Executive Directive No. 21/2020/PHQ

Sub: Enclosing of FSL Report (s) while filing the Charge-sheet of serious cases - Instructions - Reg.


Recently, the Hon. High Court of Kerala took a very strong view relating to charge-sheeting of serious cases without FSL Report. In many cases (even u/s.302 IPC) even though the Investigating Officer was able to complete the investigation and file the Final Report within the statutory period of 90 days of arrest of accused as per Sec.167 of the Cr.PC, he did not file the FSL report (s).

02. It is a fact that in a number of criminal cases, Final Reports u/s.173 (2) Cr.PC are being filed without enclosing FSL Reports. This also happens even in murder cases. The Court takes cognizance of offences and as such the accused arrested, within the period as envisaged in Sec.167 Cr.PC will not get the benefit of being released on bail. In order to avoid such releasing on bail, the Investigating Officers in a large number of cases file the Final Reports without waiting for the FSL Reports. Hence, in such cases, the accused remains in judicial custody without the trial. Though, the Court takes cognizance of offences in the absence of FSL Report, it does not frame charges and the accused is not released on bail. It means that the accused remains in judicial custody for a very long time without trial which is not appreciated by the Courts. Recently, the Hon. High Court of Kerala was very critical in a murder case where the FSL Report has not been sent to the Court so far and the accused is continuing in judicial custody.

03. In this connection the following instructions are issued:-

a) The Investigating Officer must get the FSL Report(s) before filing the Final Report u/s.173 (2) Cr.PC. In the event it is not possible, the Investigating Officer should obtain a letter from the FSL/RFSL concerned that the report is being delayed due to such and such reasons and keep it in the Case Diary. The Investigating Officer will report this matter to the next supervisory officer immediately.
The Director, FSL or the Joint Director, RFSL concerned must be reminded by the Investigating Officer, by the Supervisory Officer and by the DPC (or the ADGP Crimes, as the case may be) over phone to expedite such report(s). In such instances the FSL/RFSL shall give all priority and send the report quickly within 30 days.

b) Once such Final Report in a case is filed, immediately a message also is to be sent to the Director FSL/Joint Director FSL where the report is pending about the filing of such charge-sheet and that will facilitate the FSL staff to know that an investigation of a case has been completed and charge-sheet has been filed so that they can expedite to send the FSL report(s).

c) This Information System should be a part of the CCTNS and to be available to the FSL for which DIG APBn (the State Nodal Officer of CCTNS) and SP ICT will find a digital solution for passing such information digitally to the FSLs.

d) A proper communication channel should be available between the Investigating Officer and the FSL or the supervisory officer of FSL to ensure timely getting of reports.

e) In case of FSLs which are situated outside the State, a mechanism should be established from CCTNS/other tools to send emails to concerned organisations for expediting the FSL reports. DPCs and ADGP Crimes shall ensure this. Follow-up by senior officers even the SPC will be rewarding to get timely reports.

04. This Executive Directive is issued to ensure the speedy trial which is a fundamental right so that the accused is not kept in custody for an indefinite period without trial.

Loknath Behera IPS
DGP/State Police Chief

Distribution: DPCs / DIG APBn / SP ICT / Dir FSL / Jt. Dir's FSL

Copy to:
• The DG Prosecution, Ernakulam –
  (for the kind atttn of Shri. Suman Chakravarthy, Sr. GP)
• All List ‘D’ Officers (Upto SHO level).
• All Unit Heads (including Spl. Units).
• All Officers in PHQ.
• Dy. Dir, State Police Media Centre, PHQ.
• `CA to SPC / ED Register / Police Website.