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# Loopholes in Investigation Process: Critical Analysis

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## ABSTRACT

*The methods and structures used in the Investigation are the focus of this study. It examines the investigative process critically and identifies the weaknesses that exist within it. The situation is gradually improving, but it is still not safe for people to go about their daily lives knowing if something wrong happens to them there are loopholes in system which will stop them from getting justice. Our protectors are falling behind as a result of the length of time it takes to resolve a single case, while the number of crimes committed each day continues to rise drastically. Many provisions have been enacted under the under different codes, however the vast majority of them have not been implemented or are being improperly enforced. Author tries to focus the inability to effectively investigate a crime stems from endemic criminality and corruption among law enforcement. When this happens, it impedes national progress and should be stopped.*

**Keywords:** investigation process, loopholes, delay, corruption.

## I. INTRODUCTION

The investigating stage of the criminal process is crucial. An “investigation” is the initial step taken by law enforcement following the commission of a crime or the receipt of information suggesting the commission of an offence. The goal is to track down the criminal and put him<sup>2</sup> on trial so that he can be punished in accordance with the law.

Section 2(h) of the Code says “investigation” includes all the proceedings under this code for the collection of evidence conducted by a police officer or by any person (other than a magistrate) who is authorised by a magistrate in this behalf.<sup>3</sup>

Section 156 of the Code of Criminal Procedure<sup>4</sup> confers powers on police officers to investigate cognizable cases.

In Non-Cognizable cases, the police officer has no authority to investigate without warrant and

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<sup>2</sup> For purpose of this paper all gender specific words denote reference to all the genders.

<sup>3</sup> The Code of Criminal Procedure 1973, § 2(h)

<sup>4</sup> The Code of Criminal Procedure 1973, § 156

has to obtain a warrant under Section 155 (2) of the Code<sup>5</sup>. Sections 154 to 176 of the Code<sup>6</sup> deals with information to police and their powers to investigate.

Were these section lays down important steps to be followed during investigation, these steps have certain loopholes which are misused and are taken advantage by authorities and even common layman to bring out result in their favour. In addition to being a key aspect of the overall investigation system, forensic science is also an important field in its own right. There is a long tradition in India of employing scientific methods in police investigations. But the doubt that arises is whether these powers which are vested in hands of an investigating officer are used efficiently or not. Or are there any defects in the system.

Paper further aims to focus of these loopholes and how it at last it's affect in justice system.

### **(A) Statement of problem**

The primary purpose of this research study is to talk about the stages of Investigation process, and a highlight on the loopholes present in the system while investigation takes place, in as much depth as possible, specifically how things operate in the real world and how rights of an accused person are violated, and suggest how these defects can be overcome with a watchful eye on the investigation process.

This study paper includes several case laws that can be used to acquire an in-depth knowledge of how the process of Investigation process should be applied in practice.

## **II. STEP BY STEP PROCEDURE OF INVESTIGATION**

Police must follow Section 157 of the Code<sup>7</sup> to gather evidence. It explains the process of conducting a preliminary inquiry.

The Magistrate will have jurisdiction over the case after the police officer has investigated and reported the offence to the station. At the scene of the incident, police must gather evidence and apprehend the suspect. They may also choose not to investigate if the alleged crimes are not considered “cognizable” by a Magistrate. If the officer conducting the investigation has no reasonable suspicion, he may inform the magistrate and drop the case.

### **1) Sending The Reports to The Magistrate<sup>8</sup>**

The magistrate receives several reports during the course of the investigation. The plan is to

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<sup>5</sup> No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

<sup>6</sup> The Code of Criminal Procedure 1973, § 154-176

<sup>7</sup> Procedure of Investigation.

<sup>8</sup>The Code of Criminal Procedure 1973, § 158

periodically update him on how things are going with the probe. Under Section 157<sup>9</sup> of the Criminal Process Code, police must present the magistrate with a “police report” detailing the events that led them to suspect criminal activity. The delivery of the police report is largely ceremonial because the Magistrate has no authority to discontinue an inquiry once it has commenced. A “final report” will be provided to him upon completion of the investigation per Section 173<sup>10</sup>.

## **2) The Order to Investigate by The Magistrate<sup>11</sup>**

When a Magistrate receives a report from investigation officer, that Magistrate has the authority to either direct an investigation or hold a preliminary inquiry into the case. He might issue a directive to the police to initiate the probe.

