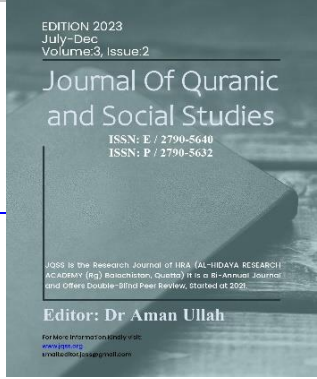




JQSS: (Journal Of Quranic and Social Studies)  
 ISSN: (e): 2790-5640 ISSN (p): 2790-5632  
 Volume: 3, Issue: 2, July-December 2023. P: 184-212  
 Open Access: <http://jqss.org/index.php/JQSS/article/view/111>  
 DOI: <https://doi.org/10.5281/zenodo.10865409>

Article History:	Received	Accept	Published
	19-11-2023	05-12-2023	09-12-2023



Copyright: © The Authors Licensing: this work is licensed under a creative commons attribution 4.0 international license

## **Critical Analysis of Laws- Regulating Criminal Investigation in Pakistan**

1. <b>Zahir Shah</b>  <a href="mailto:shahzahirshah16@gmail.com">shahzahirshah16@gmail.com</a>	PhD Law Student/Scholar, Department of Law, International Islamic University, Islamabad
2. <b>Dr Attaullah Khan Mahmood</b>  <a href="mailto:ataullah.khan@iiu.edu.pk">ataullah.khan@iiu.edu.pk</a>	Assistant Professor, Department of Law, International Islamic University, Islamabad

**How to Cite:** Zahir Shah and Dr Attaullah Khan Mahmood (2023). Critical Analysis of Laws- Regulating Criminal Investigation in Pakistan, (JQSS) *Journal of Quranic and Social Studies*, 3(2), 184-212

### Abstract and indexing



**Publisher**  
 HRA (AL-HIDAYA RESEARCH ACADEMY) (Rg)  
 Balochistan Quetta





# Critical Analysis of Laws- Regulating Criminal Investigation in Pakistan

**Zahir Shah** 

PhD Law Student/Scholar, Department of Law,  
International Islamic University, Islamabad

**Dr Attaullah Khan Mahmood** 

Assistant Professor, Department of Law,  
International Islamic University, Islamabad

Journal of Quranic  
and Social Studies  
184-212

© The Author (s) 2023

Volume:3, Issue:2, 2023

DOI:10.5281/zenodo.10865409

[www.jqss.org](http://www.jqss.org)

ISSN: E/ **2790-5640**

ISSN: P/ **2790-5632**

**OJS** **PKP**  
OPEN JOURNAL SYSTEMS PUBLIC KNOWLEDGE PROJECT

## Abstract

A crime is a fatal factor of the society. It can only be controlled when criminals are countered, and it is possible when they are properly investigated and brought to justice. For the purpose, every state has its own regulatory framework. Pakistan, being a sovereign state, has her own regulatory framework of investigation laws- consisting of procedural laws like Code of the Criminal Procedure 1898, rules like Police Rules 1934 and some directive orders/principles like Police Order 2002 and FIA Act etc. This article will explain all the steps of criminal investigation in Pakistan including common law and laws mentioned above. This article will also highlight some controversial points of legal system in Pakistan like cross FIR etc.

**Key words:** Investigation, Civilization, Sumerians, Mesopotamia, Abeel, Anti-Rape Act, Cognizable, Daily Diary, Zimni, Challan

**Key Abbreviations:** CrPC, PPC, FIA, SP, SHO, IO, SIO, SSOIU, CTD, U/S, LEA, DC, AC, PBUH, PS, etc

**Corresponding Author Email:**

[shahzahirshah16@gmail.com](mailto:shahzahirshah16@gmail.com)

[ataullah.khan@iiu.edu.pk](mailto:ataullah.khan@iiu.edu.pk)

## Introduction

“What you lack in investigation is time. With every passing hours, evidence slips away. Crime scenes are compromised by people and the elements. Things are moved, altered, smeared and shifted. Organisms rot. Wind blows dust and contaminants. Memories change and fade. As you move away from the event, you move away from the solution.”<sup>1</sup>

Investigation has different concepts but can be summarily defined as collection of evidence in the lieu of allegation. Origin of this word is from a Latin word “investigare”.<sup>2</sup> The word “investigation” is a noun of verb “to investigate” which means “to discover and examine all the facts about something (e.g. a crime or an accident) in order to obtain the truth.”<sup>3</sup> “Investigation is the process or procedure whereby all the facts about a crime or an accident are discovered and examined to find out the truth and result to prosecute the guilty in order to bring him to justice.”<sup>4</sup> “It is the process to inquire into a matter systematically, to make a suspect the subject of a criminal inquiry or to make an official inquiry.”<sup>5</sup> “Criminal Investigation is an “applied science”<sup>6</sup> that involves the study of facts, used to identify, locate and prove the guilt of a criminal.”<sup>7</sup> “Investigation includes all the proceedings under this code (CrPC) for the collection of evidence controlled by a police officer or by any person (other than a magistrate) who is authorised by a magistrate in this behalf.”<sup>8</sup> To counter the criminals, a case must be properly investigated so that he may be got convicted from courts of law in the light of justice, fair play and equity in order to unjustify/counter the criminal acts and behaviours. For the purpose i.e. to investigate the offences/crimes, a proper law is present every where in the world. With the birth of humans on the earth, investigation came into existence as Hazrat Adam investigated the death of his son Abeel (the first murder of humanity).

The earliest renowned civilizations had their codes of law to investigate and counter the crimes starting from the Sumerian<sup>9</sup> period going through the Egyptian, the Roman, the Latin, and the Greek regimes and Islamic era to today’s modern law, which have highlighted particular ways of investigation into the commission of offences. Pakistan has also a strange history of such laws. Laws, introduced and imposed by the British empires, are still in use with some improvements and changes. Although there are different laws, acts and rules in Pakistan to regulate the investigation process but Criminal Procedure Code 1898<sup>10</sup> and Police Rules 1934<sup>11</sup> are prevailing and have specific chapters on investigation. Fourteenth chapter of CrPC 1898 covers the law regulating the investigation while twenty-fifth chapter 12 of Police Rules 1934 gives rules in detail covering the CrPC and other investigation procedures, and furnishes forms and figures to be used and filled during the process of investigation. Thus a brief analysis was necessary to point out basic procedures and rules. Investigation is usually conducted by police but there are special agencies like FIA<sup>13</sup> and special units like SSOI<sup>14</sup> under Anti Rape Act 2021

for holding/making investigation of the crimes. Police here in Pakistan generally means district police, CTD<sup>15</sup> officers/officials, CIA<sup>16</sup> employees and members/officers of the Crime Branch<sup>17</sup>. Thus a police officer refers to any officer of the above mentioned units and all the units and agencies conduct the investigation under the Code of Criminal Procedure 1898 and Police Rules 1934 with some special laws as explained in their schedules and rules. So this article will benefit all of above mentioned units and officers.

