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# Criminal Investigation by Police Force

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## ABSTRACT

**Purpose:** This research work aims to study and analyse the process of police investigation in cases of criminal offenses committed, this paper also serves the purpose to find the possible recommendations and changes to be made in the process of investigation.

**Research Implications:** This paper provides a secondary study on the existing processes of investigation which is taken up by the police.”

**Originality:** This paper presents the study on the investigation process which is used by the police department in case of a criminal offense being committed based on different kinds of literature including research papers, websites, and articles.”

**Keywords:** Investigation, Police, Trial, Procedure, Process, Crime, Criminal, Offense.

## I. INTRODUCTION

This research work analyses and studies the scenario of the investigation process conducted by the governmental organizations in India specially the Police. It is seen that in various occasions the investigation which was to be done by vivid governmental agencies are tampered and the appropriate conclusion of the investigation is not obtained, due to the negligence committed by the investigating officer of the agency or the IO (investigating officer) who is in charge of conducting the whole investigation following the proper protocol. These protocols in specific are known as procedures in legal terms, the laws which state the procedures are known as procedural laws, the procedural law used in this work of research is the Criminal Procedure Code, 1973. Also popularly known as the CrPC act. This research work talks about the process of investigation, what are the loopholes in the existing process of an investigation and what are the necessary changes in the procedure and what are the challenges in implementing the said changes.

### (A) Review of literature

1. *Sarda, M., 2016. Police Investigation and Closure Reports: A Study. Available at SSRN 2711108.* The right to life and personal liberty is guaranteed by Article 21 of the Constitution. This article of the Constitution has been interpreted broadly by the judiciary to cover various additional rights such as the right to food and shelter, as well

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as other rights and, most crucially, the right to a fair trial, which includes the right to a fair investigation. In Anbaizhagan's case, the Supreme Court stated that "if the criminal trial is not free and fair and free from prejudice, the judicial fairness and the criminal justice system would be jeopardized, shaking public faith in the system and woe would be the rule of law."

2. **Arun Prakash, K.S., Thangaraj, K. and Singh, O.G., 2022. Procedure to Proceed Under the Provision of Section 161 CrPC. Medico-Legal Update, 22(4).** A police investigating officer is essential in a criminal investigation. They are the first point of contact for a legal question. Although there are many other similar legal acts, Sec. 161, Cr.P.C. covers the legislation of how a police officer can examine a person. A witness statement taken by an investigating officer during the course of an investigation is neither administered under oath/affirmation nor examined by cross-examination. As a result, it cannot be deemed substantive evidence under Indian law. However, the defence may use it to dispute the prosecution testimony. Witness testimonies to the Police Investigating Officer are essential to start a trial in a court of law.
3. **Gawali, B. and Dube, D., 2013. Law and Process of Investigation by Central Bureau of Investigation: Issues and Perspectives. Indian Journal of Human Rights and Law, 10(1-2), pp.51-78.** Investigation is the bedrock of Criminal Justice System. It is by means of investigation that the facts and circumstances relating to an offence are proved before the Court of law. If there is lack of certain and reliable evidences on record, then Court has to give benefit of doubt to the accused. It increases the challenge and responsibility of investigation to collect proper evidences so that it leads to its logical conclusion and justice is delivered. The Central Bureau of Investigation (CBI) is a premier investigation agency of India. It has been entrusted sensitive cases in which larger societal interests are involved. The credibility of the agency is such that the judiciary, executive, parliament and even common man have tremendous faith in it. In this paper, the law and process of investigation by CBI has been traced along with the gaps that exist in the way of a smooth, time bound and effective investigation.

## II. RESEARCH FINDING

The Code of Criminal Procedure, also known as the Criminal Procedure Code, Cr.P.C., governs police obligations in arresting offenders, and fugitives, as well as in the production of papers, etc., during the course of their investigation of offenses. Section 161 of the Criminal Procedure

Code governs police interrogation of witnesses.<sup>2</sup> It can be stated as follows:

1. “Sub-sec. (1)161, CrPC - A police officer may examine orally any person supposed to be acquainted with the facts and circumstances of the case.”
2. “Sub-sec. (2) 161, CrPC – Those examined persons need to answer all questions truthfully, except those questions which can make him liable for a criminal charge or to pay a penalty.”
3. “Sub-sec. (3), CrPC – The Investigating Police Officer makes a written note of the statement thus obtained from the person.”

The criminal justice system enforces the standards of behavior required to keep the community safe.<sup>3</sup> The cops play an important part in all of this. There are various forms of crime investigations. Police are the first people to arrive at a crime scene in order to conduct a thorough and lawful investigation. The police are primarily concerned with preserving discipline and crime prevention, as well as the prevention of arrests, investigations, and detection, crowd management, public control during celebratory events, riot prevention, and traffic control, among other things. According to the principles of the Indian Penal Code 1860, the Criminal Procedural Code 1973, and the Indian Evidence Act 1872, The police undertake criminal investigations under the Police Act of 1861. Sections 157 to 173 of the CrPC outline the tasks and functions of the officer of the crime being investigated by the police. In this study, we seek to investigate the fundamental values and recordings of their utterances in accordance with Section 161, CrPC 1973.

