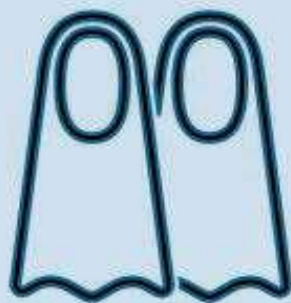


Chapter V

Investigation



Chapter – V

Investigation

5.1 Under utilisation of Case Diary module

A Case Diary is to be maintained and updated by every police officer while carrying out an investigation. Particulars of the case, such as the time at which the case was reported, time at which the investigation began, the time when the IO closed the investigation, places visited for investigation should be noted in the Diary. Audit analysed the database for the period from January 2018 to March 2023, and noticed that though there were 7.44 lakh registered FIRs in the State, Case Diaries had been maintained in the system only for 19,255 (2.59 *per cent*) registered FIRs.

Government accepted the audit observation and stated (September 2024) that the SHOs are being instructed to use the Case Diary module in CCTNS.

5.2 Incorrect generation of chargesheets on CCTNS, resulting in manual interventions and work-arounds

After completing the investigation, the Investigating Officer (IO) was required to prepare the chargesheet on the orders of the SP. For this purpose, the IO was required to select the persons to be named in the chargesheet, from the list of accused persons created during investigation.

Each accused person had a serial number within the same chargesheet. Therefore, the serial number for an accused person in one chargesheet was not be mapped to any other chargesheet.

Audit analysed the list of accused persons in the chargesheet table in CCTNS and also the manually maintained records on test check basis and noticed that in 198 instances during the period from 2018 to 2023, the accused's serial number pertaining to one FIR had been incorrectly mapped with another FIR. These instances had arisen due to the absence of application controls which could limit the list of accused's serial number to only those pertaining to the FIR against which the chargesheet was being processed in CCTNS. This was a major lapse, since it resulted in police users incorrectly mapping accused's serial numbers pertaining to an unrelated FIR to the chargesheet being processed. One such instance is depicted in **Figure 5.1**:

Figure 5.1: Figure comparing discrepancy in name in chargesheets generated from offline and online system

Chargesheet in manually maintained case records	Chargesheet generated from CCTNS
<p>FINAL FORM/REPORT (अंतिम फॉर्म/रिपोर्ट) (Under Section 173 Cr.P.C.) (दण्ड अधिनियम धारा 173 के अन्तर्गत)</p> <p>IN THE COURT OF : JMFC Sheragada (के न्यायालय में)</p> <p>1. District (ज़िला): GANJAM P.S. (पोस्ट): SHERAGADA Year (वर्ष): 2022 FIR No. (च.द.प्र. सं.): 000000 Date (दिनांक): 11/09/2022</p> <p>2. Final Report / Charge Sheet No. (अंतिम रिपोर्ट/आरोप पत्र संख्या.): 289/22</p> <p>3. Date (दिनांक): 28/9/22</p> <p>4. S.No. (क्र.सं.): 1 Act (अधिनियम): 1 THE ORISSA PREVENTION OF GAMBLING ACT, 1955 Sections (प्रावर्ग): 3</p> <p>5. Type of Final Form/Report (अंतिम फॉर्म/रिपोर्ट का प्रकार):</p> <p>11. Particulars of accused persons charge-sheeted (आरोप पत्र दायित्व अक्रियुक्तों का विवरण):</p> <p>S. No. (क्र.सं.): 1 (i) Name (नाम): PRAKASH CHANDRA SAHU Whether verified (क्या सत्यापित है?): Yes (ii) Father's Name (पिता का नाम): KALU SAHU</p> <p>S. No. (क्र.सं.): 5 (i) Name (नाम): MUNA SWAIN Whether verified (क्या सत्यापित है?): Yes (ii) Father's Name (पिता का नाम): JAGANNATH SWAIN</p> <p>Forwarded by Officer in charge (प्रभारी अधिकारी द्वारा अक्रियुक्त) Name (नाम): Manoj Kumar Pradhan Rank (पद): 1 (Inspector)</p> <p>Signature of Investigating Officer submitting final report/charge sheet Name (नाम): MRUTUNJAYA PRADHAN Rank (पद): Asst. SI (Assistant Sub-Inspector) No. (सं.):</p>	<p>FINAL FORM/REPORT (अंतिम फॉर्म/रिपोर्ट) (Under Section 173 Cr.P.C.) (दण्ड अधिनियम धारा 173 के अन्तर्गत)</p> <p>IN THE COURT OF JMFC SHERAGADA COURT (के न्यायालय में)</p> <p>1. District (ज़िला): GANJAM P.S. (पोस्ट): SHERAGADA Year (वर्ष): 2022 FIR No. (च.द.प्र. सं.): 000000 Date (दिनांक): 11/09/2022</p> <p>2. Final Report / Charge Sheet No. (अंतिम रिपोर्ट/आरोप पत्र संख्या.): 01</p> <p>3. Date (दिनांक): 09/11/2022</p> <p>4. S.No. (क्र.सं.): 1 Act (अधिनियम): 1 THE ORISSA PREVENTION OF GAMBLING ACT, 1955 Sections (प्रावर्ग): 3</p> <p>5. Type of Final Form/Report (अंतिम फॉर्म/रिपोर्ट का प्रकार):</p> <p>11. Particulars of accused persons charge-sheeted (आरोप पत्र दायित्व अक्रियुक्तों का विवरण):</p> <p>S. No. (क्र.सं.): 1 (i) Name (नाम): PRAKASH CHANDRA SAHU Whether Verified (क्या सत्यापित है?): Yes (ii) Father's Name (पिता का नाम): KALU SAHU</p> <p>(XVIII) Status of the accused (अक्रियुक्त की स्थिति):</p> <p>S. No. (क्र.सं.): 5 (i) Name (नाम): PRATAP NAIK Whether Verified (क्या सत्यापित है?): Yes (ii) Father's Name (पिता का नाम): L. JOGENDRA NAIK</p> <p>(iii) Date / Year of birth (जन्मतिथि/वर्ष): 1988 (iv) Sex (लिंग): Male (v) Nationality (राष्ट्रियता): INDIA (vi) Passport No. (पासपोर्ट संख्या): Date of Issue (जारी करने की तिथि): Place of Issue (जारी करने का स्थान): (xix) Relation (परिचित):</p>

