

## CHAPTER 11

### CASE DIARIES AND PROGRESS REPORTS

#### CASE DIARIES

**11.1** Under the provision of Section 172 Cr.P.C. every Police Officer conducting investigation shall maintain a record of investigation done on each day in a Case Diary in the prescribed Form. Case Diaries are important record of investigation carried out by an Investigating Officer. Any Court may send for the Case Diaries of a case under inquiry or trial in such Court and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial.

#### Facts to be incorporated in Case Diaries

**11.2** The Case Diary, which is a record of day by day investigation of a case, shall contain details of the time at which the information reached the Investigating Officer, time at which the investigation began and was closed, the place or places visited by him and a statement of the facts and circumstances ascertained through investigation.

**11.3** Case Diaries should contain only particulars of actual steps taken or progress made in the investigation and such details of investigation which have bearing on the case. Addresses, both present and permanent of the witnesses and all other relevant details should be invariably recorded in the Case Diaries. The following shall not be incorporated in the Case Diaries:

- (i) *Opinion of Investigating Officer, opinion of the Supervisory Officers and Law Officers*
- (ii) *Any conflict of opinion between I.O., Law Officers, SP, DIG and Head Office.*
- (iii) *Recommendations made in concluding report of the I.O., comments of Law Officer(s) and Supervisory Officers.*
- (iv) *Any other facts/circumstances not relating to investigation of the case.*

**11.4** Every Investigating Officer, to whom part investigation of a case is entrusted, will also maintain a Case Diary for the investigation made by him. This may be called 'Supplementary Case Diary' (SCD). SCDs will be taken on record by the Chief I.O., who may incorporate the gist of important facts disclosed in such investigation in his own CD for the date when the SCD is received by him. It is important that SCD must be submitted without any delay. A copy of the CD submitted by I.O./Chief I.O. to the Superintendent of Police would invariably enclose the SCDs received by him.

#### Writing of Last Case Diary

**11.5** On receipt of the orders of the Competent Authority after completion of investigation, the last Case Diary in every case shall be as mentioned below:

- (i) *In cases, in which charge-sheet is to be submitted to the Court, the last CD would be written on the date of filing the charge-sheet. If, however, investigation is continued under Section 173(8) Cr.P.C. on the same allegation or on other allegations, then Case Diaries would continue to be written till such investigation is completed.*
- (ii) *For cases, in which prosecution is not launched, the last Case Diary would be written on the date when the competent Court passes the closure order on the Final Report under Section 173 Cr.P.C.*

Case Diaries to be numbered and dated

**11.6** All Case Diaries prepared in a case should bear consecutive numbers and shall be dated. The functionality of CRIMES Module can also be used, wherever possible, to type out the Case Diaries on the same day. Pre-printed stationary is available for this purpose. There shall be a separate case diary for each date, prepared in duplicate, one copy of which will be retained by the I.O. in the case file, and the other copy will be forwarded to the Superintendent of Police, to be securitized by him and retained in the office file. Both copies of the case diaries shall include all the relevant enclosures, viz. copies of statements of witnesses, seizure memos, search lists etc., but may not include the day-to-day correspondence taken up by the I.O. with various offices/agencies/ individuals.

#### Scrutiny of Case Diaries

**11.7** Investigating Officers should submit their Case Diaries for each day of investigation to the Superintendent of Police of the Branch concerned and the latter shall scrutinize the Case Diaries and issue instructions for further investigation. The Case Diaries and other documents enclosed thereto may be used for preparing periodical Progress Reports. The Case Diary must be written on the day of investigation. SP would record a gist of its contents in the running note sheet. These need not be forwarded to the Head Office, unless specially called for.

#### Safe Custody of Case Diaries

**11.8** In the normal course, the custody of the office file of case diaries after scrutiny by the Superintendent of Police/Supervisory Officer will remain with the Officer entrusted with such responsibility who shall store these in a secure/safe place. The original Case Diaries will remain with the Investigating Officer till the stage of final decision in the case is reached. In case of transfer of investigation to any other Officer due to any exigency these will be handed over promptly under acknowledgement to the new Investigating Officer. The movement of Case Diary file on transfer of the case to another Officer or to the Prosecutor etc. should be kept by the Officer entrusted with such responsibility under proper acknowledgement.