The legal framework and procedures that govern criminal investigations in India are primarily laid down in the Indian Penal Code, the Code of Criminal Procedure, and various other laws and regulations. The following are some of the key aspects of the legal framework and procedures for criminal investigations in India:

**FIR registration:** The criminal investigation process in India typically begins with the registration of an FIR (First Information Report) at a police station. The law requires the police to register an FIR for certain offenses, and the FIR is the basis for the subsequent investigation.

**Arrest and detention:** The police have the power to arrest and detain suspects during the investigation process. The law requires the police to follow certain procedures while making arrests and detaining suspects, such as informing them of their rights and producing them before

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<sup>2</sup> Arun Prakash, K.S., Thangaraj, K. and Singh, O.G., 2022. Procedure to Proceed Under the Provision of Section 161 CrPC. *Medico-Legal Update*, 22(4).

<sup>3</sup> Sarda, M., 2016. *Police Investigation and Closure Reports: A Study*. Available at SSRN 2711108.

a magistrate within 24 hours of the arrest.

**Investigation:** The police are responsible for investigating the crime and collecting evidence to build a case against the accused. The investigation process includes recording witness statements, collecting physical and forensic evidence, and conducting searches and raids.

**Charge sheet and trial:** If the police believe they have enough evidence, they will submit a charge sheet to the court, which outlines the charges against the accused. The trial process includes multiple stages, such as framing of charges, examination of witnesses, and final arguments.

However, there are several areas for reform in the legal framework and procedures governing criminal investigations in India. These include:

1. **Police reform:** There is a need for police reform in India to improve the quality of investigations. This includes reforms in areas such as recruitment, training, and accountability.
2. **Protection of human rights:** There is a need to ensure that the rights of the accused are protected during the investigation process, and that the police do not use coercive methods to extract confessions or evidence.
3. **Forensic science:** The use of forensic science in criminal investigations needs to be strengthened, including improving the quality of forensic labs, training of forensic experts, and use of modern technology.
4. **Speedy trials:** The trial process in India is often slow, and there are long delays in disposing of cases. There is a need to introduce measures to speed up the trial process and reduce the backlog of cases.
5. **Community participation:** There is a need to increase community participation in criminal investigations, including the use of community policing models and encouraging citizen involvement in the investigation process.

In conclusion, while the legal framework and procedures governing criminal investigations in India provide a foundation for conducting investigations, there is a need for reforms to improve the quality and efficiency of investigations, protect human rights, and ensure that justice is served in a timely manner.

Forensic science plays a crucial role in criminal investigations by providing scientific evidence that can be used to link suspects to the crime scene or to exonerate them. The use of forensic science in criminal investigations has increased significantly in India over the past few years,

and several advances have been made in forensic techniques and technologies. A study on the role of forensic science in criminal investigations in India could examine the following areas:

**The different types of forensic evidence:** Forensic science encompasses a wide range of techniques and methods for analyzing physical and biological evidence, including DNA analysis, fingerprinting, ballistics, and forensic pathology. The study could examine the effectiveness of these techniques in solving crimes, and identify areas for improvement.

**The use of technology in forensic science:** There have been significant advances in technology in recent years, and these have had a major impact on forensic science. The study could examine the use of technology in forensic science, such as the use of DNA databases, facial recognition software, and digital forensics.

**The quality of forensic labs and experts:** The study could examine the quality of forensic labs and experts in India, and identify areas for improvement. This could include issues such as training, accreditation, and quality control.

**The admissibility of forensic evidence in court:** Forensic evidence is often key to the prosecution's case in criminal trials. The study could examine the admissibility of forensic evidence in court, and the role that forensic experts play in presenting evidence to the court.

**The limitations of forensic science:** Forensic science is not infallible, and there are limitations to the techniques and methods used. The study could examine the limitations of forensic science, such as the risk of contamination or errors in analysis.

Overall, a study on the role of forensic science in criminal investigations in India could provide insights into the effectiveness of forensic techniques and technologies in solving crimes, and identify areas for improvement to strengthen the use of forensic science in the investigation process.

Evaluating the effectiveness of the criminal investigation process carried out by the Indian police force is a complex task, as there are several factors that can impact the success or failure of investigations. Some of the key factors that can impact the effectiveness of the criminal investigation process in India are:

**Quality of investigation:** The quality of the investigation carried out by the police is critical to the success of any criminal investigation. The effectiveness of the criminal investigation process in India can be evaluated by assessing the quality of investigations carried out by the police, including the collection of evidence, witness statements, and the overall handling of the case.

**Use of technology:** The use of technology in criminal investigations can significantly enhance

the effectiveness of the investigation process. The effectiveness of the criminal investigation process in India can be evaluated by assessing the extent to which technology is used by the police in investigations, including the use of forensic science, DNA analysis, and digital forensics.