Source: CCTNS Reports

This significant control deficiency in the system undermined the reliability and integrity of the workflow for processing chargesheets in CCTNS. Such incorrect generation of chargesheets on CCTNS, with the risk of naming of individuals who were not even the accused persons in a particular FIR could vitiate the legal proceedings and create scope for avoidable harassment of individuals.

In the absence of reliability of this functionality in CCTNS, Audit noticed that police users had to perform manual interventions and work-arounds, such as the use of tools such as PDF editor to make modifications to the system generated Charge Sheets. However, this defeated the very purpose of developing and implementing provisions for error-free system generated charge sheets. As a result, the benefits from utilizing CCTNS for this process had not been realised.

Further verification of pending cases maintained manually with pending cases available in CCTNS of selected 68 Police Stations revealed that, in 452 cases, IIF-V (i.e., Chargesheet/ Final Report) were prepared by the respective Police Stations as per available case records (*Appendix-VIII*). However, on CCTNS, the chargesheets were not available for these 452 cases, which indicated that, submission of chargesheet was completed manually and not through CCTNS. Thus, due to absence of case records for the respective FIRs in CCTNS, the reports on chargesheets/ final reports had become incomplete.

Government stated (September 2024) that steps would be taken to ensure correct generation and submission of Chargesheets/ Final Form (IIF-V) through CCTNS.

5.3 Incorrect generation of Arrest Memos on CCTNS

As per Section 41A of CrPC, Police Officers may arrest a person without a warrant if they have reasonable suspicion or credible information that the person has committed a cognizable offense (an offense for which the police can arrest without a warrant). The officer must inform the person about the grounds of arrest and the right to bail. If the offense is not serious, the police must issue a notice under section 41A of CrPC instead of making an arrest, provided the person cooperates with the investigation and appears before the police at a specified time and place.

However, audit noticed that CCTNS had lacked an option for generating or serving notices under section 41A of CrPC to the accused who were not to be arrested.

Audit analysed the CCTNS database and noticed 13,689 instances during the period from 2018 to 2023, where even though the status against the accused was shown as 'Not Arrested', the 'Arrest Date' had been recorded.

Audit test checked these cases at five Police Stations and noticed that the Investigating Officer (IO) had actually not arrested the accused, due to acceptance of the Notice issued under Section 41A by the accused. However, Arrest Memos had been incorrectly generated in CCTNS, against the accused who had been issued these Notices. Absence of functionality in CCTNS to record the issue of Notice under Section 41A, resulted in data discrepancy related to the status of the accused leading to the 'Notice issued date' being incorrectly recorded in the system as the 'Arrest Date' despite actual status being 'Not Arrested'.

