under rule in Appendix 7 of TNTC Vol. II and G.O.Ms. No. 222 Finance T & T Dt. 21.3.83]
- The information regarding the date of joining of the incumbent in the new station is not necessary for issue of L.P.C. (Appendix 17 of TNTC Vol.I)

REVISION OF SENIORITY

Appeal against the seniority should be submitted within three years from the date of appointment to the category. This is not applicable to cases arising from mistake of facts [G.O.Ms. No. 1140 P & AR Dept. Dt. 2.12.83]

WOMEN GOVT. SERVANTS

Women Govt. Servants should not be retained in office after office hours or should not be required to come to office earlier before the commencement of office hours unless their services are required most essential in public interest [Govt. Lr. No. 64039/84-4 P & AR (Per. A) Dt. 13.8.84]

FILING OF SUITS REGARDING SERVICE MATTERS

No permission is necessary for a Govt. Servant to ~~express his grievances~~ express his grievances in service matters, through court [G.O.Ms. No. 1407 Public (Services) Dt. 7.9.83]

PERMISSION FOR PART TIME AND CORRESPONDENCE COURSE

- Govt. Servants should obtain prior permission of the Head of the Department concerned for joining a Part-time evening course conducted out of office hours. [G.O.Ms. No. 1341 Public (Services A) Dept. Dt. 27.8.83]
- Prior permission of the Head of the Dept. is necessary for joining correspondence course conducted various universities [G.O.Ms. No. 328 P & AR (Per. A) Dt. 9.4.83]

COGNIZABLE OFFENCE

Whenever a cognizable offence U/S 409 I.P.C. comes to light, the Heads of Depts. and other competent disciplinary authorities shall make complaints in the police before pursuing further action [G.O.Ms. No. 776 P & AR (Per. 1) Dt. 25.7.80]

OFFENCE COMMITTED DURING OFFICIAL DUTIES

According to section 197 of the Cr.P.C. when any person who is a public servant accused of any offence alleged to have been committed by him while discharging his official duty, no court shall take cognizance of such offence except with the

previous sanction of the Govt. No Permission of the Govt. or the Head of the Dept. is necessary for filing a suit against a Govt. Servant for his offence in his private capacity [Govt. Lr. 29828/83-3 P & AR (Per. A) Dt. 13.9.83]

PEONS

As a rule office assistant should not be made to work beyond 8.00 p.m. unless urgent work, which cannot be postponed to the next day has to be attended to [Govt. Memo No. 3755/68-2 Public (Services P) Dt. 15.4.69]

OFFICERS SHOULD AVOID CAMPS ON HOLIDAYS

When camps on Sundays and other holidays are held by superior officers, the subordinate officers could not attend to their personal work as their presence during those occasions becomes essential. Hence camps by officials necessitating the presence of subordinate officials on Sundays and other Govt. Holidays should not ordinarily be undertaken [Govt. Lr. No. 63878/83-2 P & AR (Per. A) Dt. 3.11.83]

RELIGIOUS AND FESTIVAL OCCASIONS :: PERMISSION TO LEAVE OFFICE EARLY OR ATTEND OFFICE LATE

The heads of offices are empowered to permit their employees concerned who have actually to perform religious ceremonies etc. to attend office late in the mornings or to leave office early in the evening as the case may be not more than 1 1/2 hours on the festival and religious occasions listed below, when application to that effect is made by the staff.

Hindus	Christians	Muslims
1. Amavasi	Monday Thursday	Ramzas Eve
2. Lunar Eclipse	Christmas Eve	Bakrid Eve
3. Solar Eclipse	The day preceding	
4. Anubhimoovar Festival, Mylapore	Easter	
5. The day preceding Deepavali		
6. Sri Ramanavami		

[G.O.Ms.No. 470 (General-M) Dt. 3rd March 1967]

CONSUMER LOANS

Availing of consumer loans through Private/Nationalised Banks/Financial/Commercial Institutions by Govt. Servants is banned. [Govt. Lr. 92440/Per. A/90-1 P & AR Dept. Dt. 1.11.90]

FOREIGN SERVICE

Foreign Service means service in which a Govt. Servant received substantive or officiating pay with the sanction of Govt. from any source other than the Consolidated Fund of the Union or of the State or of the Union Territory (F.R. 9(7)) Probationers should not be deputed on F.S.

Deputing probationers on F.S. should be avoided. If in exceptional and unavoidable circumstances probationers are sent either on deputation or on F.S. terms, the condition of the provision to General Rule 23(g) should be incorporated in the order of deputation itself [G.O.Ms. No. 94 P & AR (Per. M) Dt. 3.2.82]

The Parent Dept. can revert a Govt. Servant on F.S.

Whenever the service of particular individual on F.S. is required in the parent dept. even before the expiry of the period of deputation, the individual may be reverted [G.O.Ms. No. 1040 P & AR (FR II) Dt. 4.11.82]

Maximum period of deputation:

Ordinarily a Govt. Servant can continue on F.S. upto 3 years only. In unavoidable circumstances, he can be permitted to continue for the fourth year. [G.O.Ms. No. 461 P & AR (FR II) Dt. 16.4.80]

MEDICAL CONCESSION

(i) Eligible Wards in Govt. Hospitals

Monthly Income Class of Ward eligible

Rs. 499 and above - General Ward

Rs. 500 and upto 799 - 'C' class ward

Rs. 800 and upto 1999 - 'A' class ward

[G.O.Ms. 760 Health and Family Welfare Dept. 2.5.81]

(ii) Cost of Orthopaedic appliance purchase for the replacement of the existing one when it is certified by the Orthopaedic surgeon as essential shall be re-imbursed [G.O.Ms. 2544 H & FW Dept. 1.12.74]

(iii) Maternity cases where patients are discharged from Govt. Hospital on the 3rd or 5th day after delivery. Patients who had major operations. Patients treated for Orthopaedic diseases. Patients treated in Cardiology and Neurology Dept. in Govt. Hospitals are eligible for re-imbursment of the charges for the services of an ambulance van on production of certificate from the Medical officer [G.O.Ms. 142 H & FW Dept. 28.1.84]

(iv) Treatment in private hospital should not normally be resorted to by Govt. Servants. But where the patients required specialized treatment and in any case of emergency treatment if given in private hospital the claims for such treatment shall be forwarded through Director of Medical Education. The views of the Director of Medical Education/Director of Medical Services and Family welfare is final. [G.O.Ms. No. 1023 H & FW Dept. 17.6.80]

BENEFITS TO THE FAMILY IN THE EVENT OF DEATH

(i) Rs. 2000/- Advance for meeting the funeral expenses on death of employee will be paid to the family [G.O.Ms. 484 Finance 13.7.89]. The Head of Office may pay the amount from any money available with him and he need not wait for drawing from the Treasury. [G.O.Ms. 355 Finance (Per.) 8.2.78]

The advance paid will be adjusted against the lumpsum amount to be paid under Family Benefit Fund Scheme [G.O.Ms. 484 Finance (Per.) 13.7.88]

(ii) The body of the deceased employee while in service dies may be transported at the Govt. cost [G.O.Ms. 2630 Home 14.10.92].