### **Reporting of the Cognizable Offence/Registration of Case (FIR)**

Chapter fourteen of the code of criminal procedure- covering sections from 154 to 176 explains the procedure of conducting investigation of an accused, starting from the registration of FIR<sup>18</sup> and arrest of the accused to the end of the case i.e. the submission of challan (charge sheet) in the concerned court of criminal law. The incharge of a police station (SHO)<sup>19</sup> has been empowered<sup>20</sup> to register a criminal case (called an FIR) on receiving information from affected/injured party (the first informant) whereas the said affected party has to ask SHO for taking legal action against the accused- either nominated or unknown person(s), allegedly involving in the commission of a cognizable<sup>21</sup> offence/crime.<sup>22</sup> On receiving such information, a police officer is bound to register the case (if cognizable) in register # 0123 kept in a police station.<sup>24</sup> "Prior to registration of FIR, a report in daily diary<sup>25</sup> of the police station is recorded; number, time and date of such report are specially mentioned in one of its columns of the FIR form<sup>26</sup> (duly figured in Police Rules 1934)."<sup>27</sup> According to section 154 CrPC, an injured party whoever it is, may ask the officer incharge of a police station for taking legal action against the alleged offenders. "The aggrieved person may set the criminal Law in motion by making a report under 154 CrPC."<sup>28</sup> "The information so given is called FIR which is a basis upon which an investigation is commenced."<sup>29</sup> "It always forms foundation of a criminal case and its importance is therefore paramount in nature."<sup>30</sup> "If any police officer receives information, disclosing commission of a cognizable offence, he is under legal obligation to register case as per provisions of section 154 CrPC."<sup>31</sup> "It is the duty of police officer to record FIR correctly and honestly, for only then a proper investigation would be possible."<sup>32</sup>

Generally when an informant gives information for the first time to the incharge of a police station for taking legal action against person(s) either nominated or unknown for commission of an offence; the police officer receives it, enters in daily dairy and evaluates the contents of the said information/application. He then suggests suitable section(s) of Pakistan Penal Code (PPC)<sup>33</sup> according to the nature of offence(s). If it reveals that offence(s) committed is/are marked as cognizable in the second schedule<sup>34</sup> of CrPC, then the said incharge enters such application in a register bearing No 135. As this information is the first information so it is called FIR i.e. "first information which is given first in point of time"<sup>36</sup>. Once an FIR is registered, police officer is "bound and empowered to start investigation"<sup>37</sup> in the lieu of allegations made in the said FIR. The information (given first)

is brought in black and white in an application shape, signed by the informant and followed by registration of FIR. The information that comes after first information is also “written by investigating officer but as a statement”<sup>38</sup> not as an FIR and “this statement is not signed by any informant or a witness”<sup>39</sup>.

“FIR is first information about happening of a crime.”<sup>40</sup> “While through this FIR, the interests of accused are protected against subsequent possible variations, additions and improvements.”<sup>41</sup> FIR and supplementary statements are two different things. “FIR is a documents which is entered into a book maintained at the police station and “thumb marked or signed by the first informant”<sup>42</sup>, while the supplementary statement is recorded u/s 161<sup>43</sup> Cr.P.C and “is not signed or thumb marked”<sup>44</sup> under the law.”<sup>45</sup> FIR is not a comprehensive document but is only a complaint for the purpose of setting the law in motion.”<sup>46</sup> “Only relevant facts are noted by the police in FIR in order to start investigation.”<sup>47</sup> “Its main propose is to give information of a cognizable offence to the police and set the law in motion.”<sup>48</sup> “The investigation of case (FIR) depends upon the alleged commission of offence.”<sup>49</sup> It means that FIR cannot be lodged without commission of an offence. Untill and unless a cognizable offence is not committed, there can be no such move towards the registration of a case i.e. report can not be registerd as an FIR. “After receipt of a telegram or telephonic massage if the police proceed to the spot and take down the information from the complainant or the informant and get it signed by him, the singed statement would be the first information.”<sup>50</sup> “A telephonic massage seeking police assistance may qualify as FIR if it is information relating to the commission of a cognizable offence and be reduced to writing and read over to the informant on reaching to the spot.”<sup>51</sup>

### **Cross FIR**

“No hard and fast rules exist under which police or investigating agencies could be prevented from registering a second FIR in respect of different versions of an incident-taking place on the same date on which another incident had already taken place.”<sup>52</sup> However, Chief Justice Saeed Khosa ordered in Soghra Bibi case that cross i.e. 2nd FIR of the same incident cannot be registered.<sup>53</sup> Thus if there are two various versions and both the parties are injured/affected, then two challans are submitted now a day: One challan against the accused of first version and second challan against the first informant as he is also nominated by first accused.

“Law never permits two FIRs to be admitted in evidence.”<sup>54</sup> “A second statement of the first informant is not an FIR but it can at best be treated as a statement u/s 161 Cr.P.C.”<sup>55</sup> Although, it is the statutory right of an injured/affected party to register an FIR against the offender but if it is of the same incident and the second informant is the opposite party, still 2nd cross FIR cannot be registered.<sup>56</sup> However, second challan is submitted against the first informant if the allegation is prima facie i.e. both the parties are trailed in one FIR if two challans are so submitted. “Where a second FIR was counter blast

and in fact a counter-dependence version of the accused persons of the previously registered FIR, it could not be registered.”<sup>57</sup> “Where a case has been registered, the registration of a fresh report notwithstanding the divergent version contained therein is not called for inasmuch as the ball had already been set rolling and the police was not only competent but also duty bound to unearth the true facts and traceable culprits.”<sup>58</sup> The counter version must also be considered and grievances of accused be recorded. “Investigation was transferred to quarter investigating officer with observation that counter version be given due consideration in accordance with law.”<sup>59</sup>

### **Reporting of a Non-Cognizable Offence**

As earlier explained that when information comes to the incharge of a police station, he sees its nature whether cognizable or not? If yes, he has to register an FIR. “SHO has statutory duty under section 154 Cr.PC to register FIR when commission of a cognizable offence is reported to him.”<sup>60</sup> But when information (received to him) is about the commission of a non cognizable offence, he (the officer-in-charge of police station) is not allowed to register a case/FIR. In such situation/case, the incharge of police station shall enter the said information in daily diary (station diary- also called roznamcha) and send the informant to the concerned magistrate.<sup>61</sup> A non cognizable case/offence can not be investigated with out approval of the magistrate by any police officer until end unless magistrate (empowered) grants permission.<sup>62</sup> If the said magistrate is not empowered, he shall send it to the Court of Session.<sup>63</sup> No investigation be made in non-cognizable case but with approval of magistrate u/s 196-B64 CrPC and 20265 CrPC.<sup>66</sup> After getting order from magistrate, it shall be investigated in the way like a cognizable offense is investigated, fulfilling all the requirements- explained for a cognizable offence.<sup>67</sup> Just like that all the orders (obtained or made) shall be enclosed with case diaries whether that order is to search, to arrest or to summon etc.<sup>68</sup>

After getting an order from the concerned magistrate, a police officer can do all what he can do it in a cognizable offence but with only exception that for arrest of a person, he (police officer) has to get warrant from concerned court/magistrate and can apprehend him.<sup>69</sup> “A non-cognizable case cannot be investigated without the order of magistrate under section 155 (2).”<sup>70</sup> “Generally speaking, police officers are not complete to investigate an offence which is non-cognizable and requires permission from a competent magistrate before the commencement of investigation.”<sup>71</sup> “A police report in a non-cognizable case without proper order from the magistrate could be treated as a complaint.”<sup>72</sup> “Investigation against accused was conducted without permission of the magistrate which was violation of section 155 (2) CrPC so the proceedings were ordered to be quashed.”<sup>73</sup>

### **Power to Investigate the Offences**

If the offence is cognizable, the police officer can register the case and investigate the commission of offence without any order from any source or court. "He (the incharge of a police station) may, without the order of a magistrate, investigate any cognizable case which a court having jurisdiction over the local area within the limits of such station."<sup>74</sup> Means that if and when, any commission of a cognizable offence occurs in the jurisdiction of a police station, its incharge (the police officer) can take action on receiving such information where he does not need to take permission from any one but after lodging FIR, he (the incharge) is bound to send a copy of the said FIR to the concerned magistrate and higher authorities of the police organization.<sup>75</sup> If he does so, his such action can not be called in question.<sup>76</sup> An officer incharge of a police station can investigate any cognizable case which occurs within the limits of his jurisdiction.<sup>77</sup> After the registration of the case, it is handed over to SIO<sup>78</sup> who may "investigate himself or assign it to another subordinate"<sup>79</sup>. Sometimes an incharge of a police station doesn't himself investigate a case and he assigns it to one of his sub-ordinates. Now in Pakistan, investigation wing has been separated but still challan (report) is submitted through his office (incharge of police station). "Sub-ordinate officer making so investigation (like in Balochistan)<sup>80</sup> or separate investigation wing (in rest of Pakistan under police order 2002)<sup>81</sup> shall report such investigation to the incharge of police station."<sup>82</sup> "Investigation of a case by the police without registration of the same is illegal and unjustified."<sup>83</sup>

