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BY FAX/E-mail/ SPEED POST
ଓଡ଼ିଶା ସରକାର
ସଚିବାଳୟ ମାର୍ଗ, ଭୁବନେଶ୍ୱର-୭୫୧୦୦୧

Government of Odisha
Home Department

No. 43412 CP&M HOME-CHR-MTNG-0013-2016 Dt. 16.11.2017

From

Dr. Santosh Bala IPS
Special Secretary to Government

To

The D.G. & I.G. of Police, Odisha, Cuttack / The I.G. of Police, CID, CB,
Odisha, Cuttack / The Commissioner of Police, Bhubaneswar-Cuttack,
Bhubaneswar / The Director, Public Prosecutions, Odisha, Bhubaneswar /
All I.G.s of Police / D.I.G.s of Police / All Superintendents of Police / All
Dy. Commissioners of Police

Sub: Guidelines in the matter of ensuring service of summons and
attendance of witnesses including Investigating Officers before the
Courts.

Sir,

I am directed to intimate that as per Sub Section (1) of Section 62
Cr.P.C, every summon issued by a Court shall be served by a Police Officer, if
practicable, be served personally on the person summoned. As such, it is the
duty of Police Officer to make every endcavour to serve the summons on the
person to whom it is intended. According to the present practice, the concerned
Criminal Courts usually send the summons to the witnesses either through the
process establishment of the respective Courts, who in turn after service or
non-service, return the same to the issuing Courts or through the police
agencies or in both ways. Service of summons by the police agency is
practically more effective in ensuring attendance of witnesses including
Investigating Officers. It is the need of the hour to cause effective service of
summons through the Police agencies at least in the sessions cases to avoid
delay in trial of sessions cases.

It is noticed that some Investigating Officers are avoiding to depose in Courts on various pleas even after receipt of summons/messages as well as direction from the headquarters of Police department resulting in unnecessary delay in disposal of old cases. Adequate attention is also not being given by the concerned Heads of Office of the District/establishments in this matter for which adverse comments/ show-cause notices are being received by the police headquarters from the judicial Courts.

To overcome the lapses and unfateful events as indicated above, the following instructions are to be strictly adhered to in addition to the existing guidelines.

1. The matter of Court attendance should be given top priority and the summonee shall report/attend the Court on the date fixed. The Controlling Officer shall be responsible for ensuring the same and any deviation in the above order shall be viewed adversely and departmental action should be initiated against the chronic defaulters.
2. In the wake of modern communication devices and to lessen the chances of faulty presentation of the criminal cases by the prosecution, timely steps are felt necessary in the matter of formal preparation of charge sheet/ police challans before the same is forwarded to the Court.
3. In all charge sheets, the Investigating Officers shall mention the cell phone contact number, E.mail Id and Whats-App contact number of the official witnesses including self, and other witnesses conversant with the use of the aforesaid mode of communication, if the same are available.
4. In Sessions cases, the summons, if received from courts, shall be served by the concerned Police Stations upon the prosecution witnesses as per rule.
5. In the matter of execution of warrant and attendance of witnesses in Court shall henceforth be monitored by a Special Cell to be opened at CID, Crime Branch, Cuttack under the supervision of the Superintendent of Police, CID, CB, who will be the Nodal Officer.
6. The Special Cell shall consist of dedicated Officers and connectivity to take care of this issue sincerely.
7. A Nodal Cell will function in all Districts/ Commissionerate of Police, Bhubaneswar-Cuttack under the charge of an Officer to

be selected by the District Superintendent of Police/ Commissioner of Police to maintain the list of the Officers of that District and liaise with the Nodal Officer of the CID, CB. This provision has been made in the IUCAW or the District Investigation Unit, in which one Inspector will remain in exclusive charge of the prosecution matters. In case, any Officer concerned (Summonee) has been posted outside of that District/Police Commissionerate, the Nodal Officer of the District/ Commissionerate of Police should ensure service of summons and attendance of that Officer in Court as scheduled.

8. The functioning of the Cell will be monitored under the direct supervision by an Officer in the rank of Additional Superintendent of Police of the IUCAW.
9. The summons will be routed through the Court Sub-Inspector, who will co-ordinate with the Nodal Officer of the District/ Police Commissionerate in locating the Officers and ensure the attendance of the summonee in the Court, and shall, in turn, inform the concerned court about the present address of the persons, officers so summoned.
10. A database of all the Police Officers will be prepared by the Crime Branch allotting them a UNIQUE IDENTIFICATION NUMBER to be kept in the Special Cell of the Crime Branch.
11. The Nodal Officer in the District Police Office/ Police Commissionerate shall be the first person to be approached regarding non-attendance of any officer and in case certain Officer has been transferred out of the District/Commissionerate, the Nodal Officer will get in touch with Nodal Officer at Crime Branch to trace out the summonee for service of summons on the Officer.
12. In view of this, for uploading the database, which would be available with the Crime Branch, all District Orders/ Range Orders and Office Orders regarding change of the place of posting, shall be sent to the CID, CB, Odisha, Cuttack electronically or otherwise, by the concerned District/Range Offices and the State Police Headquarters, as the case may be.
13. The Court attendance in Sessions cases, be monitored/reviewed by the Crime Branch every month.
14. In case, any police official is unable to attend the Court due to some genuine engagements, he should seek permission of his

immediate superior for not attending the Court and the same should be brought to the notice of the concerned Courts, well in advance by the next higher authority/ controlling authority of the summoinee, who permits the officer.

15. By the 15th of each month, the respective Public Prosecutors of the District shall conduct a review meeting with all their subordinate Special Public Prosecutors/ Additional Public Prosecutors/ Associate Lawyers/ Assistant Public Prosecutors as regard the prosecution assignments and the work done during the preceding month. The report related to review shall be forwarded to the Superintendent of Police of the concerned District/ Commissioner of Police with a clear note.
16. The Superintendent of Police/ Commissioner of Police shall convene meeting at least once in a month with the Public Prosecutor/ Special Public Prosecutors/ Additional Public Prosecutors/ Associate Lawyers/ Assistant Public Prosecutors to review effective and proper orientation of prosecution case, before the courts, in addition to speedy trial, production of the witnesses and seized mal items in the Court on time.
17. It is also the responsibility of the Prosecutor engaged in individual trial Court to ensure attendance of Investigating Officers, Doctors and other witnesses and he shall take effective steps in that regard.
18. On receipt of information from WITNESSES ABOUT THREAT, INDUCEMENT, INFLUENCE ETC, if any, given from the side of the accused persons, the Prosecutor concerned shall submit written information to the Court concerned and send a copy thereof to the Superintendent of Police/ DCP for further action. The aforesaid directions shall be strictly complied with; failing which necessary action shall be taken for fixing responsibility on the Officer for dereliction of duty.

The above instruction should be brought to the notice of all concerned and followed strictly with immediate effect.

Yours faithfully,



Special Secretary to Government