## **3) Identification & Attendance of the Witnesses<sup>12</sup>**

After conducting a thorough investigation of the crime and identifying all suspects and potential witnesses, the investigating officer may request the presence of any person who appears to be familiar with the facts and circumstances of the case. Anyone with first-hand knowledge of the crime can testify as a witness, and they have a legal responsibility to tell the truth about what they know. This section grants the prosecutor the right to call witnesses and identify them.

## **4) Examination Of Witnesses by Police<sup>13</sup>**

The police have the authority to question witnesses under this section of The Code of Criminal Procedure. Witnesses are extremely important to an inquiry. In the course of the questioning, they must respond to every question the police may pose to them. They do not have to respond to inquiries when the respondent’s honesty could lead to criminal charges, penalties, or forfeiture. This could lead to the person refusing to answer the question. The person’s ethical duty is to reveal the true and accurate details of the situation. Police officers have the option of putting comments made under oath during an examination into writing, although this is not required and is instead left to the discretion of the officer conducting the investment. This does not hold any evidentiary value<sup>14</sup>.

## **5) Recording Of Statements or Confession by Magistrate<sup>15</sup>**

Under this section, the Magistrate is authorized to make a record of any statements or

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<sup>9</sup>The Code of Criminal Procedure 1973, § 157

<sup>10</sup>The Code of Criminal Procedure 1973, § 173

<sup>11</sup>The Code of Criminal Procedure 1973, § 159

<sup>12</sup>The Code of Criminal Procedure 1973, § 160

<sup>13</sup>The Code of Criminal Procedure 1973, § 161

<sup>14</sup> Indian Evidence Act, 1872 § 25

<sup>15</sup>The Code of Criminal Procedure 1973, § 164

confessions made by any individual during the entire investigating process or prior to the initiation of the inquiry or trial. Whether or not such a Magistrate has authority in the case is irrelevant for purposes of this section.

A Magistrate must tell the suspect that he is under no legal obligation to make the confession and that any statements he makes can be used against him in court (confession made to magistrate hold evidentiary value<sup>16</sup>). The magistrate cannot compel a confession from someone who does not want to make it. The act of confession must be done of one's own free will.

#### **6) Acceptability Of Evidence**

Confessions recorded under Section 164<sup>17</sup> are admissible as evidence in court. The court must weigh and examine all relevant aspects of the evidence. The court should see the full confession before deciding whether or not it is helpful.

#### **7) Probing Of Property or Any Place Important in Investigation**

The police can search any place or thing. Any place or thing that has anything to do with the case can be searched by the police officer in charge of the investigation or by an officer under his command. The Magistrate has to give the police a search warrant before they can search a place. If the place or property to be searched is outside of India, the Magistrate can write a letter to the people in charge of that area asking for permission to search that place.

The police officers have to give a written explanation of why they are searching and what they are looking for. After the search is done, they are supposed to send a report to the Magistrate so that he can tell the owner of the property.<sup>18</sup>

#### **8) Cases In Which Investigation Cannot Be Completed Within 24 Hours<sup>19</sup>**

It is now established that the accused or arrested person may not be imprisoned for longer than 24 hours without being brought before the Magistrate. If the investigation cannot be concluded within 24 hours, the Magistrate is given discretionary powers under this section. The Magistrate will have the authority to make judgements on the accused person's continued detention, cooperation with the investigation, and guaranteeing that they will not be imprisoned before their trial.

If the following situations, the said section is invoked:

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<sup>16</sup> Indian Evidence Act, 1872, § 26

<sup>17</sup> Recording of confessions and statements.

<sup>18</sup> The Code of Criminal Procedure 1973, § 165

<sup>19</sup> The Code of Criminal Procedure 1973, § 167

1. When a suspect is taken into custody by a police officer without a warrant.
2. It takes more than 24 hours to finish the investigation.
3. The accused person is brought to the Magistrate by the person in charge of a police station or by an investigator who is at least a sub-inspector.

The judicial Magistrate to whom the accused is sent can decide that he can be locked up for no more than 15 days. If the Magistrate doesn't have the power to try the case and thinks that keeping the accused in jail isn't fair, the accused will be sent to the Magistrate who does.

If the Magistrate has good reason to believe that the accused needs to be locked up, he can do so.

However, in any case, the Magistrate cannot order detention for more than:

1. An individual can be kept in jail for 90 days for serious crimes that carry a sentence of more than 10 years in prison, life in prison or the death penalty.
2. People who commit less serious crimes and get less than 10 years in prison shouldn't be locked up for more than 60 days.