If an employee dies outside TamilNadu the body may be transported by AIR to the nearest airport [G.O.Ms. 1010 Home 17.4.84]

(iii) The qualified dependent of the deceased employee is entitled for appointment to suitable post depending on his qualification [G.O. 225 Labour 12.5.72] and [G.O. 560 Labour 3.8.77]

If the dependents possesses professional qualifications like B.E., M.B.B.S., they will be referred to such departments where such posts are available [G.O.Ms. 119 Labour 20.5.81]

RESTRICTED HOLIDAYS

Two holidays will be allowed in a year to a Govt. Servant [G.O.Ms. No. BQ10 P & AR Dept. (FR 3) Dt. 25.3.88; Govt. Lr. No. 79205/FR III/91-2 P & AR Dept. (FR 3) Dt. 11.12.91]

Restricted holidays should be availed of by the Government Servants belonging to a particular religion for celebrating the particular festival pertaining to their religion only.

1. Chitra Pournami	2. Adi Perukku	3. Rig Upakama
4. Yajur Upakama	5. Gayatri Japam	6. Sri Jayanthi
7. Sama Upakama	8. Dharma Sankranti	9. Vaikunda Ekadasi
10. Karthikai Deepam	11. Aadi Perukku	12. Thai Poonam
13. Bhogi	14. Hijra New Year	15. Ganyasa of Moolam
16. Purnam Vadam	17. X-Mas Eve	18. All Souls Day
19. Monday Thursday	20. New Year Eve	21. Varalakshmi Vratam
22. Massi Magam	23. Sivarathri	24. Shabe Bharat
25. Kamayan 1st Day	26. Onam	27. Shabe Khader
28. Shabe Miraj	29. Sri Gurusankar Birthday	30. Aifa



Secretariat,
Chennai - 600 009.

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Health and Family Welfare Department

Letter No. 22715/IM-II-2/2010 Dated 15.6.2010

From
Thiru V.K. Subburaj, I.A.S.,
Principal Secretary to Government

To
The Director General of Police,
Chennai-600 005 (w.e.)

Madam,

Sub: Indian System of Medicine - Police action against the qualified Indian
Medicine Doctors - Regarding.

The Registered Siddha, Ayurveda and Unani Medicine Practitioners have represented to the Government that Police Department, in the course of the inspection against the Quacks who are doing medical practice, is inspecting the clinics run by the Registered Medical Practitioners in Siddha, Ayurveda and Unani and then arresting them as if they are practicing Allopathy System of Medicine. In this connection, I am to inform that the rights of the Practitioners of Indian System of Medicine (ISM) are protected under Section 17 (3) B of the Indian Medicine Central Council Act 1970. As per this section, the institutionally qualified practitioners of Ayurveda, Siddha, Unani Tibb are eligible to practise respective systems with Modern Scientific Medicine including Surgery and Gynecology Obstetrics, Anesthesiology, ENT, Ophthalmology etc. based on the training and teaching.

The Central Council of Indian Medicine Institution Area, Janakpuri, New Delhi has also issued Notification in F.No.28-5/2004-A7 (MMI) dated 19.5.2004 in exercise of the power conferred by 2(1) (e) of the Indian Medicine Central Council Act, 1970. A copy of the said Notification is enclosed herewith. In the said Notification, the word 'Modern Advances' and the rights of Practitioners of ISM have been clarified. As per this Notification, the institutionally qualified practitioners of Ayurveda, Siddha, Unani Tibb are eligible to practice respective Systems with modern Scientific medicine including Surgery and Gynecology Obstetrics, Anesthesiology, ENT, Ophthalmology etc. based on the training and teaching.

Under the above circumstances, the Institutionally qualified Practitioners of Ayurveda, Siddha and Unani who are registered in the Tamil Nadu Board of Indian Medicine, Chennai are eligible to practice in the respective system with Allopathy based on the training and teaching they had in the Course. But they cannot exclusively do the practice in Allopathy Medicine.

I am also to inform that the High Court of Madras in its order dated 5.1.2010 in W.P. No.22155 of 2009 and order dated 23.2.2010 in W.P.No.30259 of 2009 has directed to take action against the persons who are practicing medicine without any valid licence. The High Court of Madras in its order dated 7.4.2006 in M.P. No.10746 of 2006 and W.P. No.9648 of 2006 has granted interim Injunction restraining the Director General of Police from interfering with the professional practice of such of those members who hold valid Registration Certificate issued from the Tamil Nadu Siddha Medical Council.

I am therefore to request you to instruct the Police Officers in the Districts not to intervene with the Practice of Registered Practitioners of Siddha, Ayurveda, Unani and Naturopathy who are registered in the Tamil Nadu Siddha Medical Council and Tamil Nadu Board of Indian Medicine. If any of these ISM Doctors are exclusively doing practice in Allopathy Medicine, names of these Doctors may be intimated to the Council and the Government for taking action against them under the Tamil Nadu Siddha System of Medicine (Development and Registration of Practitioners) Act 1997 and Tamil Nadu Board of Indian Medicine Rules. The cases of the Doctors who are already under arrest may be reviewed with reference to the above clarification.