"Where an FIR is made to the Police under section 156 CrPc, the Police is entitled and indeed duty bound to investigate into offence."<sup>84</sup> "Law demands that cognizance of an offence be taken on the basis of sufficiently reasonable evidence and not at all on the report of an informer whose name is never worth disclosure and who generally is a tout of Police."<sup>85</sup> "Officers of law enforcement agency are not police officers and are not authorized to collect any material or evidence against the accused."<sup>86</sup> Once commission of a cognizable offence is reported or informed, police is statutorily and dutifully bound to take action against the said commission and this is only the incharge of a police officer or an officer so empowered by any other authority or law, who can register the case and investigate it under section 156 CrPC. "There is no statutory prohibition in Criminal Procedure Code 1898 for police nor any bar can be imposed upon them relating to investigation so Police can investigate a case as many times as they choose because it has ample powers to withdraw challan and submit a fresh one."<sup>87</sup> "Re-investigation of a case without any justification is always considered and treated as unwarranted but at the same time if the investigation is taken up a fresh on the material, that action can not be struck down and it can not held to be nullity."<sup>88</sup>

"Ordinarily, police should not conduct several investigations of a case by different police officers at different levels."<sup>89</sup> "On nine times investigation in the same case, the inspector general of police was directed to look into the matter personally and pass appropriate order strictly in accordance with law without fear, favour or nepotism within

specification time.”<sup>90</sup> However, “Police/investigation agency is not debarred from conducting further investigation in any cognizable case after submission of charge sheet and there is no embargo on its power in this context.”<sup>91</sup> “Code (CrPC) does not forbid 2nd investigation into the same one.”<sup>92</sup> But “where FIR is cancelled then no further investigation can be conducted unless such cancellation order is set aside.”<sup>93</sup> FIA is also competent to investigate its scheduled offences<sup>94</sup> and the offences so connected. “Investigation by FIA has exclusive jurisdiction to register a case and conduct investigation of cognizable and scheduled offences if committed by the employees of federation and non else.”<sup>95</sup>

#### Need of Sanction for Registration of Certain Cases

In certain offences especially the offences against the state, sanction or proper approval is required for the registration of FIR and its investigation, and it is the Provincial/Federal Government which grants such sanction. Such offences have been explained under sections 196<sup>96</sup> and 196A<sup>97</sup> CrPC. Further section 197 also imposes some restrictions on the registration of FIR against the judges and public servants but so far, section 197 CrPC has been relaxed under the “common law”<sup>98</sup>. “Provisions of section 197 CrPC were declared repugnant to the injunctions of Islam by Supreme Court of Pakistan giving a deadline of 31st of March 2005 for making necessary amendments upto such date failing which the provisions of law would cease to have effect.”<sup>99</sup> “The high court has no power to quash the investigation in cases requiring sanction under section 197 CrPC where the investigation is made before obtaining the sanction.”<sup>100</sup> However, a number of such cases have been quashed by Balochistan High Court Quetta in 2021 and 2019 on account of not taking earlier sanction from the government.<sup>101</sup>

#### **Where First Information Seems Ambiguous or Suspected**

As early it has been evaluated that upon receiving information, police is by duty bound to register FIR so empowered<sup>102</sup> and investigate it so authorised<sup>103</sup>, but still, if there is believed ambiguity, doubt or lack of reasonable grounds; the remedy has been given to such police officer to adopt specific procedure explained under section 157<sup>104</sup> CrPC. The treatment of suspected report or incident is lying in section 157 CrPC When an officer incharge of a police station feels/sees/believes reason of suspect to the commission of an offence or when the case is not of serious nature<sup>105</sup> or it appears to the officer incharge of the police station that case is not prima face<sup>106</sup>, he (the said officer) shall send a report to the concerned magistrate for taking cognizance and allowing him (the said officer) to investigate the said case. Under the same section, officer incharge has been given full option whether to start investigation if he believes no reason of suspect or not to investigate if he has reason to suspect the commission. “He (the said officer) is not bound to act on such information.”<sup>107</sup>



An incharge of a police station still has to respond to the first information even if he is authorized to do/act u/s 157 CrPC i.e. suspected or non-prima facie cases.<sup>108</sup> In such situation, he (the officer incharge) must enter the said suspected information or unimportant cases in daily diary and may investigate later on when he gets free if busy in high profile cases.<sup>109</sup> In case, such information is recorded, the informant shall be informed in either way and his signature or thumb-mark be got with the fact that investigation is made and if not made then the reasons for no investigation be brought on record and in the notice of district police head.<sup>110</sup> Para 9 and 10 of chapter 25 of Police Rules 1934 are actually the remedies or solution of sub-section 2111 section 157 CrPC.<sup>112</sup> When a police officer decides to proceed even if the situation comes under the ambit of section 157 CrPC then he shall approach to the scene without wastage of a single moment especially in important cases.<sup>113</sup> If such commission of offence has not been committed (believed by the said officer), he (the said officer) may not take any action and shall also notify this fact to the informant for not taking action.<sup>114</sup>

It is very common section<sup>115</sup> for the police to get rid of the informants from registration of FIRs. Although, this section<sup>116</sup> has been designed to be used to find out the truth: whether an allegedly offence has really been committed? But it is used as a tool by police to deal the informant with lame excuses. If case is not registered, then the same report made under section 157 CrPC for not taking action shall be submitted to a magistrate though a senior police officer without any delay.<sup>117</sup> Senior officer can also exercise the power of an officer incharge of a police station.<sup>118</sup> “High court had the jurisdiction u/s 199 of the constitution of Pakistan (1973) to issue direction to DIG to exercise his powers u/s 551 Cr.P.C. read with sections 156 and 157 CrPC.”<sup>119</sup> A Magistrate is empowered either to decline or take cognizance on the report under section 157 CrPC. If he thinks fit that action be taken, he takes cognizance and if his prudent mind doesn't accept the report, he (the magistrate) may not take any action.<sup>120</sup> “He (the magistrate) on the reports u/s 157 CrPC, may determine either to take no further steps or take cognizance.”<sup>121</sup>

### **Power to Call Upon a Witness or any Other Related Personal for Further Information and Recording Statements**

For the purpose of investigation, a police officer may summon any person to record statements for completion and compilation of investigation of an offence so committed. He (the said officer) is empowered to call any person (acquainted with circumstance of the case and required as a witness) for appearance before him (the said officer) for supplying necessary information.<sup>122</sup> Such information is examined, reported and filed in a case diary<sup>123</sup> and then in final report i.e. challan<sup>124</sup>. “An officer so authorized while making investigation shall invariably issue an order in writing in a prescribed pattern<sup>125</sup> to any person- summoned to attend such investigation.<sup>126</sup> Such officer is bound to write all the details i.e. the time, date, place, arrival and departure data

etc. "He shall endorse on the copy of the order- retained, so summoned, the date and time of arrival at; and date and time of his departure from the police to which he (the person/witness) is summoned." 127 This is another bullet for the police to use it either negatively or fruitfully in order to obtain and collect the evidence in the lieu of commission of an offence. If a person, required to attend and give necessary information to the investigation officer, fails to do so, the police officer may report it to the magistrate for taking legal action u/s 174/28 PPC or 187/29 PPC in order to compel him to do so when all the requirements of summon are fulfilled. As per law, the officer incharge of police station or the officer so investigating must give order in written form. "Verbal order is without lawful authority." 130

After calling a person associated with the commission of an offence, a police officer so authorized is empowered to examine such person. The investigating officer may examine orally such person supposed to be acquainted with the facts and circumstances of the case but he has to produce all the necessary information in written. 131 Investigation must be about the allegation(s)- already reported as first information. A police officer shall not write the whole stories recorded under section 161 CrPC in case diaries, however, brief of such stories/statements can be included therein, and a part from this, such statements (oral or otherwise) shall be recorded separately and enclosed with case diaries. 132 The person so called has been bound to answer the relevant questions except with questions whose answers may expose such person to criminal charge or to a penalty or forfeiture. 133 Under the Code of Criminal Procedure 1898 in force for the time being in Pakistan, such police officer is required to reduce such answers to writing. "The statement so recorded in the course of examination during investigation may be written and if more persons, their statements be reduced in black and white separately." 134 "The information about a cognizable offence received first in point of time must be recorded as FIR while all other informations with regard to that occurrence coming later in point of time have to be taken down as statements of those persons before the police under section 161 CrPC." 135 "Statements recorded in police diary during verification of investigation by police can not be treated as statements recorded under section 161 CrPC." 136 "It is the duty of police to reduce to writing the statement of eye-witnesses." 137 "No specific form has been described in any law or Act for statement to be recorded under section 161 CrPC. It may be in narrative form or in shape of question and answer." 138 Non-relevant persons are not needed to be called and evaluated. "Only a person believed to be acquainted with the facts and circumstances of the case, may be examined u/s 161 CrPC." 139