If bail is provided, the person can be released after serving time.

These are the essentials of an investigation process.

If the police have insufficient evidence to hold an individual in custody, they may release him in exchange for security, with the stipulation that he appear before a Magistrate if summoned to do so.

At the conclusion of an investigation, the police must give a "challan" or "charge sheet" to the court that contains all the relevant information surrounding the investigation before passing the case on to the magistrate. The next step is to formally charge the suspects and then to begin the trial.

This provision is mentioned under Section 173 of CrPC<sup>20</sup> which mandates the police officers to produce a charge sheet having all this essential material of the investigation, before the court.

### **III. LOOPHOLES IN THE SYSTEM**

Police is given power to investigate for providing justice to common person. But the question that comes to one's mind is that, is justice actually served or the protector or our rights becomes villain for our rights?

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<sup>20</sup> The Code of Criminal Procedure 1973, § 173

- 1) The current vacancy system has the most glaring weakness. Even though the United Nations recommends a minimum of 222 officers per 1,000,000 people, India only has 144 for every 1,000,000 people. Lower than 100 police officers per 100,000 people can be seen in states like Uttar Pradesh and Bihar. Cases remain open and the charging document is late to be filed because of the tiny size of the police department.
- 2) Deaths that occur in prisons and jails have become all too common. In police detention, suspects are often abused, including with physical punishment and deprivation of food, while their cases are being investigated. In addition to a significant lag between reported crimes and police responses, officers often file First Reports of Incident (FIRs) much later than necessary, delaying victims' access to justice. As commonly seen, they will resort to torturing the accused to the third degree even if it is not necessary. While on the clock, police officers are often depicted as abusing their authority. Between April 2017 and February 2018, 1674 deaths occurred in correctional facilities, or around five per day. According to NCRB statistics, just seven inmates were found guilty of causing 593 inmate deaths reported between 2005 and 2018. Most people who are killed or tortured are members of minority groups<sup>21</sup>. They participate in a wide range of illegal behaviour. Torture techniques include urinating in victims' mouths, shocking their genitalia with electricity, and forcing them to have oral sex or have things inserted into their anuses or under their fingernails. Victims in such circumstances will say or do anything to end the agony. Police misconduct refers to the inappropriate use of authority or power by law enforcement. Because of this, the country's judicial system becomes clogged.

In the case of *DK Basu v. State of West Bengal*<sup>22</sup>, there were various guidelines put forth for the arrest and detention by the police officers. They were:

- a) The police officers arresting and interrogating the arrestee should wear clear name badges and identification. The arrestee's interrogators must be registered.
- b) That the police officer arresting the accused person shall prepare a memo of arrest at the moment of arrest and have at least one witness, who may be a family member or a respectable local resident, attest to it. The arrestee must countersign it and include the arrest date and time.

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<sup>21</sup> Article 14 of Constitution of India, 1950 provides for equality before law irrespective of gender, caste, creed, religion, etc. All though there are still, till this day, circumstances where minority class faces discrimination.

<sup>22</sup> (1997) 1 SCC 416.

- c) A person who has been arrested or detained and is being held in a police station, interrogation centre, or other lock-up shall be entitled to have one friend or relative or other person known to him or having interest in his welfare notified, as soon as possible. that he has been arrested and is being detained at the specific location, unless the attesting witness of the memo of arrest is himself such a friend or relative.
- d) Where the next friend or relative of an arrestee lives outside the district or town, the police must notify the Legal Aid Organization in the District and the local police station telegraphically within 8 to 12 hours of the arrest.
- e) The arrested individual must be informed of this right to have someone informed of his arrest or imprisonment immediately.
- f) The person's arrest must be recorded in the detention centre's logbook, along with the name of the next friend who was told of the arrest and the police officers in charge of the arrestee.
- g) If requested, the arrestee should be inspected and any significant or minor injuries reported at the time of arrest. The arrestee and police officer must sign the "Inspection Note" and give the arrestee a copy.
- h) The Director, Health Services of the concerned State or Union Territory should appoint a panel of approved doctors to examine the arrestee every 48 hours while in custody. Director, Health Services should create a panel for all Tehsils and Districts.
- i) The area Magistrate shall save copies of all records, including the memo of arrest.
- j) The arrestee may meet his lawyer during interrogation, but not throughout.
- k) Every Districts and State headquarters should have a police control room where the arresting officer must report the arrestee's location and custody within 12 hours on a prominent notice board.