#### Progress Report when to be sent

**11.9** Progress Report (PR) is an important monitoring tool for Supervisory Officers which provide them an opportunity to assess the progress made in the investigation and to issue necessary direction(s) in the ongoing investigation. Progress Report on the ongoing enquiry/ investigation should be sent to the DIG in all PEs and RCs which are registered after obtaining orders of the DIG or the Head Office. In the cases, which have been registered with the approval of Joint Director and above, the DIsG will forward the PRs to the Joint Directors with their comments and directions issued to the Superintendent of Police. Besides the above, where specific instructions are issued or where investigation continues beyond one year, in any case, the Progress Report would be sent to the DIG. The DIG would forward the PRs. to the Joint Director with his specific comments and directions given to the Superintendent of Police, if the investigation continues beyond one year. The Joint Director or the Head Office may call for PRs in any case and at any time.

**11.10** In all PEs and RCs, as referred to in para 11.9, the first Progress Report should be sent to the DIG after a fortnight from the date of registration of the case and subsequent fortnightly Progress Reports in PEs and monthly Progress Reports in RCs till the finalization of the enquiry/investigation. The frequency of Progress Reports can not be minimized and may be increased with specific orders of the Head Office. The SP is required to send the Progress Report on the due date even if there has been no progress in the investigation during the intervening period. In case of delay in submission of the progress report for more than seven days, the SP is required to explain the reason for delay. An index of dates on which the Progress Reports are submitted by a Branch shall be maintained in each PE/RC file in the office of the DIG/Joint Director for which the relevant functionality of CRIMES module could be made use of. If a progress Report

becomes overdue by seven days, the DIG should send a reminder to the Branch. The office of Joint Director would also monitor the timely receipt of Progress Reports.

### **Preparation of PRs**

**11.11** The Progress Reports have to be prepared by the Superintendent of Police himself on the basis of the Case Diaries submitted by the I.O. and scrutiny of documents/material seized by him. Progress Reports should be serially numbered and prepared in the prescribed format given in Annexure 11-A.

**11.12** The relevant CRIMES Module may be used for preparing and transmitting the Progress Reports and instructions issued thereon by various Officers.

**11.13** The first Progress Report shall indicate the specific allegation(s) made in the registration report or First Information Report on which the enquiries/investigation are to be conducted. It will incorporate the plan of action as approved by the SP and the time schedule to complete the enquiry/ investigation. As prescribed in the proforma, the subsequent PRs would contain the allegation in brief and report the results and developments in the investigation vis-à-vis each allegation. The gist of evidence collected by the examining witnesses (including the opinion of the Government Examiner of Questioned Documents or some other Technical Expert) and gathered by way of documents seized may also be mentioned for appreciating the developments in enquiry/investigation. Each PR must contain the gist of enquiry/investigation conducted and enclose a chronological statement of important developments in the investigation till date. Apart from summarizing the evidence on each allegation the PR should make mention of discovery of new facts or evidence collected during the period under review and reflect the appreciation and supervision exercised by the SP. The SP is required to record his instructions in specific terms to set out a definite road map for further enquiry/investigation. Routine and vague instructions must be avoided. The reason for delay and important points on which enquiry /investigation remains to be completed must be pointed out. In case any fresh allegations arise, which may fall within the ambit of the ongoing enquiry or investigation or some new persons are suspected, these should be specifically mentioned in the Progress Reports. In case, any difficulty is encountered during the enquiry/ investigation a specific mention of the same and the steps taken to overcome that, should be made in the PR.

**11.14** The DIsG are to forward the PRs to the Joint Directors with their specific comments briefly indicating the progress made in enquiry/investigation and whether it is proceeding on right lines. They may also record their observations on the speed of investigation and the reasons for delay, if any. The copy of instructions, which must be specific in nature, issued by them to the SsP and the IOs must be enclosed with their forwarding note to the Joint Director.