Yours faithfully,

[Signature]
for Principal Secretary to Government

Copy to:

The Principal Secretary to Govt.
Home Dept.
Chennai - 9. (w.e)

The Principal Secretary & Commissioner
Indian Medicine and Homoeopathy Dept.
Chennai - 9. (w.e)

✓ S. Copy

(112)

CENTRAL COUNCIL OF INDIAN MEDICINE
INSTITUTIONAL AREA, JANAKPURI
NEW DELHI 110058

Notification

P.No.28-S/2004-Ay.(MM)

Dated: 19.5.2004

In exercise of the power conferred by 2(1) (e) of the Indian Medicine Central Council Act, 1970 hereby Central Council of Indian Medicine notify that:-

The Indian Medicine Central Council Act, 1970 is very clear with regard to definition of Indian Systems of Medicine of which reads as follows:-

"Indian Medicine" means the system of Indian Medicine commonly known as Ayurveda, Siddha or Unani Tibb whether supplemented or not by such modern advances as the Central Council may declare by notification from time to time

21- The word "Modern Advances" the Council at its meeting held on 23rd March 2003 has passed the resolution and defined Indian Medicine as under:-

"This meeting of the Central Council hereby unanimously resolved that in clause (e) of Sub-section 2(1) of the IMCC Act, 1970, the word 'Modern Advances' be taken to mean the advances made in the various branches of Modern Scientific medicine in all the branches of internal medicine, surgery, gynaecology and obstetrics, anaesthesiology, diagnostic procedures and other technological innovation made from time to time and declare that the courses and curriculum conducted and recognized by the Central Council of Indian Medicine are supplemented with such modern advances."

It is further clarified that the rights of practitioners of Indian Systems of Medicine are protected under Indian Medicine Central Council Act, 1970 under section 27(3)(B) which states as under:-

Nothing contained in Sub-section (2) shall affect privileges (including the right to practice any system of medicine) conferred by or under any law relating to

registration of practitioners of Indian Medicine for the time being in force in any State or a practitioners of Indian Medicine enrolled on a State Register of Indian Medicine."

The Government of India from time and again have asked the Council to improve the syllabus by including subjects with regard to National Programmes like National Malaria eradication programme, TB, Leprosy, Family Welfare Programme, RCH Programme, Immunisation Programme, Aids, Cancer etc. and accordingly the Council has strengthened the Syllabus of all the system of Medicine.

The institutionally qualified practitioners of Ayurveda, Siddha, Unani Tibb are eligible to practice respective Systems with modern Scientific medicine including Surgery and Gynecology obstetrics, Anesthesiology, ENT, ophthalmology etc. based on the training and teaching.

(PR SHARMA)
SECRETARY

To

1. All the members of CCIM
2. Health Secretary of all State Governments
3. Directors of ISM of all States.
4. Registrars of all States, Boards/Councils.



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ABSTRACT

Indian System of Medicine – Notification of Ayurveda, Siddha, and Unani Tibb Registered Medical Practitioners as persons practicing the modern scientific system of medicine under the Drugs and Cosmetics Rules, 1945 – Orders – Issued.

HEALTH AND FAMILY WELFARE (IM 2 -2) DEPARTMENT

G.O. (Ms) No. 248

Dated : 08.09.2010
Thiruvalluvar Aandu 2041
Aavani 23

ORDER :

The following Notification will be published in the Tamil Nadu Government Gazettee.

NOTIFICATION.

WHEREAS, the rights of practitioners of Indian System of Medicine are protected under section 17(3) (b) of the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) ;

AND WHEREAS, as per section 2 (1) (e) of the said Act, "Indian Medicine" means the system of Indian Medicine commonly known as Ashtang Ayurveda, Siddha or Unani Tibb whether supplemented or not by such modern advances, as the Central Council of Indian Medicine may declare by notification from time to time ;

AND WHEREAS , the Central Council of Indian Medicine in its Notification F.No.28-5/2004-AY.(MM), dated the 19th May 2004, has clarified that the word "Modern Advances" in clause (e) of section 2 (1) of the said Act as advances made in the various branches of modern scientific medicine in all its branches of internal medicine , surgery, gynaecology and obstetrics , anesthesiology, diagnostic procedures and other technological innovation made from time to time and declare that the courses and curriculum conducted and recognized by the Central Council of Indian Medicine are supplemented with such modern advances ;

AND WHEREAS , the Central Council of Indian Medicine has improved and strengthened the syllabus of Indian Medicine by including subjects with regard to National Programmes like National Malaria Eradication programmes, Tuberculosis, Leprosy, Family Welfare Programme, Reproductive and Child Health Programme, Immunisation Programme, AIDS, Cancer etc ;

-2-

Now, THEREFORE, under sub - clause (iii) of clause (ee) of rule 2 of the Drugs and Cosmetics Rules, 1945 the Governor of Tamil Nadu hereby declares every registered medical practitioner holding the qualifications specified in the second, third or fourth Schedule to the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) and Part III of the Schedule to the Tamil Nadu Siddha System of Medicine (Development and Registration of Practitioners) Act, 1997 (Tamil Nadu Act 34 of 1997) and registered in the Medical Register of the State maintained under the aforesaid Acts, as a person practicing the modern scientific system of medicine for the purposes of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940.)

(BY ORDER OF THE GOVERNOR)

V.K.SUBBURAJ
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Principal Secretary and Commissioner of
Indian Medicine and Homoeopathy,
Arumbakkam, Chennai - 106.
The Works Manager,
Government General Press,
Chennai - 2 (for publication of Notification in the Government Gazette)
The Registrar,
Tamil Nadu Siddha Medical Council,
Arumbakkam, Chennai - 106.
The Registrar,
Tamil Nadu Board of Indian Medicine,
Arumbakkam, Chennai - 106.
The Director General of Police,
Chennai - 4,
SF/SC

// Forwarded / By Order //

SECTION OFFICER

Procedure for sending Documents

- i) For a thorough and proper scientific examination, original documents are necessary. Hence, the original documents (both standard and questioned) have to be procured and sent.
- ii) Sufficient admittedly genuine signatures/writings of the concerned person(s) made in the same language and nearest to the date of the disputed writings/signatures should be procured and sent for comparison with the disputed documents.
- iii) Specimen signature writing of the concerned persons are also required for examination.
- iv) The portion to be examined in the Questioned (Q) and Admitted (A) document are to be clearly marked by pencil and stated in the court requisition letter.
- v) The List of documents should be clearly stated in the requisition letter.
- vi) The questioned document marked as "Q" and admitted document marked as "A" and Specimen document marked as "S".
- vii) The document should be addressed to The Director (Documents), Documents Division, Forensic Sciences Department, 30-A, Kamarajar Salai, Mylapore, Chennai-4.
- viii) The document should be sent through sealed cover and specimen seal affixed in the court requisition letter.
- ix) The documents along with the examination fee may be sent to this department from the Court through The Advocate Commissioner, on any working day between 10 A.M and 3 P.M.
- x) As per G.O.MS No.996 Home (Pol.18) Dept. Dt: 8.09.2000, a minimum examination fee of Rs.1,500/- (Rupees One thousand five hundred only) for 25 questioned Exhibits and Rs. 500 for each 10 additional questioned Exhibit which can be paid either by cash or by Bank Draft drawn in favour of "The Director, Forensic Sciences Department, Chennai-600 004".
- xi) If the scientist of this department is summoned later for any evidence, necessary TADA etc., have to be paid separately to the concerned scientist on the day of the evidence as per TADA rules of the Government of Tamil Nadu.