These were the 11 guidelines laid down in the case of arrest on an Individual.

In the case of *Kishore Singh Ravinder Dev and Ors. v. State of Rajasthan*<sup>23</sup>, the Supreme Court was deeply concerned with the various atrocities committed by the police officers. The Court had stated that "No police lifestyle which relies more on fists than wits and on torture than on culture can control crime because it means boomerang on ends and refuel the vice which it seeks to extinguish."

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<sup>23</sup>AIR 1981 SC 625



According to the NLU-Delhi death penalty<sup>24</sup> initiative, inmates have been forced to sign blank documents, which then led to a staged recovery of facts, and ultimately their conviction. Innocent persons are likely to be convicted due to the inhumane investigation techniques.

Although, victims also try to take advantage of this. As no person can be compelled to be a witness against themselves there have been a lot of cases where accused have tried to take advantage of this protection.

In *Nandini Sathpathy v. P.L.Dani*<sup>25</sup>, the appellant, a former Chief Minister of Orissa was directed to appear at vigilance Police Station, for being examined in connection to a case registered against her under the Prevention of Corruption Act, 1947 and under S. 161/165 and 120-B and 109 of The Indian Penal Code, 1860. Based on this an investigation was started against her and she was interrogated with long list of questions given to her in writing. She denied to answer and claimed protection under Article 20(3). The Supreme Court ruled that the objective of Article 20(3) is to protect the accused from unnecessary police harassment, giving a long list of question does not conclude to police harassment. Protection under the section it extends to the stage of police investigation apart from the trial procedure.

- 3) The accused must appear before the magistrate within 24 hours, as required by law. The police usually have between 12 and 13 hours to question the suspect. Because to the time pressure, torture is used to gain information. As a result, the accused is often not brought before a magistrate for questioning for at least another day.

In *Khatri (II) v. State of Bihar*<sup>26</sup>, has strongly advised the state and its police authorities to ensure that the constitutional and legal duty to bring an arrested individual before a Judicial Magistrate within 24 hours of arrest is strictly adhered to. This reasonable provision grants the magistrate oversight of the police inquiry; magistrates must do their best to ensure compliance with this order, and they must punish the police force severely if they are found to be in violation of the law.

Failure to appear before a magistrate within 24 hours of an arrest will be considered improper detention on the part of the arresting officer.

In *Poovan v. S.I. of Police Aroor and Ors.*<sup>27</sup> it was said that If a magistrate receives a complaint that a person has been arrested within his jurisdiction but has not been produced before him within 24 hours, or if a magistrate receives a complaint that a person is being detained within

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<sup>24</sup> Death Penalty India Report, NLU Delhi

<sup>25</sup> AIR 1978 SC 1025

<sup>26</sup> MANU/SC/0518/1981

<sup>27</sup> 1993 (1) KLT 454.

his jurisdiction for more than 24 hours after his arrest, the magistrate can and should summon the police officer in question to state whether or not the allegations are true and, if so, on what and under whose custodial care the person has been detained. If the officer denies that such an arrest was made, the magistrate might investigate the matter and issue necessary instructions.

- 4) Another issue is that not enough money or other resources are given to the police to investigate particularly serious crimes. Most jurisdictions do not provide police with a dedicated budget for expenses like crime scene documentation, photography, medical exams, etc. Although while forensic laboratories are crucial for analysing evidence, it can take months for them to return their findings. This causes a lag in filing the charge sheet and determining guilt.

Neeraj Kumar the former police commissioner of Delhi in his interview with The Print said “Post-mortem and forensic reports raised more questions than they answered. There is no gainsaying that expertise in conducting post-mortems and forensic examinations is virtually absent in our country. In the civil hospitals of our mofussil towns, doctors who conduct post-mortems, and on whose findings the fate of criminal cases depend, are woefully deficient in their skills. Our forensic labs are primitive and deserve serious upgrade. It is ironic that while on the one hand, India is sending space missions to Mars, forensic labs languish in prehistoric times.” while commenting on Aarushi Talwar Case.<sup>28</sup>

- 5) Frequent transfers of investigating officers also, mostly because of political reasons, affect investigation process adversely. It again delays the process and as the whole process is technically have to start again for new investigating officer to investigate as he has to know the facts of the case fresh.
- 6) Corruption is a major problem in the Indian police force, and it can impact the integrity of an investigation. Some police officers may be bribed to overlook certain pieces of evidence or to manipulate the investigation in favour of a particular party. Corrupt practices are prevalent not only amongst the police but also in the judicial and legal circles, as well as the forensic and other fraternities. Justice has now become a ‘buyable’ commodity.
- 7) In many cases, investigations in India are slow and take a long time to complete. To begin with police often refuses to issue FIR at first place, this can lead to the loss of important evidence and can also cause a delay in the delivery of justice.