### **Statements- not to be Signed**

Such statements made u/s 161 CrPC are not signed by the person to be examined. 140 Such statement recorded in the course of investigations can't be used for

any purpose at any enquiry or trial in respect of any offence under investigation except with the permission of the court.<sup>141</sup> The statements made u/s 161 CrPC are only to remind the witnesses their versions and are used to contradict witnesses' expressions-made during recording later on the statements in a court of law. Statements recorded u/s 161 CrPC have no value until witnesses don't record them again in courts of law. "Without re-recording in courts, the use of such statements is prohibited at the trial too."<sup>142</sup> These statements can also be used by the accused to contradict the answers-made during cross examination in courts of law. "Statements made u/s 161 CrPC falls u/s 162 CrPC but not u/s 154 CrPC"<sup>143</sup> as statements given for the first time are considered as first information and are necessarily signed or thumb-marked by the informant (Complainant).<sup>144</sup> Statements of the accused can also be included in the process- adopted u/s 161 CrPC. Therefore, "an accused is competent to get recorded his version before police u/s 162 CrPC".<sup>145</sup>

The purpose of section 162 CrPC i.e not to sign the statements given to the police officer during investigation is to bring fair and true statements to be recorded in courts of law later by the witnesses with free minds. "The result of witnesses' signature or thumb impression, having been obtained on their statements reduced into writing, would be to bind them down to the statements so recorded at any rate that they were not free to make a different statement."<sup>146</sup> "Dying declaration<sup>147</sup> made to a police officer during the course of investigation is not subject to the limitation mentioned in section 162 CrPC."<sup>148</sup> A police officer so empowered to investigate an offence, can't offer or make or cause any inducement, threat or promise to the witness while recording statement.<sup>149</sup>

### **When and Where to Record Confessional and Other Necessary Statements**

When an accused is under investigation and he wants to confess his guilt or there is a witness whose statement is very necessary to be safe from retraction or becoming hostile, such accused or witness is produced before a magistrate to record his statement. "The magistrate records such statement or confession made to him in the course of investigation in the manner so provided in section 364<sup>150</sup> CrPC provided that the accused or witness must be making it voluntarily."<sup>151</sup> "A statement (which is not a confession) is to be recorded in the manner prescribed for recording evidence, while a confession should be recorded in the manner provided by 364."<sup>152</sup> Under section 164 CrPC, recording of confessions are usually asked by IOs while statements can be recorded on the request of complainant, IOs or even the witness himself. This section i.e. section 164 CrPC clearly states that such recording must be during investigation. "Section 164 CrPC does not deal with an affair which is prior to the beginning of investigation and after the end of investigation."<sup>153</sup> "Any magistrate can record a statement or a confession so received even not having jurisdiction in the case."<sup>154</sup> Still a magistrate can ask to go to illaqa (jurisdictional) magistrate but has to do the needful if not possible by the illaqa magistrate or the concerned magistrate is away. "Judicial magistrate would not conduct

himself judicially when there is an application before him for recording statement of a person under section 164 CrPC and he refuses to record such statements.”<sup>155</sup>

### **Search Power and Process**

During the course of investigation, sometimes searching something in a place becomes necessary. “A police officer is empowered to search for a thing in a place during investigation with due care and codal formalities when it is believed that there are reasonable grounds and that things become necessary for the purpose of investigation into an offence.”<sup>156</sup> “Such police officer is bound to write in black and white the grounds he believes them reasonable.”<sup>157</sup> “He will be acting illegally if he does not so record.”<sup>158</sup> “Copies of any record so made are sent to the concerned magistrate.”<sup>159</sup> “Where safeguard, provided by section 165 CrPC, are not followed, such search is without jurisdiction and bad in law.”<sup>160</sup> “Provisions of section 103/161 CrPC should be complied with as far as possible in view of section 165 CrPC during investigations and in case, compliance of the said mandatory provisions was not possible, police should give an explanation to justify such non compliance.”<sup>162</sup>

“A police officer can not make a search u/s 165 CrPC in a non-cognizable case which he has not been so authorized by a competent magistrate to investigate.”<sup>163</sup> When some one or thing is lying in jurisdiction of another police station, the procedure so to be adopted for search over there has been covered by CrPC. “One incharge of police station shall request another incharge to do so what has been explained in section 165 CrPC i.e. search is required and on this request, the other incharge, doing so, shall forward the thing, found if any, to the officer at whose request, search was made.”<sup>164</sup> Notices for search, summons to witnesses/persons and search lists shall be prepared under/in forms bearing numbers 25-23 (1) “a, b and c”<sup>165</sup> respectively with directions that no delay, self participation by police officer and sound supervision by senior be ensured to have a successful search.<sup>166</sup> “The incharge of one police station can also himself search in accordance with section 165 CrPC (described above) in the jurisdiction of another police station whenever there is reason to believe that the delay occasioned might result in evidence ... being concealed or destroyed.”<sup>167</sup> While doing so he shall send notice of the search to the incharge of other police station and nearest magistrate.<sup>168</sup>

### **Jurisdiction Issues**

Sometimes a police officer has to take action in the jurisdiction of another police station. He has to inform in written the incharge of other police station whatever he wants to do legally there whether that is search, arrest or raid etc. There are most of the times jurisdiction issues between two incharges of two police stations. Both the officers

have to start investigation jointly in the guidance of senior one and record be kept with the police station where first informant was first received until and unless jurisdiction issue is resolved.<sup>169</sup> When investigation is transferred from one police station to another station or from one district to another district, all the relevant documents including FIR and case diaries must also be forwarded along with police file.<sup>170</sup> While doing so, SP<sup>171</sup> of the district shall forward the said case to a magistrate but usually such orders are made by police authorities.<sup>172</sup> On the cancellation of FIR in one police station, all the investigation and contents of FIR will be transferred with same wordings and claim of materials in other police station,<sup>173</sup> where only a new number of FIR will be allotted. When information is received that an occurrence has happened in the jurisdiction of another police station, such information shall be recorded in daily diary (roznamcha) and shall be sent/handed over to the incharge of other concerned police station.<sup>174</sup> But if it is registered once in the same police station and police come to know during the course of investigations that the occurrence place is not in the jurisdiction then even after registration of case, the whole file and FIR are forwarded to another concerned police station;<sup>175</sup> and there “the same cancellation process”<sup>176</sup> is adopted as explained earlier. As soon, the information is conveyed/reached to another station’s incharge, he (the said incharge) has to proceed without any delay to the place where occurrence has happened and take over the said investigation.<sup>177</sup>

### **Remand of Accused**

CrPC also describes the whole procedure when an arrested accused is in custody and investigation process can not be completed within 24 hours. “When ever after arrest or detaining of an accused, investigation is not completed within 24 hours fixed by section 61<sup>178</sup> CrPC, police officer making investigation shall report along with accused to the nearest/concerned magistrate to authorize the detention of accused for further investigation for specific period.”<sup>179</sup> “No person be detained by any investigation officer in his custody after the expiry of 24 hours unless authorized by any magistrate.”<sup>180</sup> Law clearly forbids the police officer/investigator- so authorized from avoidable trouble and unnecessary detention.<sup>181</sup> “Police officer is not justified in detaining a person for one single hour except upon some reasonable ground justified by circumstances.”<sup>182</sup> Detention of an accused arrested without warrant can’t cross the limit of 24 hours and before the expiry of this mandatory stipulated period, he should be produced before the nearest magistrate who may pass an order of his reward.”<sup>183</sup> If not so then detention (in custody) of accused would be violation of Article 9<sup>184</sup> as well as Article 10<sup>185</sup> of the 1973 Constitution of Pakistan. “Detention exceeding 24 hours without a special order of a magistrate is absolutely unlawful.”<sup>186</sup> When a person is detained by the police, it means that he is arrested. It is not necessary that in order to make the arrest legal, he should further be handcuffed or put in the police or judicial lockup.”<sup>187</sup>