For further details contact :

- 1. A.R Mohan, M. Sc.,
Deputy Director (Documents), 2844 7771 to 5 (Ex. 666)
Cell No. 94446 64906. Email : armohan.forensic@gmail.com
- 2. G. Gnanasambandam, M.Sc., M.Phil, P.G.D.L.A.,
Junior Scientific Officer (Documents),
Cell No. 94441 91429. E. Mail : ggramil2007@yahoo.com

IMPORTANT JUDGMENTS

Duty of the Public Prosecutor

How to examine Hostile witness and How conduct Child abuse case
 Sekaran Vs state : 2010 (1) L.w. (Crl)_ 330 Mad

Task of PP is not only to secure the conviction, he has a duty to the court fairness of trial is basic requirement in criminal law. PP not to have opposed production of document.

Dilip Premnarayan Tiwari Vs State of Maharashtra : 2010 (2) SCJ 664

Sec 137 IEA. PP should mark prosecution MOs/ Exhibits in chief examination. If on completion of cross examination through re- examination, it has obviously faulted

Pannayar Vs State of TN: 2009 Cr.L.J 4454 SC.

PP not to defend police personals

Kannappan Vs Abbas & others : 1985 LW (Crl) 159 MAD

APP- Duty to mark all documents etc- Role of IO

Marappa Gounder Vs Venkatachalam : 1983 . L.W. (Crl) 1

Duty of Public prosecutor.

Appalanarasayya Vs Emperor : 1940 MWN (Crl) 117 MAD

APP Not necessary to approve Final Report. JM not to reject for not approving APP

Vanniaraj Vs state : 2009 (3) MLJ (Crl) 150 MAD

The prosecution is expected to reveal the whole truth and nothing but the truth to the court.

Dhananjay Kumar Singh Vs State of Rajasthan: 2006 Cr.L.J. 3873 RAJ

Admissibility of evidence - Objections - Judge can decide at the time of judgment

Bipin Shantilal Panchal Vs state of Gujarat: 2001 SCC (Crl) 417 DB

1985 L.W.CrL. 159 Ref: 1969 MLJ CrI 164 MAD

APP's are appointed only for conducting prosecution in courts as full time Government Servants not advocates or legal practitioners entailed to prosecute - Duty is only to conduct prosecution - Appearance for defending accused , Police constables not permissible.

1970 MLJ (CrI) 701

The public prosecutor is a minister of justice. It is not his duty to obtain a conviction by hook or crook. He is an officer of the court and his first duty to the court is to place the entire materials before the court on behalf of prosecution.

2001 (1) LW (CrI) 354

Duty of the prosecution to examine available doctors who can testify the injured

Withdrawal of prosecution

(1938) L.R.65 I.A.388. (P C) **Bawa Faqir Singh Vs The king Emperor**

AIR 1957 SC 389 **The State of Bihar Vs Ram Naresh Pandey**

AIR 1972 SC 496 **M.N.Sankaranarayanan Nair Vs P.V.Balakrishnan & Ots**

AIR 1976 SC 370 **Bansi Lal Vs Chandan Lal and Others**

AIR 1977 SC 903 **State of Orissa Vs Chandrika Mohapatra & Ots (Para 2,6)**

AIR 1977 SC 2265 **Balwant Singh and Others Vs State of Bihar**

AIR 1980 SC 423 **Subhash Chander Vs State**

AIR 1980 SC 1510 **Rajender Kumar Jain Vs State (Para 16)**

AIR 1987 SC 877 **Sheonandan Paswan Vs State of Bihar and Others**

AIR (2000) 8 SCC 710 **Shri Abdul Karim Vs State of Karnataka**

2004 MLJ (CrI) 904 - SC **Prakash Babu Vs state of Kerala**

AIR 2005 SC 910 **Rahul Agarwal Vs Rakesh Jain**

AIR 2006 SC 413 **S.K.Shukla Vs State of U.P**

2014 (10) SCC 380 **Bairam Muralidhar Vs State A.P.**

AIR 2015 SC **Bairam Muralidhar Vs State of A.P.**

For Prosecution:

2003. (1) L.W. Cri . S.C. 232

Prosecution not to explain each and every hour's delay - delay in sending the FIR to the Magistrate *ip so facto* cannot be taken to be a ground for throwing out the prosecution case.

2002 M.L.J. Cri 837

Police officers of observation better than those of ordinary persons their evidence can be relied on

2002 (2) L.W. Cri. 758

Injury on the accused need not always be explained by the prosecution

2001 (1) L.W. (Cri) 884

No bar for the police to file application u/s 173(8) Cr.P.C. requesting permission for further investigation

2002 92) MLJ Cri 402 MAD

Dispensing witness - Non availability report by Sub Inspector , VAO - highly condemned

2001 MLJ (Cri) 402

Seizure of Brown sugar -Police Witness - Available independent witness not willing to co - operate - No mistake

2002 (1) LW (Cri) 195

Witness - Sending summons by register post permissibility - Issue of coercive process and laying of complaint u/s 174 of IPC for failure to appear in response to summons - course open to the court indicated

2002 MLJ (Cri) 890

Witness cited by the defense side for vexation or delay or for defeating ends of justice, court can refuse permission to examine him

2002 MLJ (Cri) 998 S.C.

Witness are villagers and cannot be expected to have clear assessment of distance - No reason to doubt testimony

2001 MLJ (Cri) 132

Witness either related to deceased or a friend. Their testimony cannot be rejected only on the ground

Sec 134 IEA. Prosecution examining two witness to establish their case - there is no necessity to examine any other witness

1999 (2) L.W. (Cri) 739

Victim Compensation - Section 326 IPC and Sec 357 of Cr.P.C.

