

GOVERNMENT OF INDIA (भारत सरकार)
MINISTRY OF RAILWAYS (रेल मंत्रालय)
RAILWAY BOARD (रेलवे बोर्ड)

No.2018/Sec(CCB)/210/Analysis/Pending enquiry

dated-30.10.2023

Principal Chief Security Commissioners/RPF
All Zonal Railways, RPSF, Kolkata Metro, PUs, CORE
Chief Security Commissioners/ KRCL & RDSO
IG Construction - NR & ECoR,
Directors- JR RPF Academy/LKO & TC/KGP.

SECURITY CIRCULAR No. 03 /2023

Sub: Procedure for enquiry & submission of Complaint/ Final Report in the court of law in cases registered by RPF under RP (UP) Act or Railways Act.

While reviewing the pending enquiry cases, registered under RP (UP) Act & Railways Act, it has come to notice that a large number of cases remain pending enquiry for long periods and even exceeding the time limits as provisioned in Sec. 468/167 CrPC. Zonal Railways have been noticed adopting different procedure in submission of Complaints/Final Reports in Hon'ble Courts.

To streamline the working of RPF and to ensure uniformity and standardization across the entire Indian Railways, following guidelines w.r.t. procedure to be adopted for enquiry and submission of Complaint/Final Report in the Court of law in cases registered by RPF under RP(UP) Act/ Railways Act are being issued:

1. Inspector In-charge will inform the court about the registration of the case within 24 hours after the case is registered under RP(UP) Act and/or Railways Act, irrespective of the fact whether the accused is arrested or not and accused is known or not known.
2. All enquiries should be made according to the provisions mentioned in Section 8 of RP(UP) Act and Section 180 of Railways Act and the procedure mentioned in Code of Criminal Procedure 1973 (CrPC) should be followed.
3. Cases may be endorsed to Subordinate Officers for its investigation as per the following tables-



Table - I

RP(UP) Act			
Sr. No.	Description of cases	E.O	Remarks
1.	High value cases of over Rs. 10 lakhs and cases having wider ramification	IPF	PCSC may form a team of competent officers to assist the E.O. including officers from CW(D&I). These cases may also be endorsed to IPF of CW(D&I).
2.	All Special Report cases	IPF	-
3.	20% of all cases registered (including cases having wider ramification)	PCs/ IPF	May be of adjoining post or other IPF nominated by Sr.DSC/ DSC if the PC is a seizure witness.
4.	60% all cases registered	SI	No Special Report cases should be endorsed. If they are part of any enquiry team, it should not be accounted in their personal performance.
5.	20% all cases registered	ASI	-do-

Table-II

The Railways Act		
Sr. No.	Description of cases	E.O
1.	Section 143, 153, 160, 164, 174(a) 20% of the cases	IPF
2.	All section 40% of the cases registered (excluding cases endorsed to IPF/PC)	SI
3.	All section 60% of all cases (excluding cases endorsed to IPF/PC)	ASI

4. In cases where the accused persons are arrested, the enquiry is completed and a prima facie case is made out on the basis of sufficient evidence, there should be no delay in the submission of complaints to the trial court in accordance with the provisions of CrPC against the accused persons.
5. The investigating officer should also include the names of the absconders in the complaints to the trial court and the procedure for proclamation of offender as provided in sections 82 & 83 of CrPC should be followed in such cases.
6. Where there are several accused persons in a case and only some of them have appeared or have been produced before the court and the presence of the other accused cannot be secured within a reasonable time, steps should be taken to approach to the Magistrate to proceed with the case against those accused who have been produced or have appeared and dispose it off according to law, reserving the right of the state to proceed against the other accused, whenever their presence is secured.

7. In summons case (please refer section 167 (5) Cr.P.C.), if the investigation is not concluded within a period of six months from the date on which the accused was arrested, the Magistrate may make an order stopping further investigation into the offence unless the investigating officer satisfies the Magistrate that for special reasons and in the interests of justice, continuation of the investigation beyond the period of six months is necessary. Necessary action by concerned officers in such cases must be taken within time limit prescribed as under:-

- (a) The supervisory officer should ensure that the enquiry of cases is completed within a period of six months, and a report to the jurisdictional court is sent.

According to the provisions of section 173 (8) CrPC, even after submission of this report, the investigating officer may continue further investigation. If he obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form of supplementary charge sheet, or additional list of documents, additional memo of evidence with or without statements.

- (b) Any case of non completion of enquiry into summon cases within 6 months, where approval of trial court has not been obtained shall be treated as "dereliction of duty" and "disobedience of lawful orders of superior officers" and suitable proceedings under D&AR may be initiated against the Enquiry Officer concerned.
- (c) To have an active & appropriate supervision of the cases registered, the mechanism of supervision to adhere the timeline is appended below.

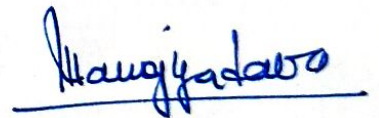
Act	Section	Supervision by				
		IPF	ASC	DSC/ Sr.DSC	CSC	PCSC
RP(UP) Act	3 & 4	Up to 30 days	31-45 days	46-90 days	91-180 days	181 and above
Railway Act	Warrant cases	-do-	-do-	-do-	-do-	-do-
	Summon cases	Up to 15 days	16-30 days	31-60 days	Approval to proceed enquiry will be required by respective jurisdictional magistrate.	
					61-90 days	Beyond 90 days

Note: Where PC/ IPF is E.O the scale will start from ASC.

8. If, after the completion of an enquiry, the enquiry officer considers that in spite of all steps taken, there is no prospect of obtaining any further clue and that nothing more can be done in the case, he will submit a final report treating the case as undetectable. However, in instances where cases have been established to have been arisen out of mistake of fact, mistake of law, civil in nature or false, the final report should be submitted forthwith.

9. In cases where accused person or person(s) die/dies before the completion of enquiry and no person or persons can be charged, a final report should be sent with charge abated against the accused person who is dead. In this case also, all statements (oral and documentary) should be sent along with the Final Report Form to the Magistrate having jurisdiction. This form will be used both for referring cases as false and for reporting them as undetected.
10. Cases must not be reported as false unless they are established as "false" based on evidence beyond reasonable doubt. Mere probability will not suffice. Delay in referring cases as false must be particularly avoided, and cases in which there has been serious delay must be returned as undetectable, unless fresh facts are elicited demonstrating them to be false.
11. Final reports have to be sent after obtaining the approval of Sr.DSC/DSC I/c of the Division who may make further inquiry himself or may endorse it to another officer to proceed with enquiry subject to limitation of time as mentioned in Sec 167 & 468 CrPC.
12. In important and complicated cases, it is advisable to consult the Sr. PP, if necessary, even at the stage of enquiry, in order to enable the enquiry officer to conduct the enquiry in accordance with the procedure established by law and to collect the evidence required by law to bring home the guilt of the accused.
13. The guidance of the Sr.DSC/DSC, wherever necessary during the enquiry of case shall be obtained by the Enquiry Officer on the case diaries submitted by them.

All concerned to ensure strict compliance of above instructions.



(Manoj Yadava)
Director General
Railway Protection Force