In order to get more time than 24 hours for investigation, magistrate may authorize such detention from time to time i.e. that detention period may be of three, five or seven days but collectively not more than 15 days. "The largest period for which an accused can be ordered to be detained in the police custody by one or more remand order(s) is only fifteen days." 188 A police officer so authorized is bound to complete his investigation within stipulated time i.e. 15 days. "The detention period should not exceed a period of 15 days" 189 but in authorizing such detention i.e. 15 days by magistrate, "reasons for the remand be recorded". 190 "If not fulfilling all the mandates of a remand so described, such detention would be illegal." 191 "It is imperative on a magistrate to give reason for granting remand." 192 "Where within fifteen days' time, the investigation is not complete, the police may release the accused u/s 169 193 CrPC or they may send him to the magistrate having jurisdiction for trial." 194

### **Power of Police either to Discharge or Charge Sheet an Accused**

"After completing investigation, a police officer compiles the result either with efficient grounds or difficient evidence. "Investigation officer on the conclusion of the investigation was bound to prapare the final report either under section 169 195 CrPC, showing that sufficient material was not available against the accused person or he was to prepare a report- contemplated in section 170 196 CrPC, showing sufficient grounds ..... by placing their name in column # 2 and 3 respectively." 197 This is the duty of an investigation officer to set that the accused may be discharged under section 169 CrPC or challan report may sent against the so accused as envisaged in section 170 CrPC.

"If there is no sufficient evidence or there is believed reasonable ground of suspicion to justify the forwarding of the accused to a magistrate, such officer may release the accused so investigated on executing bond with or without surity to appear before the concerned magistrate where and when required." 198 This power can only be used, as in practice in Pakistan, untill and unless accused is under investigation in police. "It can not be applied to a case where the accused has appeared before the magistrate." 199 "Power u/s 169 CrPC can only be exercised by the police during the course of investigations when the accused is in police custody." 200 "Power to discharge has been given to police officer u/s 169 CrPC." 201

"Once a lagel order is passed by trial court, there would be no scope for entertaining a report under section 169 CrPC." 202 There are contradictory views on the re-investigation of the case once some one is discharged under section 169 CrPC. One view is that discharge under section 169 CrPC does not stop re-opening the case against the said accused. "Where an accused is discharged, FIR still remains intact and discharge ..... does not restrain from re-investigating." 203 "Discharge of accused by the police doesn't clog the investigation." 204 "Upon discovery of fresh evidence or availbity of fresh material, police could always re-investigate the matter after getting necessary permission

in that regard from the magistrate.”<sup>205</sup> On the other hand, this view is not supported. “Once the challan (report) is submitted before a court u/s 173<sup>206</sup> CrPC, the provisions of section 169 CrPC can’t be invoked.”<sup>207</sup> “But after discharge of an accused on police report, police is not competent to re-open case without detaining order from magistrate it means re-investigate needs approval from a magistrate.”<sup>208</sup> It means that re-investigation needs approval from a magistrate.

Similarly when the case is a prima facie, the investigator submits the case in a court of law according to due process. “If it appears to him (investigating officer) that there is sufficient evidence or reasonable ground against the accused, he shall forward his report and the accused to the magistrate for taking cognizance for trial along with case property if any.<sup>209</sup> Section 170 CrPC is almost utilized/read together with section 173 CrPC as section 170 makes a police officer bound to send/forward the report with accused (if any under custody) if the investigation i.e. evidence collected is good enough to initiate the trial in a court of criminal Law while the report so made on a prescribed format (a regular form<sup>210</sup> given in Police Rules 1934- to be filled with necessary information) called challan of the investigation, shall be submitted under section 173 CrPC before a concerned court of criminal Law. “This report/challan of investigation of the commission of offence shall be completed without any unnecessary delay i.e. maximum within 14 days and be forwarded through a police prosecutor (so authorized) to a magistrate to take cognizance upon such report, writing therein the names of parties and witnesses, nature information, position of accused whether arrested or on bail, time and date of occurrence and suggestions of section of PPC in accordance with offences committed, etc.”<sup>211</sup>

A police officer is also supposed to communicate action so taken in the said form to the first informant (complainant).<sup>212</sup> While forwarding report u/s 173 CrPC, its copy be produced to the accused before commencement of the trial.<sup>213</sup> After furnishing the lists of witnesses to the court, the court becomes bound to bind those witnesses to appear before him on due date and time.<sup>214</sup> Such witnesses can not be detained as they are not required to accompany with investigation officer or with any other.<sup>215</sup> “Statements obtained from a witness subject to restraint can’t be regarded as voluntary and can’t be relied upon.”<sup>216</sup> After believing/having reasonable grounds and sufficient evidence, the investigation report must be submitted before a Court of Criminal Law. “Submission of final report u/s 173 CrPC by investigation officer is mandatory.”<sup>217</sup> Investigating officer gives his own opinion and recommendations in the said form regarding the commission of an offence and future of offender. “Opinion under 173 can be expressed by investigation officer making any concerned accused responsible and case prima facie.”<sup>218</sup>

Some times, things are missing in investigation either recovery or arrest is to be made or any report (expert’s opinion) is to be received then interim report or incomplete challan is submitted, showing those requirements to be missing but when such

requirements are fulfilled, supplementary challan/report as the final one is submitted in the concerned court of criminal Law for further legal process of the trial. Report u/s 173 CrPC is actually a charge sheet of criminal act under section(s) of PPC219 against an accused. Report, submitted in the light of instructions given by the court, cannot be treated as a report u/s 173 CrPC. It is rather a report u/s 202220 CrPC. So “a report u/s 173 CrPC can’t be called a complaint.”<sup>221</sup> It is completely a charge sheet against an accused. “Police report would remain a police report and under no circumstances, it could be regarded as complaint which is all together a different expression and has a different meaning from which police report has expressly been excluded.”<sup>222</sup> Police can’t submit challan u/s 173 CrPC in non-cognizable cases without approval of magistrate. “Such report would not be a police report u/s 173 CrPC.”<sup>223</sup>

“The investigating officer must submit the report/challan u/s 173 CrPC within fourteen days from the registration of case.”<sup>224</sup> In case, timely submission of “complete challan”<sup>225</sup> is not possible than incomplete challan is submitted. This “Incomplete challan should be submitted within next three days in case, investigation is not completed within prescribed 14 days.”<sup>226</sup> “Trial court is not competent to treat the incomplete challan as a complete challan. However, it can commence the trial on the basis of incomplete challan or it has to wait for complete challan.”<sup>227</sup> “When a challan has been submitted there is nothing in law to prevent investigating officer from submitting a subsequent report in supersession of his earlier report u/s 173 CrPC on his own motion or on the directions of higher authorities.”<sup>228</sup> “The police is not debarred from making further investigation after having submitted the final report under section 173 CrPC as long as it was not based on mala fides.”<sup>229</sup> “Since subsequent investigations have been considered lawful, so the reports submitted as a result thereof have also to be given weight.”<sup>230</sup> “A report by police after investigation into a non-cognizable/offence without permission of a magistrate was not a police report u/s 173 CrPC.”<sup>231</sup> It means that challan can not be submitted in non-cognizable case until and unless proper approval is obtained from a magistrate.