1997 MLJ Cri 556

Testimony of the hostile witness should not be rejected ion Toto

2002 MLJ (Cri) 756 S.C

Investigation officers in not debarred from producing additional documents subsequently if some mistake was committed in not producing them at the time of submission of charge sheet

2003 (2) L.W. (Cri) 858 SC

When a witness I available, the trial court should not adjourn the matter for the asking for cross examination.

2003 (1) L.W. (Cri) 1. S.C.

Prosecution is not required to meet any and every hypothesis is put forward by accused - Proof beyond reasonable doubt is a guideline - Not a fetish

2000 L.W. (2) Cri 811

Failure to prove motive will not affect veracity of the case of prosecution. No duty to explain each and every on the injuries on the accused especially when they are simple injuries.

2001 MLJ Cri 830

Power of court to take cognizance cannot be controlled by the investigating agency power of police to give final report cannot be controlled in the court.

2001 MLJ Cri 345 S.C.

Sec 159 of Cr.P.C. Investigating officer must be allowed to peruse records of investigation before answering questioning in court.

2000 MLJ (Cri) 180 S.C.

Sec 6 IEA - Resgestae - Hearsay evidence when admissible.

2000 MLJ (Cri) 295 S.C.

Irregularity or illegality during investigation not a ground for rejecting prosecution case.

2000 MLJ (Cri) S.C.

When re calling of witness request cannot be accepted

2000 MLJ (Cri) 588 S.C.

Delay in lodging complaint cannot be ground for discarding the entire prosecution case.

2000 MLJ Cri 544 S.C.

Investigation officers held is not legally obliged to take the opinion of a public prosecutor or any authority code does not contemplate supporting or sponsoring any combined operation between the investigating officers to be influenced by the opinion of the public prosecutor.

2004 (2) L.W. (Cri) 585

Law does not mandate that the weapon used to commit an offence should be produced always

2004 (2) L.W. (Cri) 564

When the eye witness are examined at length after 1 1/2 years, there are bound to be contradiction and omissions - It does not mean that his evidence should be totally ignored, for getting the duty of the court to separate the chaff from the grain.

2003 Cri LJ 21

Sec 137 IEA Witness examined other party did not cross examined - evidence established

AIR 2004 SC 1189

Alteration of charge u/s 216 of Cr.P.C

AIR 2004 SC 3114 = 2004 Cri.L.J 2050

161 Cr.P.C. Statement need not be recorded in language known to person giving the statement.

2002 Cri. L.J 161

Accused n could not claim acquittal from charge of cruelty on ground of his acquittal under dowry prohibition act.

2002 Cri.L.J 221

Cruelty - Proof - wife used to inform her parents and other witness about the same .

2004 Cri.L.J 731 Delhi Paras Nath Vs State of Delhi

Witness cannot be discarded merely because they did not use words rashness or negligent and instead used words high speed - Conviction of accused of accused proper

1999 (2) L.W. (Cri) 862

Matrimonial cases- the evidence of close relation cannot be discarded on the ground that they are interested person

Delay in lodging complaint acceptable, since wife thinking her feature.

2004 MLJ (Cri) 31

Contradiction or omission alone shall not be criterion to test the veracity of one's oral testimony.

1998 (1) L.W. (Cri) 52

If a demand for dowry is made even after the marriage, it could also be a part of the consideration, thereby bringing it within the definition of dowry

2006 (1) MLJ (Cri) 673

Sec 10 IEA : All conspirators need not joint together for planning and executing offence - it is not mandatory that all the conspirator must know each and every detail of the conspiracy for accomplishment of main object.

Sec 114 IEA - Presumption of documents

1999 SCC Cr 373

Court should consider the documents of the prosecution and should not weight at the time of framing of charge documents of the accused should not be considered

1999 SLT Vol (V) 538

Sec 173(8) Cr.P.C. Court need not hear accused before ordering further investigation

1999 SCC (Cr) 658

Sec 45 IEA : Opinion of expert - Not binding on court - Court has to arrive at a own conclusion

1999 SCC (Cr) 373 and 2001 (3) SLT 504

Sec 239, 240, 228 of Cr.P.C.: at the stage of framing of charge, court has to consider only police report and docuemtns sent with it under section 173 of Cr.P.C

1999 Cr.L.L.R. S.C. 500

Identification of accused through Photo - Permissible

1999 SCC (Cr) 1503

Police should register case with or without jurisdiction - after registration case can be transferred to concerned police station.

2000 SCC (1) 243

Delay in the examination of witness by police not a ground to reject evidence

2000 (1) L.W. (Crl) 138

Sec 406 and 409 IPC : Prosecution need not prove the actual mode of misappropriation.

2000 (2) MWN Cri 231

Non examination of investigation officer is immaterial - Unless prejudice is caused - No material contradiction elicited

2001(1) Crime 14

The prosecution is not bound to explain injury on the accused in all the cases.

2001 (1) Crimes 172 S.C.
 Sec 156(3) Cr.P.C. Magistrate has right to send the complaint for investigating under section 156(3) of Cr.P.C., he should not examine the complainant.

2000 Cr.A.R. 198
Ref: 1995(5) SCC 518 , 1998 (4) SCC 517, AIR 1998 SC 1998
 Non examination of the investigation officer - Criminal trial is to render justice to victim, accused and society. The case cannot be acquitted

2001 (1) SCC 596
 Recovery no independent witness - Seizure not attested by the independent witness - reliable

2001 (1) L.W. CrI 448
 Sec 311 Cr.P.C. - Vital document be marked by the complainant - Section 311 petition must be allowed.

2001 (1) L.W. CrI 31 SC
Sec 231 of Cr.P.C: Prosecutor can chose examine anyone - If he has information that someone will not support the prosecution then he need not examine the said witness

AIR 2001 SC 2369
Sec 167 Cr.P.C. Offence punishable with 10 years - 90 days

2001 SCC CrI 1048
 After filing final report further investigation permissible

2000(5) SCC 82
P.O. Act ; Probation of offenders act should not be applied to 304 A. cases

2001 L.W. (CrI) 143
 Investigation by the informant is not proper

AIR 1995 SC 2339
2001(1) MWN CrI. 334
 Investigation by the informant should not be done

2001 (10) SCC 1
 Moon light identification feasible

2002 Cr.L.L.J 4795

What is police station - Who is station house officer?

2003 SCC (1) 456 = 2003 (1) SCC 534

Faulty investigation cannot be a ground for acquittal

AIR 1965 SC 722 = 1965 (1) Cr.L.L.J 641

Ignorance of knowledge o notification is not a defense when it is published in official gazette of India

2003 Cr.L.L.J 271

Complaint what is prayer for 156(3) is not a complaint.