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<sup>28</sup> Neeraj Kumar, the worst thing about the Aarushi murder was the conduct of senior police officers, The Print, 12 October, 2017

In *Madhubala V. Suresh Kumar*<sup>29</sup>, the primary concern was whether or not a Magistrate can direct the police to investigate a matter under section 156 of the Criminal Procedure Code and require a FIR to be filed. The Magistrate can order both the filing of a FIR and the conduct of an inquiry, as the court ruled here; the Magistrate needs the information contained in the FIR in order to properly investigate a matter. Hence, even though the Magistrate takes cognizance, he can still order investigation in that case and can even direct registration of FIR and then the competent body investigates.

In *Sakiri Vasu V. State of Uttar Pradesh & Ors*<sup>30</sup>, the court has provided the guidelines regarding the registration of FIR or the registration of complaint. The court said that the specific procedure is given or established to maintain the harmony between the functionaries and maintain order and so that the system functions without any friction.

- 8) Absence of natural justice is another drawback that lies in investigation system, often police officers even in non-cognizable offences arrest a person without any prior notice given to the person.

In *Maneka Gandhi v. Union of India*<sup>31</sup>, the concept of natural justice came in which three criteria in every case should be met i.e., notice, fair hearing and no bias.

In *Joginder Kumar Vs State of UP*<sup>32</sup>, the Supreme Court ruled that Articles 21 and 22<sup>33</sup> of the Constitution guarantee an arrested person's right to have someone notified about his arrest and the right to speak privately with lawyers upon request.

In its September 22, 2006 verdict in the *Prakash Singh v. Union of India*<sup>34</sup>, the court sought to achieve two main objectives: functional autonomy for the police through security of tenure, streamlined appointment and transfer processes and creation of a "buffer body" between the police and the government; and enhanced police accountability, both for organizational performance and individual misconduct.

#### IV. CRITICAL ANALYSIS

Throughout the past 140 years, the police and criminal justice system have not changed at all. It has been long recognised that the police have not changed their view of themselves as the rulers and guardians of the State. Police personnel have extraordinary power that can be abused

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<sup>29</sup>(1997) 8 SCC 476.

<sup>30</sup>(2008) 2 SCC 409.

<sup>31</sup>(1978) 1 SCC 248.

<sup>32</sup>1994 SCC (Cri) 1172.

<sup>33</sup>Protection of life and personal liberty, and Protection against arrest and detention in certain cases.

<sup>34</sup>(2006) 8 SCC 1.

due to the wide discretion given to them by the CrPC to make an arrest for a bailable offence and the additional right to conduct a preventive arrest. Because of bribes and political influence, most bureaucrats are able to get away with illegal behaviour that would otherwise get them in trouble with the law enforcement.

Another source of concern is the increasing number of inmate deaths in Indian prisons. Even if the people in police custody are guilty of serious crimes, that is no excuse for mistreating them. During an investigation, some police officers will resort to torturing a suspect to the third degree.

The Supreme Court ruled against the use of the third-degree approach to obtain confessions in the landmark case of *D.K. Basu vs. State of West Bengal*<sup>35</sup>, made it clear in this case that police officers have a responsibility to not resort to torture of any kind in order to obtain information, that they must inform an individual of his or her rights upon arrest, and that they must create a written record of their interactions with the suspect that must be witnessed by a member of the suspect's family. Also, the arresting police officer has been instructed by the court to take precautions before apprehending the suspect.

The Indian Constitution and other laws have numerous provisions, yet the vast majority of them are either ignored or poorly enforced.

The poor are disproportionately represented among the victims of police brutality and other forms of custodial crime. They view law enforcement officers as oppressors rather than guardians. This is because they are unaware of their rights due to less education.

Victims of rape and sexual assaults still hesitate to go to police station to lodge FIR due to uncomfortable questions asked during filing of the FIR. In many cases they are not sent to magistrate for recording of the statement and medical examination. This is despite the provision laying down procedures to be followed in such cases.

The criminal justice system and the atrocities of the police require instantaneous modification in order to establish efficient system of delivering justice and compensating the victim. More scientific and efficient techniques should be brought in the system in order to establish guilt in a better manner. Forensic techniques should be made more reliable and its use should be made more in the system.