### **PROGRESS REPORT IN DISPROPORTIONATE ASSETS CASES**

**11.15** In the Progress Reports of cases of the disproportionate assets, the SsP should furnish the details such as savings at the beginning of check period, progressive calculation of income, expenditure, likely savings and assets computed based on the investigation conducted till the date of PR. These statements should commence from the second Progress Report and in any case not later than fourth PR onwards. These details could be summarized in the following statements: –

- (a) 'Statement A' should contain details of movable and immovable assets at the beginning of the check period with dates of their acquisition. These would broadly include cash balance, bank balance, jewellery, household effects and other movable and immovable properties.
- (b) 'Statement B' should contain the details of verified moveable and immovable assets acquired by the public servant either in his name or held on his behalf, during the check period. The value of assets should be based on the purchase price, supported by documentary or other credible evidence, at the time of their acquisition.

- (c) 'Statement C' will contain the progressive total income during the check period. This statement may contain figures in respect of income under different heads, e.g.; pay and allowances, rental income; income from interest, loans and advances, dividends etc., If necessary, schedules may be prepared and attached to the statement incorporating details under each head of income.
- (d) 'Statement D' will contain Progressive expenditure during the check period. Statement C (-) D will provide the likely savings during the check period.

### **PRs to be sent till completion of Investigation**

**11.16** The Branches should continue to send Progress Reports as long as the enquiries/investigation continue and until the case is actually charge-sheeted or closed by way of filing a closure report in the Court or referred to the Department, through a prescribed report for Departmental Action or Action as deemed appropriate.

### **Number of copies of PRs:**

**11.17** The PRs should be sent in duplicate to the Regional DIG in cases in which final orders are to be passed by an Officer of the rank of Joint Director or above. The original would be forwarded by the Regional DIG to the Head office, with a copy of his comments and instructions issued to the Superintendent of Police and Investigating Officer. In case of Central Units, based at Delhi, the PR would be put in a proper file and submitted to senior Officers.

---

**FORMAT FOR THE PROGRESS REPORT**

1. PE/RC No.
2. Date of Registration:
3. Section of Law (in case of RC):
4. Name(s) of the Investigating/ Enquiry Officer:
5. Details of accused/suspect:
  - (a) *Number of accused/suspect:*
  - (b) *Name(s) of main accused/ suspect:*
  - (c) *Whether arrested, or not:*
  - (d) *If arrested whether on bail or in CBI/Judicial custody;*
  - (e) *In case accused is absconding whether proceeding under section 82 & 83 Cr.P.C. have been initiated.*
6. Whether any search was conducted during the period under review:  
(If yes, whether any incriminating documents/material to prove the allegations were found or not.)
7. Whether any documents/material have been collected during period under review or and any expert opinion received.
8. Details pertaining to investigation:
  - (i) *The allegation(s) in brief (gist maybe given point wise);*
  - (ii) *A brief chronological statement of important development in the investigation till date (which would include details of important searches/result of scrutiny of documents);*
  - (iii) *Development in the investigation vis-à-vis each allegation during the period under review;*
  - (iv) *How far the allegation(s) have been substantiated and where the investigation is leading (in case of disproportionate asset case, the statements mentioned at para 12.9 may be incorporated);*
  - (v) *Discovery of any new facts and gist of crucial evidence gathered during the investigation, whether by way of examination of witnesses or by way of scrutiny of documents/material seized (it would also be mentioned what documents/material have been sent for Expert examination);*
  - (vi) *Whether any application with regard to investigation or related matters have been moved in any Court and if so, the details of the same and what action has been taken in the matter;*
  - (vii) *Instruction given to the Investigating Officer for further investigation;*
  - (viii) *Action taken on instructions issued on the previous PR by DIG or Head Office;*
  - (ix) *Important points on which investigation remains to be completed;*
  - (x) *Difficulties encountered during investigation, if any, and steps taken to overcome these;*
  - (xi) *Reasons for delay in submitting the PR and steps taken to avoid further delay;*
  - (xii) *Further time to be taken for completing the investigation and*
  - (xiii) *Details of case diaries (such as numbers and dates) pursued by the SP based on which the PR is based.*

(Signature of SP with date)

\_\_\_\_\_