Admitting the absence of functionality for issuing Notice under section 41A of CrPC in CCTNS, Government stated (September 2024) that the functionality would be implemented in future versions of CCTNS.

5.4 Absence of executive instructions to mandatorily record Arrest Memos on CCTNS

Audit analysed the CCTNS database and noticed that there were 7.44 lakh FIRs registered during January 2018 to March 2023 against the cognisable cases and there were 3.32 lakh arrests recorded in 1.99 lakh FIRs.

However, Audit test checked 43 out of selected 68 PSs and observed that in 183 cases of cognisable offences, although 245 arrests had been made, details of IIF-III (*i.e.*, *Arrest Memo*) were not recorded in CCTNS, as shown in *Appendix-IX*. This indicated that the reported figure for arrests was not

complete. This was due to the fact that executive instructions for mandatory recording of arrests in CCTNS had not been issued.

Thus, the citizen centric daily arrest reports and the MIS reports on arrests generated through CCTNS were unreliable.

Government stated (September 2024) that steps are being taken to ensure mandatory recording of Arrest Memos (IIF-III) through CCTNS.

5.5 Lack of application control in recording details of Arrest Memos

The 'Status of the accused' must be selected from one of the following seven options *i.e.*, Absconding, Bailed by Court, Bailed by Police, Forwarded to Court, In Judicial Custody, Not Arrested and Proclaimed Offender. For an accused whose date of arrest has been recorded in the system, the status in the system should not be 'Not Arrested'. Similarly, only if the date of arrest has been recorded in the system, the status in the system can be 'Bailed by Police' or 'Forwarded to Court'.

Data analysis further revealed that, during chargesheet preparation, the status of 62,124 accused in 593 Police Stations were selected as '*Forwarded to Court*' or '*Bailed by Police*', which implies that all the accused were arrested by the respective Police Station. However, the 'date of arrest' of the accused were blank in the respective chargesheets indicating that either the procedures of the Arrest Memos were completed manually, or the accused status had been incorrectly selected as '*Forwarded to Court*' or '*Bailed by Police*' during chargesheet preparation, which resulted in incorrect and logically inconsistent data being recorded on CCTNS. This deficiency had arisen due to lack of application controls to prevent user from selecting options such as "Bailed by Police" or "Forwarded to Court" in case of non-availability of details of Arrest Memo in the system.

Government has not given specific reply to the audit observation (September 2024).

5.6 Absence of executive instructions to mandatorily record Seizure Memos on CCTNS

Whenever the IO seizes any article during the investigation, documentation of the seizure details in the general diary is required. This documentation is crucial in linking the diary entry of the seizure to the creation of a Seizure Memo for the case. Additionally, the seized article can only be logged into the Malkhana register¹⁶ for monitoring by the Malkhana officer after the preparation of

¹⁶ A Malkhana Register is a document that records the details of items, date of seizure, crime location, FIR number, name of accused and other information in respect of the items kept in a police station's malkhana, or property room,

Seizure Memo. In cases (of illicit liquor) registered under Section 52A of the Orissa Excise Act-2008, the IO is specifically mandated to prepare a Seizure Memo for Excise goods seized during investigation.

Audit analysed the CCTNS database and noticed that in 5,443 FIRs registered under Sections 52A of the Orissa Excise Act-2008 in 430 Police Stations, the Seizure Memos had not been generated through CCTNS, rendering the database incomplete. This was due to the fact that executive instructions for mandatory recording of seizures in CCTNS had not been issued.

Apart from impacting the MIS reports, the delay or non-preparation of Seizure Memos via the system created the avoidable risk of unethical practices through subsequent modification of the data.

The Director, SCRB stated (May 2024) that steps would be taken to ensure registering Seizure Memos (IIF-IV) through CCTNS.

5.7 Deficiencies in functionality to make corrections to data entered into FIR Registration and Chargesheet Submission modules

Audit noticed that in 15 of the 68 test checked Police Stations alterations were made in 21 cases to the FIRs and chargesheets generated from CCTNS using tools such as PDF editors.