Investigation of single case in ordinary offence must be completed within 14 days provided that any special law does not override this rule. “Where investigation is not completed within stipulated period of 14 days from the date of recording first information report (FIR), the officer incharge of a police station shall forward an interim report to the magistrate through public prosecutor in the form prescribed in Police Rule 1934 within three days of expiration of such period, showing therein the result of investigation so made.”<sup>232</sup> Further, investigations in this regard are covered by Police Rule 1934.<sup>233</sup>

### **Process under Section 174 CrPC**

A separate enquiry is conducted when it comes to know that a person is dead without knowing the reasons. “Police officer (incharge of a police station) reports to the



magistrate whenever the said police officer receives information that a person has committed suicide; or has been killed by another person, by an animal or by machinery or by an accident; or has died under circumstances raising a reasonable suspicion; or some other person has committed an offence of death and upon this report, the magistrate is empowered to hold enquiry.<sup>234</sup> “The said police officer shall investigate the death of that person in the presence of two or more inhabitants of the neighbourhood and shall draw out the apparent cause of death- describing such wounds, fractures, bruises and other marks of injury as may be found on the body and stating therein what manner or by what weapon or instrument (if any), such marks appear to have been inflicted.”<sup>235</sup>

If there is doubt of causes of death, the police officer shall send that dead body for post-mortem<sup>236</sup> to an authorized hospital.<sup>237</sup> Section 174 CrPC is applied only to the case where cause of death is unknown. That is why two or more inhabitants of neighborhood are required to be present when and where the death has occurred. If not so, question will arise on the credit of investigation- reported by the police officer. The same procedure is applied to record statement of those inhabitants what has been explained under sections 160, 161 or 162 CrPC etc. Here it means that those statements are also not signed by the witnesses if any statement is recorded u/s 174 CrPC. The procedure under section 174 CrPC has also been covered comprehensively by Police Rule 1934.<sup>238</sup> If any person under custody of police dies, the magistrate conducts enquiry to find out the truth.<sup>239</sup>

### **Case Diary (Zimni)**

All the procedures, adopted during the course of investigation of an offence- so committed, are brought in black and white or in specific forms<sup>240</sup> of diaries. “Every police officer conducting so investigation writes all the proceedings taken by him day to day and time to time i.e. the time and date of departure, interrogation, sealing the parcel, collecting the evidence, arrival time at the scene or to other departments, etc in the prescribed form of diary.”<sup>241</sup> He has to write time of commencement and closing of investigation, the place(s) visited by him, and description of the circumstances he faces during investigation along with detail of collection of evidence.<sup>242</sup> When an officer so investigating is relieved must sign all the case diaries he has made during the course of the investigation.<sup>243</sup> This rule is applied on all kinds of police officers who conduct investigation. These diaries are only used by the investigating officers to refresh their memories when giving statements in the courts of law. “They can not be used either as substantive or as corroborative evidence in the case.”<sup>244</sup> Comprehensive procedure regarding case diaries has also been explained by Police Rules.<sup>245</sup>

“Even the consent of the parties can not legalise the use of a diary as evidence.”<sup>246</sup> “The diary can not be used for any thing other than to assist the presiding judge in the enquiry or trial.”<sup>247</sup> “There may be cases where the interest of justice would require aid of the police diaries.”<sup>248</sup> “A police diary may be an official document and the

entries therein are worth what they are but they can not surely be accepted to be absolutely correct for all purposes, in the absence of any definite proof.”<sup>249</sup> “The object of section 172 (2) CrPC was to enable court to direct police officer who was giving evidence to refresh his memory notes made by him in the course of investigation of the case or to question his as to contradictions which may appear between statements so recorded and evidence he was giving in court.”<sup>250</sup>

### **Opinion of the Investigating Officer**

A premature view can't be furnished by an investigating officer for or against any person before he (the person) is properly investigated and actual facts are found.<sup>251</sup> Whenever an investigating officer needs expert's technical assistance, he (the IO) may proceed without any permission.<sup>252</sup> In this regard, crime branch (having the facility of forensic laboratories) is one of the easily available sources.<sup>253</sup> Fingure-prints, photography, hand writing and these days visual and audio proof or any material- related to weapons may be utilized for expert opinions;<sup>254</sup> foot prints be known and their recordings be made;<sup>255</sup> and human poisoning cases be made through district health officer (DHO) and rest shall be chemically examined and analised directly by experts.<sup>256</sup> When locally available resources or sources can be applied, police shall be free to utilized but shall use government experts when exist.<sup>257</sup> Otherwise district heads may contact nationwide laborites/experties through direct references.<sup>258</sup> Arms and ammunition shall also be chemically examined through experts with details given therein 25-15 (3) Police Rules 1934.

In cases against government employees/servants, higher authorities of police may be informed regarding investigation so made.<sup>259</sup> In possible conditions, gazetted officers shall supervise all the important cases and their work be recorded.<sup>260</sup> Spy informants are protected as their names can't be exposed by any officer who is informed and such officer can not be compelled for this purpose with only exception when the Governor of a province passes an order even then such name(s) shall only be exposed directly to high guns/senior officers above the SSP level of his department not any other department.<sup>261</sup> Para-19 having 7 sub-paras and Para-20 with 05 sub-paras of chapter 25 of Police Rules 1934 deal with complete procedure of medico legal opinions and medical treatment of wounded complainant and witness or any other wounded from A to Z steps. Rules and procedures regarding seizure, maintenance and disposal of case properties before, during and after the trial have also been covered comprehensively by Police Rules 1934.<sup>262</sup> Along this, para 58 of this chapter i.e. 25th of Police Rules 1934, gives a list of instruments to be provided to the investigation officer during the course of investigation in an

investigation bag containing tools and modern technical instruments like camera etc and stationary items.<sup>263</sup>

## Conclusion

The main purpose of this paper was not only to comprehensively review the investigation laws- enacted in Police Rules and CrPC but also to evaluate the common law- directed by judiciary i.e. case laws in difficult cases. The laws and their application, regulating criminal investigation in Pakistan, were comparatively and jointly studied and analysed in the light of judge-made laws (common law) of both the Supreme Court of Pakistan as well as the High Courts. The CrPC has almost covered all the steps of criminal investigation to be conducted for finding the truth of a commitment of an offence while Police Rules 1934 are the commentaries on the various sections of the CrPC, fulfilling the lacking of any step or explaining any ambiguity which comes before. The common law of judiciary has further illuminated the controversies or contradictions- arisen. Judiciary has strictly directed the LEAs to abide by the procedure- ordained therein the CrPC. Following the above explained and evaluated rules, principles, sections and directions; an investigating officer can perform well and if he does so, automatically conviction rate will increase and crime rate will be controlled.

## References

- 1 Maureen Johnson, *Truly Devious # 1*. It is a famous and renowned book of quotations.
- 2 *Oxford Advanced Learners Dictionary*- last accessed on 13th July 2021.
- 3 *Ibid* ...
- 4 Shah Zahir Shah. *A Research Work on Investigation of Crimes (Basics, Causes of Failure and Their Solution)*. Research Thesis for LLM, p-33
- 5 *Law Dictionary (Black's)*
- 6 *Applied science is a discipline that is used to apply existing scientific knowledge to develop more practical applications*. <https://www.internationalstudent.com>>.... Last accessed on 20th April.
- 7 Charles E. O'Hara and Gregory L O'Hara, *Fundamentals of Criminal Investigation (Sixth Edition)*, 1994; ISBN 0-398-05889-X. Available at Wikipedia, the Free Encyclopedia, Last accessed on 12th July 2021.
- 8 *Section 4 of the Criminal Procedure Code (CrPC) 1898*. It is a criminal procedural law for the time being in force in Pakistan.
- 9 *Sumerians were the inhabitants of Southern Mesopotamia (now a days the central Iraq) during one of the early and first civilizations in the world- called Sumer during 4500-1900 BC*. Black, Jeremy A and George A R (2000). A

*Concise Dictionary of Akkadian p. 384 ISBN 978-3-447-04264-2. Available at Wikipedia- last accessed on 20th February 2022.*

