

SESSION-1

SCRUTINY OF CHARGE SHEET
IN OFFENCES PUNISHABLE UNDER
THE ANTI-RAPE (INV.& TRIAL) ACT 2021

EVIDENCE COLLECTION, PRESERVATION
AND
CHAIN OF CUSTODY

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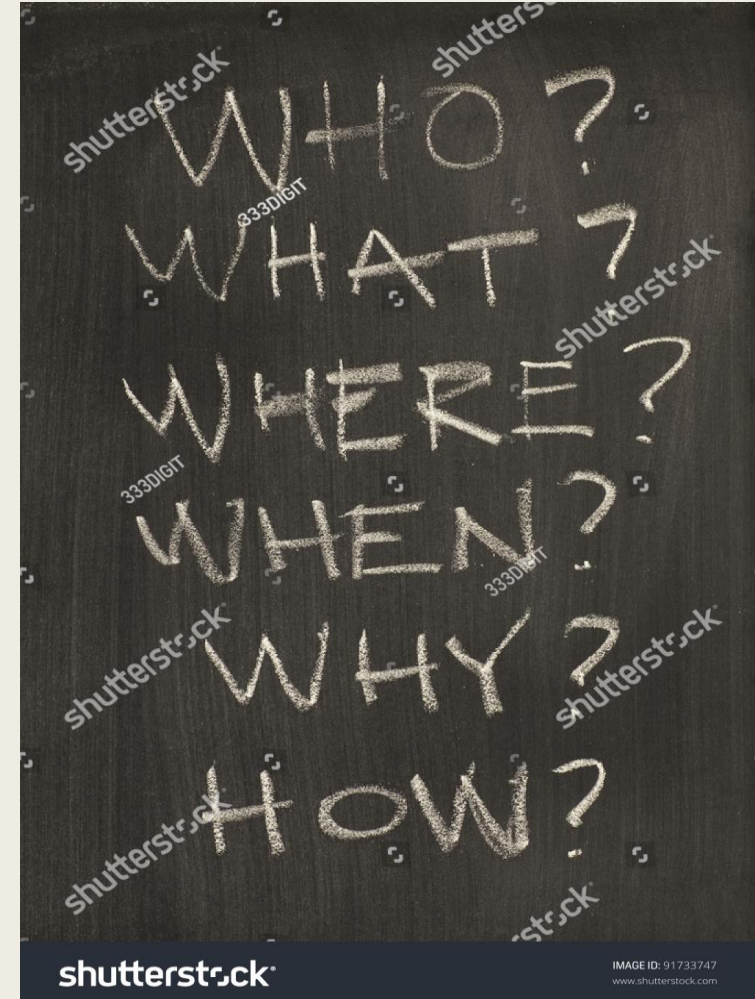
INTRODUCTION

- Scope of Report U/S 173 Cr.P.C in criminal cases in general and particularly in GBV cases
- Types of Challan
- The Anti-Rape (Investigation and Trial) Act, 2021
- Schedule offences
- SOPs concerning DNA tests (C.P.NO. D-5920 OF 2015)
- Rectifiable defects v/s non-rectifiable defects in charge sheet