1999 Cr.L.L.J. 4561 (SC) Rammi Alias Rameshwar Vs state of M.P

Re - examination - questions can be put to obtain explanation required for any matter referred to in cross examination.

AIR 2001 SC 1158 (SC) Bipin Shantilal panchal Vs State of Gujarath

The courts should make note of objection, mark objected document tentatively as exhibit and decide objection at final stage.

2001 Cr.L.L.J 3511 (SC) Rakesh Vs State of Haryana

Sec 319 of Cr.P.C. : Sparingly used

2010 Cr.L.L.J 1440 (SC) Mulla Vs State of U.P

Test identification pared is to be held by police at the stage of investigation - necessity of holding

2011 Cr.L.L.J. 283 (SC) Ranjith Singh Vs state of M.P

Testimony of sole eye witness making identification of accused - can be relied upon - credibility of evidence of close relative

2007 (1) MLJ CrI 357 Minukumari and another Vs state of Bihar and others

Magistrate can take cognizance of the offence , even if the police report is to be effect that no case is made out

2006 (3) CTC 482 The inspector of Police, CBCID, Dindugal Vs Mohan

Secondary evidence - Xerox copes available in the case diary can be received and it is admissible (Xerox copiers of FIR , DD)

AIR 1992 SC 1768 Anupam J. Kulkarni case
Police custody after expiry of 15 days not permitted

1997 Cr.L.J 626 Guna @ Gunasekaran Vs state
Final report filed was returned for compliance of certain defects does not entitle accused to be released on bail.

1999 Cr.L.J 3529 Rajendra Prasad Vs Narcotic Cell
Re examination of prosecution witness cannot be understood to mean filling up lacuna in prosecution case

2001 (2) L.W. CrI 773 Arumugam Vs state
Sec 294 Cr.P.C.: Marking of document Post mortem certificate through M.V. Inspector

2013 (1) CTC 714 Anju Chaudhary vs state of UP
Two FIRs relating to same incident

2013 (1) CTC 614 Vajresh Venkatray Vs Karnataka
Sensitivity of judges towards women problem

TNPJ 2005 part IV P. 894 : 2004 SCC (CrI) 1607 (V & AC Case)
Complainant cum IO - Investigation by the same police officer who lodged the FIR - Held not barred by law.

1992 Cr.L.J 1228 (Bom) Govind Shankar chatal vs Daltatraya Waman Bhanubahi
Police can undertake investigation in respect of cognizable offence on receiveing information, not necessary form FIR

2002 MLJ (4) 174

Delay in sending FIR to court - Delay reasonable - FIR cannot be said to be tainted

1986 Cr.L.J SC 713 & 1988 Cr.L.J 481 & 1991 Cr.L.J 191

P.W.1 and I.O. one and the same person is not fatal

1991 SCC 267 Megha singh vs State of Haryana

Person who register FIR can be IO - no legal bar

AIR 1973 SC 2221 Amar Singh Vs State of Haryana
Non examination of neighbors near SOC - Who are disinterested, is not fatal

1995 MLJ CrI 274

Even when independent witnesses were not examined, if the witnesses examined are reliable and trustworthy the court need not go in search of evidence from other independent evidence.

2002 (1) L.W. (CrI) 293

FIR - AR - discrepancy. Even there had been a variation in the entries made in the accident register it will not affect the prosecution case unless it goes to the very root of the prosecution case.

1971 MLJ (crI) 225 = 1972 CrI.L.J. 404

Sec 304 A. IPC Driver should anticipate even their negligent act

1989 CrI.L.J. 516 (Ori) Baskar Patra Vs State of Orissa

Sec 304 A. IPC .Speed with which a vehicle is driven is not always the deciding factor for coming to the finding whether it is driven rashly negligently

1999 MLJ (crI) 135

Sec 304 A. IPC: Res ipso loquitor

1999 TNPJ Par 2 Page 45

Even assuming that the truck could not be operated fast, he is liable

1975 CrI.L.J. 1105 =AIR 1975 SC 1324 Shakila Khader Vs Nauser Gama

Sec 304 A. IPC : nWhen a driving leads to an accident , the main question is whether it was rash negligent. But in deciding this peed is not the only criterion. The width of the road, density of traffic and attempt to overtake are also criteria.

1965 AIR (SC) 328 & 1971 MLJ (CrI) 252 & 1989 CrI.L.J 206 & 1989 CrI.L.j 2106 & 1990 MAD 207 (vol 2)

The order of priority, choose of examination of witnesses are purely within the discretion of prosecution. It is not open to the court to mandate prosecution agencies to examine witnesses cited only in a particular order of sequence.

[2013] 3 S.C.R. 175 MANGA @ MAN SINGH v. STATE OF UTTARAKHAND
s.157—Three days' delay in sending express report to Magistrate – no prejudice is shown to have been caused to accused.
Testimony of related witnesses – Non-examination of independent witnesses – Discussed – Judicial notice.

CDJ 2012 SC 273 [Hiralal Pandey & Ots Versus State Of U.P., 17-04-2012,]
 Indian Penal Code - Sections 323, 325 and 147 - Criminal Trial - Defects in Investigation - the conviction cannot obviously be set aside on the ground of every irregularity or illegality in the matter of investigation. Unless the lapses on the part of the investigation are such as to cast reasonable doubt about the prosecution story or seriously prejudice the defence of the accused,

2002 SCC (Cri) 1158 Ravindra shantaram swant Vs State of Maharashtra
 Police witness - on facts - failure to examine independent witness - not affecting the veracity of prosecution witness.

2006 (2) SCC Cri 568 Nisar Khan Vs State of Uttaranchal
 Chief deposed - later on cross Hostile not permissible.

1997 MLJ Cri Mad 93.
 FIR delay in lodging and sending is not always a ground to disbelieve the prosecution.

2002 MLJ Cri S.C. 172= 2003 (1) L.W. (Cri) S.C. 232
 Delay in sending FIR to the magistrate ipso facto cannot be taken to be a ground for throwing the prosecution case.

2001 MLJ Cri S.C. 182 &
2004 Cri .L.J. S.C. 1807 &
2012 SAR Cri 772

Irregularity, illegality, defective investigation - Accused cannot be acquitted on that ground, court is free to act on testimony of witness.