In two PS, there were modifications made to the Sections in the FIR, since incorrect Sections had been entered into CCTNS. An instance of the same is given below:

Figure 5.2: Figure showing altering of sections in an FIR after its generation from CCTNS

FIR of manual case record

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (ज़िला): GANJAM P.S. (थाना): Bellagunia
FIR No. (प्र.सू.रि. सं.): 448 Date and Time of FIR (प्र.सू.रि. सं.): 08/07/2022
2. S.No. (क्र.सं.) Acts (अधिनियम) Sections (धारा)
1 IPC 1860 448
2 IPC 1860 294
3 IPC 1860 506
4 IPC 1860 34

14. Signature/Thumb impression of the complainant / informant
(आरोपित / सूचना देने वाले के हस्ताक्षर / अंगुलि छाप)

15. Date and time of dispatch to the court
(दफ़्तर में भेजने की तिथि और समय)

Signature of Officer in charge, Police station
(धारा 154 दंड प्रक्रिया संहिता के तहत)

Name (नाम): prakash kumar sahu
Rank (पद): (Inspector)
No. (सं.): 1100727219
Mobile No. (मोबाइल नं.): 9861649150

FIR generated from CCTNS

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (ज़िला): GANJAM P.S. (थाना): Bellagunia
FIR No. (प्र.सू.रि. सं.): 448 Date and Time of FIR (प्र.सू.रि. सं.): 08/07/2022
समय: 08/07/2022
2. S.No. (क्र.सं.) Acts (अधिनियम) Sections (धारा)
1 IPC 1860 294
2 IPC 1860 34
3 IPC 1860 427
4 IPC 1860 447
5 IPC 1860 506

3. (a) Occurrence of offence (अपराध की घटना):

Source: CCTNS Reports

Audit also noticed that one PS had changed the GD dates in the reports generated from CCTNS in three instances; and four PSs had changed the charge sheet date in seven instances. Thus, the FIRs and chargesheets in the manual case records were different from that of CCTNS.

Thus, due to lack of application controls to ensure correctness of data flow from GD to FIR to Arrest Memo/ Seizure Memo to Charge Sheet in CCTNS, as well as absence of provisions for police users to make modifications to rectify errors with the maintenance of user logs, the police users had been making manual interventions to modify the system generated IIFs using tools such as PDF editors, which was not only highly irregular and objectionable but also defeated the very purpose of developing and implementing provisions for error-free system generated charge sheets. As a result, the benefits from utilising CCTNS for this process had not been realised.

Government has not given specific reply to the audit observation (September 2024).

5.8 Absence of controls to map Courts with jurisdiction over Police Stations and Sections of IPC

To generate a chargesheet, the name of the Court to which it is to be forwarded was to be recorded. The system should have had provision for maintenance of master data related to the details of the Courts having jurisdiction (geographic or subject matter specific) over the different types of cases which could be registered by the PS, as well as application controls to map the PS and Sections of the IPC to the concerned Courts, to prevent/ minimise the probability of incorrect mapping of cases (such as incorrect mapping of chargesheets of murder cases of one district with another district Court, or incorrect mapping of chargesheets in murder cases with Family Courts).

Audit however noticed that neither was there any master data related to details of Courts maintained in the CCTNS database, nor were there any controls implemented to map the correct Court having jurisdiction over different types of cases for the concerned PS. As a result of this deficiency, PS users had to manually enter the names of Courts as a free text data field during the preparation of chargesheets, before forwarding them.

Audit noticed that the data entered in the free text data field 'Court Name' of IIF-V (Chargesheet) was incorrect in 3,755 out of 6.84 lakh entries in chargesheets, since text such as 'Unknown', 'Not known', 'Not noted', 'Person name', 'ab', 'xx' etc.

IIF-V/चार्जशीट ऑफ फॉर्म-V

FINAL FORM / REPORT
अंतिम फॉर्म/रिपोर्ट
 (Under Section 173 Cr.P.C.)
 (दण्ड प्रक्रिया संहिता धारा 173 के अन्तर्गत)

IN THE COURT OF Not known के न्यायालय में)

I. District (जिला): JHARSUGUDA P.S. (थाना): JHARSUGUDA Year (वर्ष): 2019

FIR No. (प्र.सू.रि. सं.): 0530 Date (दिनांक): 23/08/2019

Source: CCTNS Reports

As a result of these system lapses, the PS users were using manual interventions and work-arounds, such as the use of tools such as PDF editor to make modifications to the system generated Chargesheets before submitting to the Court. This defeated the very purpose of developing and implementing provisions for error-free system generated chargesheets. As a result, the benefits from utilising CCTNS for this process had not been realised.