ROLE OF POLICE DURING INVESTIGATION

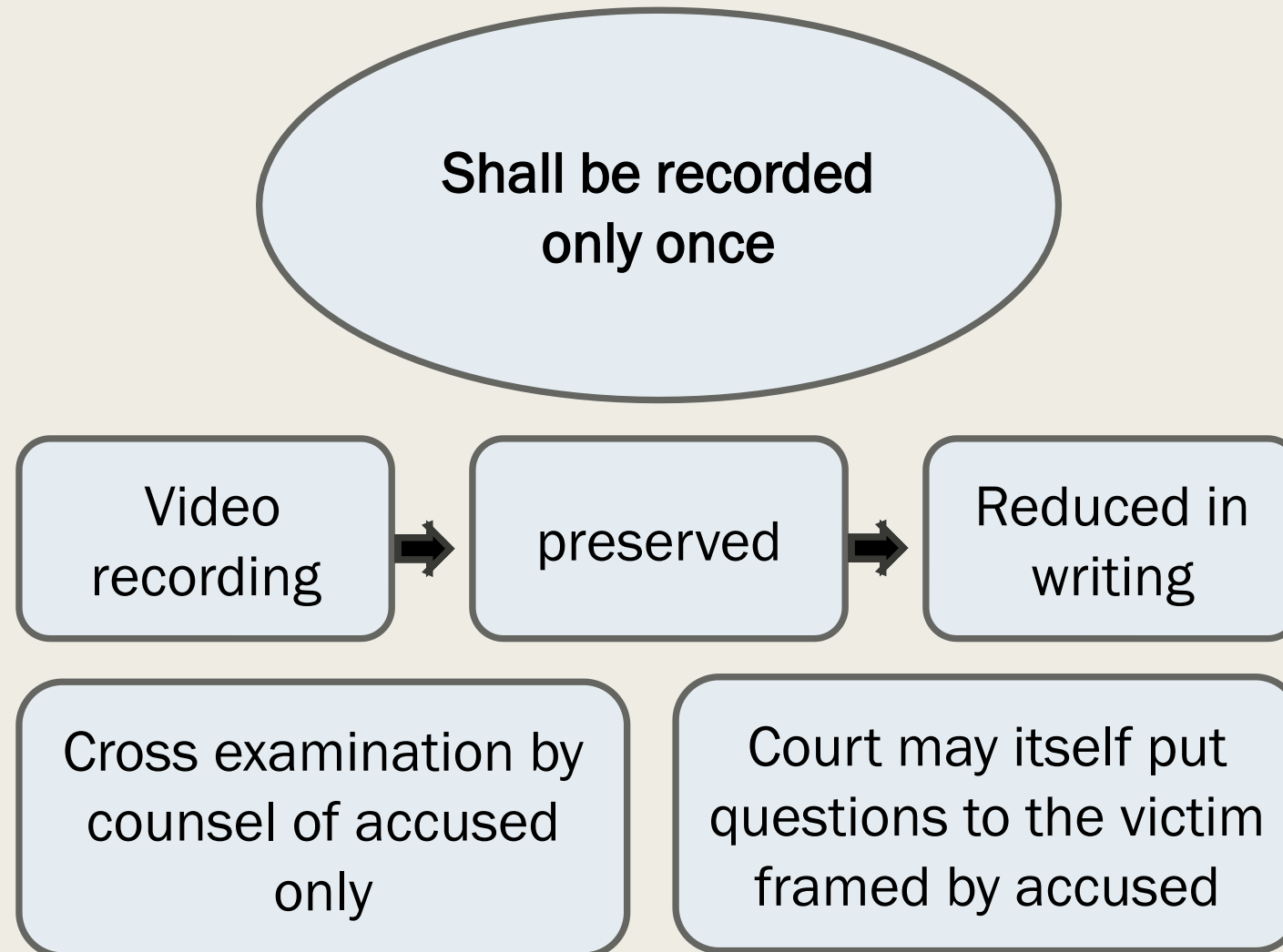
- Collect the evidence to ascertain whether any offence has been committed at all and, if so, by whom
- Collect evidence through electronic means
- To maintain the case diaries
- To prepare the police file
- Relevant provisions: 155, 156, 157, 174 Cr.P.C
- SECTION 9 OF THE ANTI-RAPE (INVESTIGATION AND TRIAL) ACT, 2021



INVESTIGATION IN OFFENCES UNDER THE ANTI-RAPE (INVESTIGATION AND TRIAL) ACT, 2021

- SSOIUs (special sexual offences investigation units) shall be established in every district
- One member of the unit must be a female police officer
- Investigation In Offences Under The Act Shall Be Conduct By The Police Officer Not Below The Rank Of BPS-17
- If the complainant dissatisfied the investigation shall be transferred to the district head of investigation
- The officers of the SSOIUs were from the area of occurrence except exceptional circumstances
- Joint Investigation Team (Jit) May Also Constitute By The Government For The Purpose Of Assisting The Investigating Officer
- Relevant Provision: Section 09 Of The Anti-Rape (Investigation and Trial) Act 2021

ADMISSIBILITY OF STATEMENT U/S 164 Cr.P.C OF VICTIM UNDER THE ANTI-RAPE (INV. & TRIAL) ACT 2021 (Section 14)



Admissibility of Forensic Evidence in criminal judicial system

- By virtue of Section 510 of The Code of Criminal Procedure, the Experts (except DNA expert, Digital Forensics experts, Fiber analyst) are exempted to call as witness.

