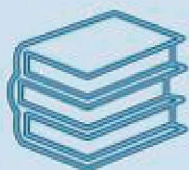
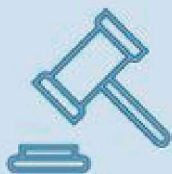


Chapter VI

Prosecution



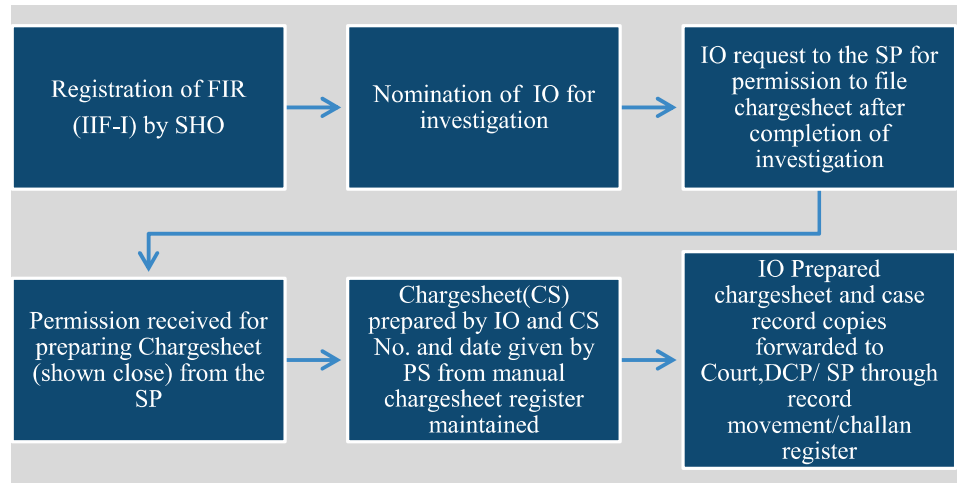
Chapter – VI

Prosecution

6.1 Non-use of CCTNS for generation of chargesheets and recording of dates of forwarding to Courts

Section 173 of the Code of Criminal Procedure (CrPC) stipulates that the investigation of an offence under sections 376 of the Indian Penal Code shall be completed within two months from the date on which the information was recorded by the officer in charge of the Police Station. As soon as the chargesheet is completed, the officer in charge of the Police Station shall forward it to a Magistrate empowered to take cognizance of the offence on the police report.

Figure : 6.1 Showing the sequence of processes from Registration of FIR to forwarding of chargesheet to the Court



Audit noticed that no executive instructions had been issued to make the generation of chargesheet through CCTNS mandatory, for mandatory uploading scanned copy of the finalised chargesheet or for mandatory recording of the date of forwarding of the finalised chargesheet to the concerned Court, along with the communication reference number (such as postal tracking number). As a result, the system could not facilitate effective supervision and monitoring of the status of cases. MIS Reports also were not being generated correctly by the system based on the status of the workflow for these cases. In the absence of instructions to enforce the use of workflows in CCTNS with appropriate application controls implemented for these purposes, these actions were instead being completed outside the system in offline mode and the status of these cases was being prepared manually (outside the system) and reported to the SP, by the Police Stations.

Audit test checked the veracity of such monthly reports being prepared manually and submitted to the SP by seven Police Stations and noticed that out of 368 cases reported as closed, 190 cases had been incorrectly reported as closed in the report, even though the finalised chargesheets in these cases had actually not been forwarded to the concerned Court. In the remaining 178 cases, the chargesheets had neither been generated through CCTNS nor had the concerned IO submitted the case records to the PS. Only chargesheet numbers for the respective FIRs had been recorded in the Chargesheet Register maintained manually at the PS. Even after lapse of two to 2126 days from the recorded date of the chargesheet, in these 368 cases, the chargesheets had not been forwarded to the concerned Court (till date of Audit).

These instances of incorrect reporting highlighted the fact that the benefits of obtaining a true and fair view of the actual status of cases at the ground level had not accrued to the senior police officers, despite implementation of CCTNS.

Further, during test check at PS, Audit noticed that there was delay by the PS in forwarding of Chargesheet/ Final Report to Court even after its completion in 811 cases. This delay ranged between four and 1,297 days in respect of these 811 cases.

The failure to forward the charge sheet to the Court after its completion created the avoidable and material risk of adverse legal consequences and opportunities for unethical practices.

This risk could have been mitigated by using CCTNS for generation of charge sheets and by generation of alerts/ MIS Reports for senior police officers in case of delays in forwarding of approved charge sheets to the concerned Courts. Instead, the PS were continuing to use manual registers to number the chargesheets and monitor the status.

Government stated (September 2024) that the discrepancies in the reports submitted to the SsP were being forwarded to them, for reconciliation and fixing responsibility for the lapses.

The fact remained that in the absence of executive instructions to make the use of CCTNS mandatory for generating chargesheets, uploading the copy of the finalised chargesheet and recording dates of forwarding to Court with the communication reference number, the responsibility of reporting the correct status continued to remain on the users, resulting in the risk of error/ deliberate misrepresentation of facts.

6.2 Non-utilisation of functionality to record copies and details of Court Disposal Memos, rendering the CCTNS database incomplete and the MIS Reports unreliable

As per system design, CCTNS had the functionality to record copies and details of Court Disposal Memos, after final judgement. Audit analysed the database and noticed that only 1,808 Court Disposal Memos had been recorded against 7.44 lakh registered FIRs during the period from January 2018 to March 2023. This indicated the material risk that all Court Disposal Memos were not being recorded in CCTNS, thus rendering the database incomplete and resulting in incorrect reporting of the status of cases in the MIS Reports. To verify whether all Court Disposal Memos were being recorded in the system, Audit test checked the actual status of cases in two police districts (Deogarh and UPD Bhubaneswar). Audit noticed that out of 2,893 Court Disposal Memos in these cases during the period 2018 to 2023, only 58 Court Disposal Memos (*i.e.*, IIF-VI) had been recorded in CCTNS. The remaining 2,835 Court Disposal Memos had not been recorded in the system and instead, the details were being maintained manually in the Judgement Registers of SP Offices. The year-wise (*from 2018*) total number of Court Disposal Memos in the above two districts is detailed below:

Table 6.1 Year wise position of Court Disposal Memos (IIF-VI) in two test checked districts

| Sl. No. | Year | No. of Court Disposal memos in Deogarh District manually maintained | No. of Court Disposal memos in UPD Bhubaneswar manually maintained | Total No. of IIF-VI maintained manually by the SP/DCP | Total No. of IIF_VI recorded in the CCTNS |
|--------------|--------------------|---|--|---|---|
| 1. | 2018 | 334 | 500 | 834 | 0 |
| 2. | 2019 | 36 | 569 | 605 | 0 |
| 3. | 2020 | 18 | 241 | 259 | 0 |
| 4. | 2021 | 89 | 258 | 347 | 0 |
| 5. | 2022 | 304 | 365 | 669 | 17 |
| 6. | 2023 (up to March) | 61 | 118 | 179 | 41 |
| Total | | 842 | 2,051 | 2,893 | 58 |

Source: CCTNS Database

The non-recording of the details of Court Disposal Memos had rendered the CCTNS database incomplete and the MIS Reports unreliable.

Government assured (September 2024) that steps are being taken to update the court disposal memos.

Recommendation

Government should ensure that

- *use of CCTNS is mandated for managing Chargesheets, and Court Disposal Memos in real time and maintenance of parallel manual records is dispensed with, in a phased manner with clear timelines.*