2001 SCC (Cri) 553 Dayasingh Vs state of Haryana
 Official witness - Thasildhar - evidence of such designated independent official witness does not require any corroboration

2012 (2) L.W. CrI 33 (S.C.)

If the court issued summons u/s 204 of Cr.P.C the accused bound to appear before the court failing which willful disobedience is liable to be punished u/s 174 Cr.P.C. It is ground for contempt of court

2012 L.W. CrI. (2) 577

Call for IT returns from Income tax department not maintainable

2012 (2) L.W. CrI. 66

Before filing final report accused cannot entitle 164 statements from magistrate

2012 (2) L.W. CrI. 426 (S.C)

Sec. 467, 468, 471, 420 & 120 (B) IPC - Compounding - petition filed u/s 320 Cr.P.C. There is no possibility of conviction. Hence Quashed.

2012 (2) L.W. CrI 315 Mad

Section 386, 387, 451, 506(ii) & 120(b) IPC Compounding petition filed u/s 320 Cr.P.C. There is no possibility of conviction. Hence quashed.

2012 (1) L.W. CrI 113 (S.C)

Section 354, 394 Compounding

2011 (2) SCC (CrI) 900 = 2011 (6) SCC 261 Chila line India Foundation & another Vs Allan John Waters and others

IPC Sec 377 Victim evidence is enough to conviction

2004 (1) SCC 64 Ratansinh Dalsukhbhai Nayak Vs Gujarat

Child witness can permissible / Why he/She can implicate ?

2010 (2) L.W. CrI 792

Assisting prosecution 301(2) permissible to defacto complainant, but not step into the shoes of the prosecutor.

2013 (10) SCALE 595 Shimbu & another Vs State of Haryana

Section 376 - Compromise - Cannot be curtail the sentence

2012 CrI.L.J. 667 (S.C)

307 IPC - petition filed u/s 320 of Cr. P.C. Can reduce the quantum of sentence not for acquittal

CDJ 2011 Ker H.C. 598 Rajan Vs Kerala
Section 332 IPC - No G.D. Entry/G.D. Conviction can sustain

CDJ 2010 BHC 2759 M.r. andhale Vs S.d. Kalate APP
Section 332 - No independent witness - Conviction confirmed

2012 (9) SCC 532 Gajoo Vs state of Uttrackhand
Dereliction of duty of I.O. - Defective (or) Illegal Investigation taking acting
against police /Disciplinary action

2009 (6) SCC 346 Ramachaudhary Vs Bihar
173(8) Cr.P.C. Further investigation - Police can but not defacto complainant

CDJ 2010 MHC 7776 Jeevankumar Vs State
173 (8) of Cr.P.C Further investigation - defcto complainant not permissible

2004 Cril. L.J 1819 (S.C) State Vs Jayapaul
Investigation of cognizable offence - Very same police officer who recorded FIR
on basis of information received permissible

2009 (6) Supreme Court Cases 346 Rama chaudhary Vs state of Bihar
It is clear from section 231 Cr.P.C. That the prosecution is entitled to produce
any person as witness even though such person is not named in the earlier
charge sheet. And without permission of the court police can do further
investigation u/s 173(8) of Cr.P.C. it is an statutory right of the investigation
agency

(2000) 10 SCC 582, Chandrasekhar Sureshchandra Bhatt and Ors.
Vs. State of Maharashtra

Section 3 IEA - Improvements in evidence—Some marginal variations
between statement under Section 161, Cr. P.C Permissible . public prosecutor
during examination-in-chief—It is prerogative of public prosecutor to elicit such
points from witness as he deems necessary for case—No public prosecutor can
be nailed to statement recorded under Section 161, Cr. P.C

2013 - 2 -LW (Crl) 169 = 2013 (2) MLJ (Crl) 812

R. Palanisamy Vs. State

Section 164 Cr.P.C., has been recorded by a Magistrate, it is a public
document, the Magistrate need not be summoned and examined as a witness

2008 CrILJ 909 Dr. V.K. Rajan Vs.State of Kerala

Ref: K. Satwant Singh v. Provincial Govt. of Punjab **AIR 1946 Lah 406**

Prosecution is not bound to supply copies of the documents seized during investigation at this stage. Therefore, documents need be given to the accused as provided under Section 207 or 208 of Cr. P. C. at the time of taking cognizance of the case.

2012 (2) MLJ Criminal 767 A. Mohan and Others Vs. State rep. by Sub Inspector of Police, Coleroon Police Station, Trichy and Another

Sec 173(8) of Cr.P.C. It does not relate to the de-facto complainant or accused or any other person, except the police, who investigate the case.

AIR 2015 SC 180 Anvar P.V.Vs. P.K. Basheer

Appellant admittedly had not produced any certificate in terms of Section 65B in respect of Cds, therefore, same could not be admitted in evidence

2015 (2) MLJ CrI 39 Veeralakshmi Vs S.P. Madurai

About DNA test

2015 (4) SCC 91 Additional District Judge Vs High Court of M.P

About - Crime Against women and Children

1989 (3) SCC 390 State of M.P. Vs Madan Mohan

Where the prosecution version differs from Dying Declaration, the said D.D. cannot be acted upon

AIR 2001 SC 1444 Prahlad Singh Bhati Vs NCT Delhi

Bailable offence altered to non bailable offence - can re arrest

2010 (1) SCC 240 Gajula Surya Prakasarao Vs A.P.

Sec 32 IEA makers not died. The statement admissible u/s 157 of IEA

2012 Cr.L.L.J 4707 Kuria and another Vs Rajasthan

Discrepancies or improvements which do not materially affect. Insignificant cannot be made the basis for doubting the case.

2012 (3) ALT (CrI) 210 (AP) Gopikrishna and other s Vs State of A.P.

Finger prints - Permission from magistrate not necessary

2012 (2) ALD (Crl) 748 (SC) Kathi Bharat Vajsur and antoher Vs Gujarath
 Non recognition of weapon by eye witness- Medical evidence supporting to
 prosecution case - Prosecution case can sustain

2012 (2) ALD (Crl) 838 SC Munna Kumar Upadhyaya Vs A.P
 Delay in Identification parade- Accused photos published in news paper - 313
 answer adverse inferences. Prosecution case not fatal

2004 (5) SCC 334 Dalbir Singh Vs state of U P
 Judge can convict if there is not charge

2014 (1) L.W. Crl 723
 Marking of new documents

2002 MLJ Crl 291 navasakthi vs state
 Discharge witness from the list - Coersive steps should take. VAO Certificate
 not admissible.