**Adherence to legal procedures:** The adherence to legal procedures during the investigation process is crucial to ensuring that the evidence collected is admissible in court. The effectiveness of the criminal investigation process in India can be evaluated by assessing the extent to which the police adhere to legal procedures during investigations, including the handling of suspects, the collection of evidence, and the production of evidence in court.

**Community engagement:** Community engagement can play an important role in the effectiveness of the criminal investigation process in India. The effectiveness of the criminal investigation process can be evaluated by assessing the level of community engagement in the investigation process, including the use of community policing models and the involvement of citizens in the investigation process.

Overall, the effectiveness of the criminal investigation process carried out by the Indian police force can vary significantly depending on the specific case, the resources available, and the quality of the investigation. While there have been notable successes in the past, there are also significant challenges, such as delays in the trial process, the use of coercive methods by the police, and the lack of adequate training and resources for police officers. Therefore, there is a need for ongoing efforts to strengthen the criminal investigation process in India, including reforms to the legal framework, investment in technology and training, and increased community engagement.

### **(A) Challenges**

The Indian police force faces several challenges in conducting criminal investigations. Some of the key challenges include:

**Lack of resources:** One of the major challenges faced by the Indian police force is a lack of resources, including personnel, equipment, and technology. This can lead to delays in investigations, compromised evidence collection, and poor quality investigations.

**Inadequate training:** Another significant challenge is the lack of adequate training for police officers in investigation techniques, forensic science, and other related skills. This can impact the quality of investigations and limit the ability of the police force to solve complex crimes.

**Political interference:** The police force in India often faces political interference in their

investigations, which can compromise the impartiality of the investigation and limit the ability of police officers to carry out their duties without fear of reprisals.

**Limited access to technology:** Many police departments in India lack access to modern technology, such as digital forensics tools and DNA analysis equipment, which can hamper their ability to solve complex crimes.

**Inadequate cooperation between law enforcement agencies:** The lack of cooperation between different law enforcement agencies can make it difficult to share information and coordinate investigations, which can result in delays or ineffective investigations.

**High workload:** The Indian police force is often overburdened with a high workload, which can impact the quality of investigations and lead to delays in the investigation process.

**Lack of trust from the public:** There is often a lack of trust from the public towards the police force, which can make it difficult for police officers to gather information and solve crimes.

Overall, these challenges can significantly impact the ability of the Indian police force to conduct effective criminal investigations, and addressing these challenges will require significant investment in resources, training, and technology, as well as reforms to improve the coordination and cooperation between law enforcement agencies and increase public trust in the police force.

### **(B) Suggestion**

Here are some suggestions for a study on criminal investigations in India:

**Conduct a comparative analysis:** A comparative analysis of criminal investigation procedures in different countries can help to identify best practices and areas for improvement. This can provide valuable insights into how the Indian police force can improve their investigation process.

**Study the impact of technology:** A study that evaluates the impact of technology in criminal investigations in India can help to identify areas where technology can be leveraged to improve investigations, and assess the challenges and barriers to the adoption of technology.

**Analyze the role of community engagement:** A study that examines the role of community engagement in criminal investigations in India can help to identify best practices and assess the impact of community policing models on investigation outcomes.

**Investigate the impact of political interference:** A study that examines the impact of political interference in criminal investigations in India can help to identify the extent of the problem and recommend ways to mitigate the impact of political interference on investigations.



Assess the training needs of police officers: A study that assesses the training needs of police officers in criminal investigation techniques, forensic science, and other related skills can help to identify areas where training can be improved and recommend training programs to improve the quality of investigations.

Evaluate the effectiveness of recent reforms: A study that evaluates the effectiveness of recent reforms in the criminal investigation process, such as the use of video conferencing for witness statements and the introduction of fast-track courts, can provide insights into the impact of these reforms on investigation outcomes.

Overall, conducting a study on criminal investigations in India can help to identify areas for reform and provide recommendations to improve the quality and effectiveness of investigations, leading to better outcomes for victims and a stronger criminal justice system.

### **III. CONCLUSION**

In conclusion, the study on criminal investigations by the Indian police force highlights the importance of effective investigations in ensuring justice for victims and strengthening the criminal justice system. However, the study also reveals significant challenges that the Indian police force faces in conducting criminal investigations, including a lack of resources, inadequate training, political interference, limited access to technology, and a high workload.

To address these challenges, the study recommends several reforms, such as investing in resources and technology, improving training programs, increasing cooperation between law enforcement agencies, and addressing political interference. Additionally, the study suggests conducting further research to evaluate the impact of technology, community engagement, and recent reforms on criminal investigations in India.

Ultimately, addressing the challenges faced by the Indian police force in conducting criminal investigations will require sustained commitment and investment from policymakers, law enforcement agencies, and civil society organizations. By addressing these challenges, the Indian criminal justice system can ensure that justice is delivered fairly and effectively to all, contributing to a safer and more just society for all.

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