Getting justice in India had been a slow process since always. Even though the 221<sup>st</sup> law commission report on need for speedy justice<sup>36</sup> gave some suggestion in 2009, there are still

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<sup>35</sup>(1997) 1 SCC 416.

<sup>36</sup>Law Commission Report of India, Need for Speedy Justice: Some Suggestion, Report No. 221, (April 2009)

**4,24,16,248 (1,08,25,309 civil cases and 3,15,90,939 criminal cases)** pending in district and taluka courts of India among which **3,05,26,739** are more than one year old which is 71.97% of total case pending (as of 2023)<sup>37</sup>.

As a whole, India's criminal justice system, as well as its investigative methods and mechanisms, are in dire need of improvement if they are to fulfil their mandate to provide justice in a timely fashion while also ensuring that victims receive the compensation they are owed.

## V. SUGGESTIONS

- All open positions in the police force must be filled, and new recruits should be sought. More women and LGBTQ officers are needed so that all communities are fairly represented on the force and more hate crimes against marginalised groups are reported. Many tales have surfaced of women and trans individuals experiencing harassment from police after registering complaints. When there are more women and transgender persons in law enforcement, victims of crimes like rape and domestic violence are more likely to come forward.
- Even though our constitution contains several protections against torture, it is often used during an investigation in India. This is due to the widespread belief that torturing suspects will result in the disclosure of incriminating information and so facilitate the resolution of criminal cases. Only if there is a similarly effective and less inhumane questioning technique can torture be phased out. Methods like brain fingerprinting, brain scanning, lie detector tests, and narco-analysis tests are all part of the larger discipline of forensic psychology. Even while none of these methods is fool proof, it can be used to replace torture and aid recover evidence. To accomplish this, the government will need to allocate more resources towards updating and opening up new forensic laboratories. Also, law enforcement agencies will need consistent updates on the most cutting-edge interrogation strategies. Following the Selvi verdict in 2010<sup>38</sup>, such methods can only be employed with the permission of the accused. There must be a balance between the effectiveness of police interrogation procedures and the human rights of the accused if we want to see the practise of torture replaced in law enforcement. Even though administering these tests without the accused's knowledge or agreement isn't ideal, it's still a lot kinder than the torture that's standard practise these days. This may be an acceptable trade-off in order to prevent torture while maintaining

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<sup>37</sup>National Judicial Data Grid

<sup>38</sup>*Selvi vs State of Karnataka*, (2010) 7 SCC 263.

police effectiveness.

- Speedy Justice is something which should be given priority. Even though the number of pending cases has dropped since last year it is still not sufficient. Judiciary should focus on fast disposing of cases which are pending for more than a year along with keeping the right to fair trial in mind.
- Government should focus on educating weaker section of the society about their rights by organising seminars. This will ensure that they are not harassed by police officers
- A strict eye should be kept on officers and any officer found taking bribe or using any unofficial means during investigation should be suspended.
- The inquisitorial system, in which the examining judge is responsible for questioning and investigating the witnesses and gathering the evidences of a specific case, is necessary even in India, where we follow the adversarial system. This will ensure that law enforcement is not resorting to unethical means only to wrap up their probe.

## **VI. CONCLUSION**

There are numerous issues within our criminal justice system. It can be seen how some people suffer due to system while others use to their advantage, opening a wide question of what is right and what is wrong and where is the end to this.

Not much has changed about many about these issues in decades. They are the outcome of fundamental flaws in the system and can be addressed only if there is the political and public will to do so. Rules have been established about the proper procedures for making an arrest and the rights of the arrested person, yet it appears that these rules have been neglected or ignored. Law enforcement officials have been found guilty of misconduct for both misusing their authority and failing to do their jobs. The general public's ignorance of the laws protecting them also played a significant role. We would want to believe that those entrusted with keeping the peace are doing it in an appropriate manner, but there have been too many examples of power abuse for us to have faith in this.

Immediate changes must be made to the Criminal Justice System so that the state recognises that rehabilitating criminals into society is more important than punishing them. As a bigger system of social defence, valid laws and regulations, socialisation encompasses preventative measures, education, therapy, and rehabilitation; this distinction must be stressed.

The police force is accountable for protecting citizens' rights. Even though they are locked up, prisoners are still considered complete members of our community. And therefore, the police

must keep protecting the suspect's rights.

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