2015 (4) SCC 363 Pathubha Govindji Rathod vs Gujarath
 Group fighting is not a private defense

2012 (3) SCC (Crl) 685 Shymal Ghosh Vs state of W.B
 Identification 1st time in court - No TI Parade - admissible

2012(3) SCC (crl) 721
 Minor Discrepancies to be ignored

2010 (4) MLJ (crl) 259 SC
 Definition of Dowry. Including subsequent demands

1993 SCC (Crl) 571
 Cruelty is an continuous offence.

2015 Cr.L.J. 1442 =2015 (3) SCC 220 Vinodh Kumar VS Punjab
 P.C. Act- Complainant turned Hostile. Presumption - prosecution case not
 collapsed

2012 L.W. (1) 485 & 2013 (1) MLJ Crl 172 M. Mani Vs DSP
 Complainant can ask further investigation

2015(1) MLJ CrI. 594 (SC) Ravipraksh Singh Vs Bihar
167(2) Cr.P.C. Bail: Receipt of charge sheet is accountable.

2015 (5) SCC (1) Shreya singhai vs Union of India
Section 66 A of IT act struck down

2015 (6) SCC 287 Priyanka Srivastava vs State of U.P.
Sec 156(3) : Affidavit should be filed by the complainant

2015 (6) SCC 332 common cause Vs union of India
Superior officer not to meet accused without investigation officer.

2012 (10) SCC 303 Gian Singh Vs State of Punjab
What kind of cases Compromise and settlement and compoundable

2015 SCC Online SC 105 (dt 09.02.2015) Khursheed Ahamad Khan vs U.P
During Government service 2nd marriage without permission of the Government is not violate Article 25 of Constitution

2015 (2) MLJ CrI 328 SC
Official duty – Misappropriation, falsification of documents, Sanction u/s 197 of Cr.P.C. need not necessary

2015 (1) ALT 302 A.P. Dambala Srinivasu Vs A.P
For marking of Docuemtns: Sections 173(8), 311, 242(2), of Cr.P.C and 165 of IEA

2015 (6) SCC 674 Kuluindersingh vs state of Punjab
NDPS: Once possession of found , Accused presumed to be in conscious possession.

2009 CrI.L.J (SC) 2974
Living with another woman is also cruelty

2013 AIR SCW 5219 Pinakin mahipatray Rawal Vs Stateof Gujarath
Intimacy of husband with other woman is not cruelty to wife

2013 AIR SCW 5875 Ajahar Ali Vs State of W.B
Outraging modesty of young girl is not entitled to benefit of probation

2014 AIR SCW 2223 = 2014 MLJ (Cr) (2) 484 Periyassamy
Retraction does not wipe away evidentiary value of confession u/s 164 of Cr.P.C.

For Discharge (7 principles)

- 2015 (2) SCC 417 State Vs A. Arunkumar and another
- 2010 (9) SCC 368 Sajjan Kumar Vs CBI
- 2009 (3) SCC 4 Union of India Vs pradulla Kumar Somai
- 2002 (2) SCC 135 Dilawar Bahu Kurane Vs State of Maharashtra
- State Vs Bhupinder Singh Bisht - Delhi High court dated 13.05.2015

CHARGE SHEET

1. A final report once submitted in Court, can not returned – held in **JEEVAN SINGH VS. STATE OF RAJASTHAN 2004, Cr.LJ. 3469 (Rajasthan)**
2. It is not justified in Law to refuse to accept a charge sheet without production of accused – held in **DEENADAYAL KRISHAN CHAND VS. STATE OF GUJARAT, 1983, Cr.LJ. 1583 (Gujarat).**
3. The moment the police report has been filed, it is for the Magistrate to apply his mind judiciously. Mere return of the report on the ground of complying with certain omissions as contemplated under sub section 5 of 173 does not mean that the police report with all particulars is not a proper police report – held in **C. VARLA KRISHNAN @ CHINNA KRISHNA VS. STATE OF A.P. 1989(1), Crimes 548 (AP).**
4. It is not be said the charge sheet is incomplete or that no cognizance can be taken by the courts on the basis of such chage sheet – held in **STATE OF WEST BENGAL VS. ANWAR 2000, Cr.LJ. 2189.**
5. Production of additional documents after filing charge sheet is permissible - held in - **CBI Vs. R.S. Pai, 2002 Cr.LJ. 2029**
6. Magistrate can frame charge even in respect of an offence not mentioned in the charge sheet – held in **S. MOSES NADAR VS. STATE BY THE S.I. OF POLICE, PANANGUDI, 1982, Cr.LJ. 555 (Madras)**
7. Where a charge sheet designed as "Preliminary Charge sheet" has been filed containing all the material particulars, it is in fact a charge sheet within the meaning of section 173(2) of Cr.P.C. – held in **BAIKUNTA SUTARA VS. STATE OF ORISSA, 1989, Cr.LJ. 1592 (Orissa).**
8. There is no provision in the code enabling the Magistrate to return an incomplete charge sheet. If the Police report is incomplete he can defer the taking cognizance of the offence till such tme the deficiency in the Police Report or chalan is removed – held in **VIKRAM MALHOTRA VS. CBI 2004(2) Crimes (442) J&K.**
9. Execution of NBW is not a condition precedent for taking cognizance of other cases. Such direction is against Law and unknown to the code of Criminal Procedure or any other provisions of Law.

(PTO)

LIST OF DOCUMENTS TO BE FILED IN MURDER CASES

1. Complaint
2. Observation Memo
3. Rough Sketch
4. Certificate of Age
5. Section 106A (a) (1) Report (if any)
6. Inquest Report
7. Medical Certificate
8. Post Mortem Report

LIST OF DOCUMENTS TO BE FILED IN ACCIDENT CASES

1. Complaint
2. Observation Memo
3. Rough Sketch
4. M.O. Report
5. Section 106A (a) (1) Report
6. Inquest Report
7. Medical Certificate or Post Mortem Certificate

KIDNAPING AND RAPE CASE

1. Complaint
2. Age Certificate of the victim (or Birth Certificate, School Leaving Certificate, Certificate of the Doctor, in connection with his Examination, as to Age)
3. Medical Certificate of Medical Officer as to regard to Rape
4. Age Certificate of the Accused
5. Medical Certificate of Medical Officer in regard to the Examination of Accused