- 10 Criminal Procedure Code (CrPC) V. 1898 is a criminal procedural law for the time being in force in Pakistan.*
- 11 Police Rules 1934 is a set of rules and procedures (consisting of 28 chapters) to deal with the police practical work and the matters of organization along with procedures to be adopted during the course of investigation and prosecution. It describes almost all the procedural and practical principles which run the organization of police in Pakistan.*
- 12 Chapter # 25 of Police Rules 1934 covers the whole procedure of investigation from 1st step to last step i.e. from the registration of the FIR to the submission of challan.*
- 13 FIA stands for Federal Investigation Agency which deals, registers and investigates the cases against the employees of the federal government just like Anti Corruption Department does in Provinces against the provincial employees/servants. It also deals against the general public in some other crimes like cyber crimes, money laundering crimes etc.*
- 14 Special Sexual Offences Investigation Units (SSOIU) shall be established in every district by the provincial governments and in Islamabad to hold investigation of the scheduled offences under Anti-Rape (Investigation and Trial) Act, 2021.*
- 15 CTD stands for Counter Terrorism Department which deals with the terrorism cases in Pakistan.*
- 16 CIA stands for Central Intelligence Agency which is a secret and raiding unit within district police in Pakistan.*
- 17 Crime Branch is a specialist unit of police for investigation in Pakistan where high profile cases are investigated.*
- 18 FIR stands for first information report which is a criminal case and registered in cognizable cases and let the police commence the investigation in the alleged commission of an offence.*
- 19 SHO stands for station house officer who is the in-charge of a police station in Pakistan.*
- 20 Under Section 154 Criminal Procedure Code, 1898.*
- 21 Cognizable offence is the offence for which, police can arrest an offender without any order from any court or person. These offences have been tabled in schedule II of Code of Criminal Procedure 1898.*
- 22 1997 PCrLJ 348*

- 23 Register # 01 is a book of FIRs- containing a separate number on each leaf, kept in a police station to maintain the record of complaints- made and informed for the first time when a cognizable offence is committed. This book is kept in a police station and is valid for 60 years.
- 24 2002 MLD 1181
- 25 Station diary- also called roznamcha in local language in Pakistan.
- 26 Form of FIR has been figured in Police Rules 1934 bearing figure # 25-54. In this form, there are six columns- each one is filled with different information and then signed by incharge of police station, containing name of informant, date and time of both the commission of offence and reporting of occurrence, name(s) of accused if nominated and the details how that occurrence took place etc.
- 27 2000YLR 2294 (DB)
- 28 1997 PCrLJ 348
- 29 2002 MLD 28
- 30 1995 PCrLJ 459 (DB)
- 31 2002 MLD 1181
- 32 NLR 1997 Cr.655(DB)
- 33 Pakistan Penal Code is a subjective/penal law that defines the offences and describes their punishments.
- 34 Schedule II of Criminal Procedure Code tabulates the cognizable, compoundable, and bailable position and trial authority of the offences given in PPC.
- 35 Register No 1... see supra notes.
- 36 PLD 2002 Karachi 402
- 37 Section 156 CrPC empowers a police officer to investigate a cognizable offence when registered u/s 154 CrPC.
- 38 Section 161 CrPC makes bound an investigating officer to record the statements of witnesses- acquainted with circumstances of the commission of an offence.
- 39 Section 162 CrPC forbids an investigator to get signed the information/statement given after the registration of FIR by the witnesses or informants not the first one.
- 40 2002 PCrLJ 1432
- 41 1998 PCrLJ 1486
- 42 Section 154 CrPC
- 43 Section 161 CrPC gives powers to police officer so conducting investigation, to summon/call upon a person- acquainted with circumstances of commission of an offence for recording statements as witnesses.

- 44 Section 162 CrPC ... see *supra* notes.
- 45 PLD 2002 Lahore 110 (DB)
- 46 1997 PCrLJ 348
- 47 1996 PCrLJ 1883 (DB)
- 48 1981 PCrLJ 434 (DB)
- 49 1996 PCrLJ 1773
- 50 PLD 1879 Karachi 402
- 51 PLJ 1977 Karachi 136 (DB)
- 52 2002 MLD 662
- 53 PLD 2018 SC 595
- 54 1996 MLD 1490
- 55 1991 PCrLJ 247 (DB)
- 56 PLD 2018 SC 595 *Sughra Bibi case- reported and commented on*  
<https://sahsol.lums.edu.pk> Last accessed on 21st March 2022.
- 57 1993 PCrLJ 1056
- 58 PLJ 1999 Lahore 285
- 59 1990 PCrLJ 896
- 60 NLR 2000 Cr.1 (DB)
- 61 Section 155 (1) CrPC
- 62 Section 155 (2) CrPC
- 63 *Ibid* ...
- 64 Section 196-B CrPC empowers a magistrate to give approval of investigation in cases wherein sanction is required u/s 196 and 196-A CrPC.
- 65 Section 202 CrPC also empowers a magistrate to give approval of investigation or enquiry in certain conditions explained in its contents.
- 66 25-11 (1) Police Rules 1934
- 67 25-11 (2) Police Rules 1934
- 68 25-12 Police Rules 1934
- 69 Section 155 (3) CrPC
- 70 1992 PCrLJ 227
- 71 2000 SCMR 1945
- 72 1980 PCrLJ 742 (DB)
- 73 2000 MLD 655 (DB)
- 74 Section 156 (1) CrPC
- 75 Section 156 (2) CrPC
- 76 *Ibid* .....
- 77 25-1 Police Rules 1934

- 78 Station investigation officer (SIO) is in charge of investigation at police station level. This was promulgated after establishment of Police Order 2002.
- 79 25-1 Police Rules 1934
- 80 Investigation wing was formed under Balochistan Police Act 2011 where as investigation is also under the supervision of incharge of a police station but still separate wing is practiced in Capital City Quetta of the province which is against the norms of Balochistan Police Act 2011. This Act restored the provisions of Police Act 1861 in the province while demerging Balochistan levies from police, which was merged in police earlier. Balochistan Levies Force is also a law enforcement agency (LEA) which enforces laws in 'B' area of the province just like police in 'A' area. Balochistan province has been divided into 'A' and 'B' areas i.e. "A" area is urban, under the municipality or corporation and is in the jurisdiction of police while 'B' area is rural which is directly in jurisdiction of levies under the command of district civil administration like deputy commissioners (DCs), assistant commissioners (ACs) and Tehsildars.
- 81 Police Order 1934 ... See *supra* notes.
- 82 Section 168 CrPC
- 83 1997 MLD 246
- 84 1982 PCrLJ 654
- 85 1996 MLD 493
- 86 PLD 1995 Karachi 16 (DB)
- 87 PLD 2001 Quetta 10
- 88 2002 PCrLJ 1585
- 89 1986 SCMR 1934
- 90 PLJ 2000 Lahore 1448
- 91 2000 PCrLJ 045
- 92 1997 MLD 1555
- 93 1997 PCrLJ 56.
- 94 Approximately 115 sections of PPC and a number of offences under local and special laws are included in Schedule of FIA Act 1974.
- 95 1995 MLD 1285.
- 96 Section 196 CrPC defines that sanction is required from the provincial or federal government for registration of FIR for the offenses against the state and some other offences of serious nature against the religion or religious activities with certain conditions.
- 97 *Ibid.*...
- 98 Common law means judge made law.
- 99 PLD 2005 SC 19
- 100 AIR 1945 PC 19.

- 101 In judgments of criminal miscellaneous quashment constitutional petitions # 177/2021 in case FIR # 11/2021 of Police Station City Chaman u/s 124-A on 26th April 2021 and 61/2019 in case FIR # 10/2019 of Police Station City Chaman u/s 153-A on 18th March 2019.
- 102 Empowered under section 154 CrPC
- 103 Authorized and empowered under section 156 CrPC
- 104 Section 157 CrPC explains the procedure to be followed by police when first information is ambiguous and suspected or is not prima facie.
- 105 157(1) a Cr.PC 1898
- 106 157(1) b Cr.PC 1898
- 107 2002 PCrLJ 53
- 108 25-9 (1) Police Rules 1934
- 109 25-9 (2) Police Rules 1934
- 110 25-8 (3)(4) Police Rules 1934
- 111 Sub-section 2 section 157 CrPC permits a police power that if any suspected commission of offence has not been committed (believed by the said officer), he (the said officer) may not take any action and shall also notify this fact to the informant for not taking action.
- 112 25-9 & 10 Police Rules 1934
- 113 25-10 Police Rules 1934
- 114 Section 157(2) CrPC 1898
- 115 Ibid ...
- 116 Ibid ...
- 117 Section 158 Cr.P.C. 1989
- 118 Section 551 Cr.P.C. 1898
- 119 1995 PCrLJ 961
- 120 Section 159 CrPC
- 121 2Weir 119
- 122 Section 160 CrPC
- 123 Section 172 CrPC
- 124 Section 173 CrPC
- 125 Specific pattern has been given in form # 25-2 (1) in chapter # 25 Police Rules 1934. Form 25-2 (1) is a written order/summon to call a relevant person or a witness for recording statement u/s 161 CrPC.
- 126 25-2 (1) Police Rules 1934
- 127 Ibid ...