Government has not given specific reply to the audit observation (September 2024).

5.9 Disclosure of identity of women victims and juvenile offenders

As per Police Circular of 2016, the following categories of the FIRs inter alia are considered sensitive and should be excluded from being disclosed on the Citizens Portal.

In CCTNS, the system design required a designated user in the SP Office to mark the following types of cases as sensitive.

- a. Cases registered under Section 376, 376A, 376B, 376C, 376D IPC (rape/gang rape etc.), as the disclosure of identity of victims in such cases is a punishable offence under section 228A of IPC.
- b. Cases registered under the provisions of “the Protection of children from sexual offences (POCSO) Act, 2012”.
- c. Cases involving a juvenile in conflict with law or a child in need of care and protection, as Section 21 of Juvenile Justice (Care & Protection of Children) Act, 2000 prohibits the disclosure of identity of such juvenile or child.

Audit analysed cases under these categories in the CCTNS database and noticed that there were 15,579 such cases during the period from January 2018 to March 2023. Out of these, only 13,948 cases had been marked as sensitive and their details had been excluded from disclosure. However, the remaining 1,631 cases in 405 Police Stations had not been marked sensitive and hence,

had been disclosed on the Citizen Portal, where citizens could download the details and know the identities of the women victims and juvenile offenders. Details are shown in *Appendix-X*.

Audit noticed that the required application control of the system marking these cases as sensitive based on the Acts and Sections specified in the FIR had not been implemented and instead, there was reliance only on the user actions to ensure compliance with the instructions in the Police Circular Orders.

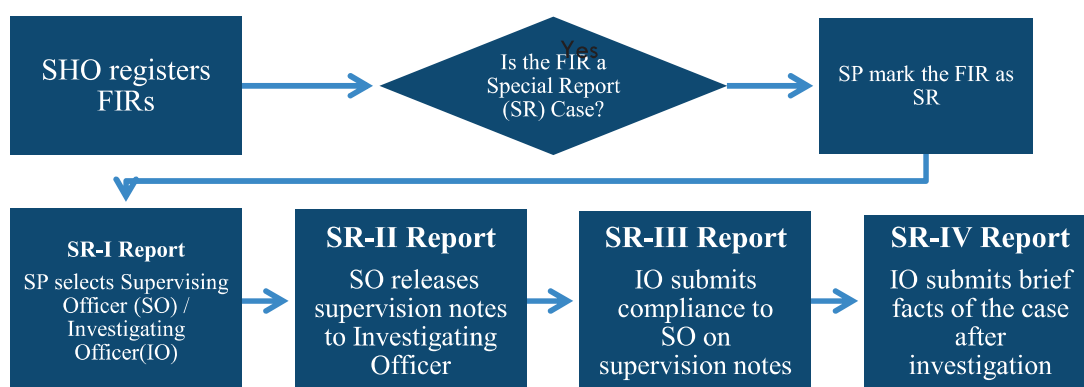
Government stated (September 2024) that all the concerned SsP were instructed to fix responsibility on the erring officers for allowing sensitive FIRs to be disclosed to public. Further, they also stated that application control for automatic marking of cases as sensitive by the system would be implemented, after approval by DGP.

5.10 Special Report (SR) Cases

The Government of Odisha developed (2019) a new state specific module called ‘New SR Module’ within the CCTNS system to monitor heinous crime cases like murder, rape, dacoity, offenses under SC & ST Prevention of Atrocity Act, POCSO Act *etc.*, naming those as the Special Report (SR) cases. The utilisation of the module had started from 20 January 2020.

As per the executive instructions, Functional Requirements Specification (FRS) of the ‘New SR Module’ were developed and these cases were to be monitored at the level of SP, Range DIG and Crime Branch/ HRPC. In this ‘New SR Module’, four Special Reports (*i.e.*, SR-I, SR-II, SR-III & SR-IV) as depicted in the flow *Figure 5.4* below:

Figure 5.4: Flow Chart showing workflow of SR cases



Following the marking of an FIR as SR and appointment of a Supervising Officer (SO) by the District Superintendent of Police, SR-I reports are required to be generated in the SR Module. Subsequently, after the case has been supervised and the Supervision Note (SN) issued by the SO, SR-II reports are required to be generated. Similarly, for the submission of compliance by the

Investigating Officer (IO) to the supervision note issued by the SO, SR-III reports are required to be generated. Further, upon completion of the investigation and during the filing of the Chargesheet, SR-IV reports are required to be generated, detailing the facts of the case.