Case law referred

(PLD 2010 FSC 215)

(2016 SCMR 274)

- By virtue of Section 10(3) of The Sindh Forensic Science Agency Act 2017 which is akin of Sub-section(3) Of Section 9 of P.F.S.A.A 2007, all reports regarding the forensic evidence are admissible under Section 510 of the Code

Case law referred

(PLD 2019 Supreme Court 675)

Understanding the purpose of scrutiny of police papers

- To maintain the police file
- To ensure accuracy and completeness of record
- To ensure compliance with legal procedures and regulations
- To identify potential errors or omissions
- To facilitate effective investigation
- To promote accountability and transparency

DOCUMENTS REQUIRED TO BE AVAILABLE IN A POLICE FILE

- Road certificate
- Index of the file
- Completely prepared report U/S 173 Cr.P.C
- Relevant Roznamcha entries with proper attestation
- FIR in original
- Memos with correct date and time
- Documents for the purpose of chain of custody
- Medical documents and reports of experts to corroborate the date, time and manner of occurrence
- Documents and reports relating to forensic evidence and expert's opinion
- Statements of witnesses including statements U/S 164 Cr.P.C
- Brief history of accused and CRO
- Case diaries

CHAIN OF CUSTODY

- Careful documentation of evidence to establish its connection to a crime
- Documentation must be written
- Clear-cut timeline
- Transfer or transportation must be documented
- Reference of Register No.19

DEFECTS IN COLLECTION AND PRESERVATION OF EVIDENCE DURING INVESTIGATION IN RAPE CASES

- Failure To Cite Material Witness In The Challan.
- Failure To Collect Incriminating Articles From The Crime Scene.
- Failure To Prepare Police Papers Accordingly.
- Failure To Preserve The Material Evidence From The Crime Scene.
- Failure To Use Modern Techniques To Collect Evidence.
- Failure To Discharge Legal Duty Regarding Sealing And Sending The Incriminating Articles For The Forensic Analysis.



CHECK LIST FOR SCRUTINY OF SUBMISSION OF CHALLAN

- Whether all required documents are attached to the police file?
- Whether all the columns of the report U/S 173 Cr.P.C are duly and correctly filled in?
- Whether the report U/S 173 Cr.P.C is duly signed/verified?
- Have the recovered articles properly sealed?
- Does the list of case property entered in the report U/S 173 Cr.P.C tallied with the list given in the Road Certificate?
- Whether the plan of scene of crime and/or photographs has been prepared as mentioned in the memo of inspection of place of occurrence?
- Whether the victim has been medically examined?
- Whether any DNA test got conducted?
- Whether potency test of accused been conducted?
- Whether the medicolegal reports are attached?
- Whether the search and seizure was conducted in accordance with law?

- Whether all necessary witnesses have been listed?
- Whether the statements of prosecution witnesses are properly recorded and attached?
- Whether the memos are properly prepared and duly signed by witnesses?
- Whether the age of the suspect has been ascertained through documents?
- Whether all case property been entered in Register No.19 of the concerned Police station?
- Whether the particular columns of Register No.19 are filled accurately to establish the chain of custody?
- Whether the case property been sent for the expert's opinion on time?
- Whether all the Roznamcha entries were duly attested by duty officer or SHO of concerned Police station?
- Were remands regularly taken?
- Was the challan prepared in time if not whether the I.O explain the reason of delay in the challan?
- Whether police has explained final outcome with regards to every aspect in the report?



Thank you