- 128 Section 174 PPC explains the punishment for the person who so bound does not attend the place after summon or notice before the authorized person for legal proceeding or action.
- 129 187 PPC define the period of punishment, given to a person who is legally bound to assist a public servant so authorised after noticing and summoning.
- 130 1999 PCrLJ 1549
- 131 Section .161 Cr PC
- 132 25-18 Police Rules 1934
- 133 Section .161 Cr PC
- 134 Ibid ...
- 135 PLD 1979 Lahore 907
- 136 NLR 1987 Cr. 142
- 137 1955 PCrLJ 705
- 138 1995 PCrLJ 1124
- 139 AIR 1932 Mad 391 (FB)
- 140 Section 162 CrPC
- 141 Ibid ...
- 142 AIR 1960 Allahabad 1 (FB)
- 143 PLD 1966 Lahore 368
- 144 Section 154 CrPC ... see supra notes
- 145 PLJ 1999 Cr.C 998
- 146 1988 PCrLJ 473
- 147 Dying declaration is statement of a person who dies before his appearance and recording his statement in a court of law.
- 148 1969 PCrLJ 1482( DB)
- 149 Section 163 CrPC
- 150 Section 364 CrPC provides the mode of recording confessional statements. Para # 27, 28 and 29 of Chapter 25 of Police Rules 1934 also cover the complete procedure of recording the statements under section 164 CrPC.
- 151 Section 164 CrPC
- 152 AIR 1944 Nag 105 (FB)
- 153 1999 PCrLJ 2044
- 154 Section 164 CrPC
- 155 2002 MLD 1147
- 156 Section 165 CrPC
- 157 Ibid ...
- 158 PLD 1999 Lahore 297
- 159 Section 165 CrPC
- 160 NLR 1994 SD 96

- 161 Section 103 CrPC provides modes and conditions of search of a place.
- 162 PLJ 1995 FSC 54
- 163 AIR 1943 Lahore 28(DB )
- 164 Section 166 CrPC
- 165 Forms bearing numbers 25-23 (1) a, b and c are parts of Police Rules 1934 to be filled up while notice is issued (a), summon is given (b) and search list is prepared (c) respectively.
- 166 25-23 Police Rules 1934
- 167 Section 166 CrPC
- 168 Ibid ...
- 169 25-5 Police Rules 1934
- 170 25-8 (3) Police Rules 1934
- 171 Superintendent is usually the head of a district i.e. district police officer (DPO) in Pakistan.
- 172 25-8 (2) Police Rules 1934
- 173 25-7 Police Rules 1934
- 174 25-3 Police Rules 1934
- 175 25-4 (1) Police Rules 1934
- 176 25-7 Police Rules 1934, See supra notes.
- 177 25-4 (2) Police Rules 1934
- 178 Section 61 CrPC explains the period for which an arrested person can be detained in the absence of an order of a magistrate.
- 179 Section 167 CrPC
- 180 1995 PCrLJ 369
- 181 25-2 (2) Police Rules 1934
- 182 AIR 1955 AIR 138 (DB)
- 183 PLJ 1997 Quetta 137
- 184 Article 9 of the Constitution of Islamic Republic of Pakistan secures a person's liberty saved in accordance with law.
- 185 Article 10 of the Constitution of Islamic Republic of Pakistan gives safeguards to the people against illegal and irregular arrest and detention.
- 186 PLJ 2000 Lahore 1581
- 187 PLD 1960 Peshawar 74
- 188 1999YRL 1728 and PLD 1972 Quetta 76
- 189 Section 167 CrPC Sub-section 2
- 190 Section 167 CrPC Sub-section 3
- 191 PLD 1997 Karachi 494
- 192 PLD 1982 Quetta 103

- 193 Section 169 CrPC empowers a police officer making investigation to release an accused under investigation when he believes reasonable ground that there is no efficient evidence.
- 194 AIR 1937 Sindh 251
- 195 Section 169 CrPC See *supra* notes
- 196 Section 170 CrPC is the vice-versa of section 169 CrPC wherein police officer is supposed to send the case to the magistrate in case of efficient evidence i.e. *prima facie* case.
- 197 2002 PCrLJ 33
- 198 Section 168 CrPC ... See *supra* notes.
- 199 1995 PCrLJ 549
- 200 2001 MLD 1096
- 201 PLJ 1998 Lahore 1683
- 202 PLD 1996 Karachi
- 203 1999 MLD 860
- 204 1997 MLD 1135
- 205 2000 MLD 1122
- 206 Section 173 CrPC ..... see *supra* notes.
- 207 NLR 2002 Cr. 415
- 208 NLR 1987 CRLJ 548 (2)
- 209 Section 170 CrPC
- 210 Figure/Form # 25-56 (1) and 25-57 (2) Police Rules 1934
- 211 Section 173 CrPC... See also *supra* notes.
- 212 Section 173 CrPC sub-section 1 (b)
- 213 Section 173 CrPC sub-section 4
- 214 Section 173 CrPC sub-section 5
- 215 Section 171 CrPC
- 216 PLJ 1977 Peshawar 65 (DB)
- 217 PLJ 1995 Lahore 479
- 218 PLJ 1999 Lahore 285
- 219 Pakistan Penal Code... See *supra* notes.
- 220 Section 202 CrPC explains the process of submission of reports which are made after the court orders on a complaint especially under section 22 A/B CrPC or on an application/request made to such court during trial of the case. Section 22 A/B gives power to a session or additional session judge to ask the police for specific action under the required law in the interest of justice.
- 221 1968 PCrLJ 97
- 222 1993 MLD 560
- 223 PLJ 1999 She C (AjK) 1

- 224 1994 MLD 891  
225 Complete challan is the charge sheet report where all the requirements are fulfilled i.e. arrest, recovery, FSL report, etc.  
226 NLR 1998 Cr 48  
227 PLJ 1999 Sh. C (AJK) 14  
228 1999 MLD 2094  
229 2002 PCrLJ 310  
230 1987 PCrLJ 466  
231 1999 YCR 1558 (Sh.c)(AJK)  
232 Section 1 (b) of section 173 CrPC  
233 25-56 & 57 Police Rules 1934  
234 Section 174 CrPC  
235 Sub-section 1 section 174 CrPC  
236 Post-mortem is legal medical examination of a dead body in order to know the exact reason of death.  
237 Subsection 3 section 174 CrPC  
238 Chapter 25 Para 31 to 40 Police Rules 1934  
239 Section 176 CrPC  
240 Form # 25-56 (1) Police Rules 1934  
241 Section 172 CrPC  
242 Sub-section 1 Section 172 CrPC  
243 25-6 Police Rules 1934  
244 PLD 1974 Karachi 91  
245 Chapter 25 Para 53, 54 and 55 Police Rules 1934  
246 AIR 1925 Oudh 1  
247 NLR 1984 Cr. 304  
248 PLD 1974 Karachi  
249 AIR 1954 Assam 170  
250 1984 PCrLJ 2934  
251 25-2 (3) Police Rules 1934  
252 25-14 (1) Police Rules 1934  
253 25-11 (2) Police Rules 1934  
254 25-11 (3) Police Rules 1934  
255 25-26 Police Rules 1934, 25-43 and 25-44 also cover the procedure to solve rest of types of poisoning cases.  
256 25-41 Police Rules 1934 Further, 25-42, 25-45 and 25-46 also explain all the steps to be adopted by police and chemical examiner.  
257 25-15 (2) Police Rules 1934

*258 25-15 (1) Police Rules 1934*

*259 25-16 Police Rules 1934*

*260 25-17 Police Rules 1934 wherein, supervision rules and directions have been given in details.*

*261 25-18/A Police Rules 1934*

*262 25-48, 49 and 50 Police Rules 1934*

*263 25-58 Police Rules 1934*