Audit analysed the SR module and the related data tables of CCTNs database and observed that there were deficiencies in application controls and under-utilisation of the module, due to which the objectives of implementing the module had not been achieved, as discussed below.

(i) Absence of application controls to enforce chronological sequencing

As can be seen from *Figure 5.4* above, the date of issue of the Supervision Note should be after the date of supervision.

Audit noticed that in 131 cases as outlined in *Appendix-XI*, the date of release of supervision note was prior to the date of supervision.

Audit also noticed other inconsistencies in timestamps recorded for SR reports-

- i. SR-II record created before SR-I record.
- ii. SR-III record created before SR-I and SR-II records.
- iii. SR-IV record created before SR-I, SR-II and SR-III records.

(ii) Absence of application controls to enforce sequential generation of SR Reports

As can be seen from *Figure 5.4* above, there is sequential dependence in generation of SR-I, SR-II, SR-III and SR-IV Reports. Audit noticed the existence of ‘orphan records’ in the tables related to these reports, in the CCTNS database, with generation of SR-IV reports without SR-I, SR-II and SR-III reports *etc.*

Apart from indicating the absence of application controls to enforce sequential dependence among these reports, the existence of such ‘orphan’ records was also due to deletion of SR records at the back end of the database, as discussed in *Paragraph 7.3*.

(iii) Absence of application controls to enforce segregation of duties between Investigating Officer (IO) and Supervising Officer (SO) for SR cases

The SP appoints a Supervising Officer (SO) to oversee every SR case and also an Investigating Officer (IO) to investigate the case. Audit analyzed the SR module database in CCTNS and noticed that in 20 cases, the SO and the IO were the same Officer.

This had taken place since the system did not have application controls to enforce segregation of duties as required for compliance with the executive instructions.

(iv) Absence of application controls in SR module to handle modification of Sections in FIRs

The SR-II Form, designed to capture supervision details were different for each of the three SR types *i.e.*, for sections under murder, the SR Head was 'SR-M', for rape under section 376, the SR Head was 'SR-W' and for others was 'SR-Misc'.

During test check at Tangi PS, Khordha, Audit observed that in an FIR concerning a rape case, the SR-II form generated by the system was found to be blank. This had taken place since the case had been initially classified as a deceitful act under Sections 417 and 493 of the IPC (SR-Misc) but had been subsequently reclassified as a rape case under Section 376 of the IPC (SR-W). When the Sections in the FIR were changed, the SR type changed from 'SR-Misc' to 'SR-W', which had a different data format. Consequently, the information captured during the initial registration under 'SR-Misc' was not reflected in the SR-II report, which was formatted for 'SR-W'.

Audit further analysed 29,840 SR-II records of the database for the period between January 2020 and March 2023 and observed that there were 1,064 cases in 317 Police Stations where there were changes in the Sections of the FIR. In all these cases, CCTNS had generated blank SR-II, which indicated the missing application controls to handle the process of modification of the Sections of the FIRs for SR cases.

(v) Non-utilisation of CCTNS for SR management

Between January 2020 and March 2023, a database analysis of 4,83,880 FIRs for which chargesheets were prepared revealed that 38,744 FIRs were marked as SR cases. After marking as SR, the PS users have used the SR module fully in case of 18,999 cases (49 *per cent*). Out of the remaining 51 *per cent* cases, no SR forms (SR-I to SR-IV) were generated in 7,767 cases (20 *per cent*) and some SR forms though generated were not in complete shape in 11,978 cases (31 *per cent*).

Thus, SR module of CCTNS was not being utilised fully by the SsP of the Districts, as originally intended.

Government stated (September 2024) that the issues pointed out by Audit related to SR module of CCTNS would be examined and corrective action would be taken.

Recommendation

Government should ensure that

- *use of CCTNS is mandated for registering missing persons, non-cognisable cases, case diaries, arrest memos, seizure memos etc., in real time and maintenance of parallel manual records is dispensed with, in a phased manner with clear timelines.*
- *business rules like 'Serving Notice' under section 41A of CrPC; mandatory registration of FIR in respect of missing persons below 18 years, automatic marking of cases under sections SC&ST POA Act, POCSO Act as SR cases, automatic marking of cases under defined sections like rape/POCSO etc., as 'sensitive', are incorporated in CCTNS and the system maintains a master data for Courts, to facilitate recording of data on forwarding of cases.*