

DACOITY & ROBBERY

1. **Dacoity**: An aggravated form of Robbery by 5 or more persons. Section 390, 391, 378 and 383 IPC.

Robbery – An aggravate form of theft or extortion (Sections of Law analyzed).

2. **Ingredients of the offence**:

- a) Carrying away or attempting to carry away property;
- b) Causing death, hurt wrongful restraints voluntarily, or attempt to so in carrying away or attempting to carry away property.
- c) By five or more persons.

3. **History and importance of the crime**:

- a) Distinct stages of development:

- 1) Depradation of the Thugees,
- 2) Poisoning
- 3) Dacoity or Gang Robbery – how it is developed

- i) The former princely States were convenient places for recruiting members and provided easy shelter to the gangs.
- ii) The end of the first great war gave a further fillip and strength. The demobilised soldiers brought surreptitiously arms and turned into leaders of dacoits. The average villager was unarmed due to stringency of the Arms Act in giving licences for fire-arms.
- iii) The last war also added a similar quota to the success of the gangs and provided even deadlier arms.

- b) Importance of the Crime:

Dacoity: The major problems in criminal administration. The seriousness of the problem called for a special treatment of the offence in all its phases and forms beginning from dacoity with murder, hut, belonging to a gant for committing dacoities and even receiving property obtained by dacoity – all these have been specifically made punishable in different sections unlike other offences.

4. **Various forms of dacoities**: There is a striking resemblance in the types of dacoities in these parts of India where ravines, jungles, hilly tracts together with some socio-economic causes contributes to it greatly. Such areas are districts of Bhind and Morena

[Top](#) [Next](#)

Gwalior and Shivpur in Madhya Pradesh and portions of Rajasthan where dead ravines of the Yamuna and the Chambal provide secure cover. The socio-economic causes that contribute to the flourishment of dacoities are:

- a) Increasing pressure on land
- b) Inadequate irrigation
- c) Absence of subsidiary industries
- d) Quick temper of the people and their tradition of settling disputes quickly and by themselves.

The difficult terrain or those lands give the gangs immunity from police action at the initial stage due to lack of communication, resulting in lack of contact with the people who deny public co-operation which again results in absence of criminal intelligence, the basis for all police actions – either preventive or detective.

5. Method of dealing with other types of dacoities common to other regions where the identity of the gangs is not so pronounced.

Preventive measures – Dacoities, robberies or other professional crimes will recur unless detected and gangs liquidated. Real prevention, therefore, lies in detection. Other measures are:

- 1. General and also selective patrol
- 2. Blocking roads and approaches
- 3. Surveillance of active criminals-simultaneous and surprising look up of B.Cs.
- 4. Shadowing and watching strangers and known bad characters as also verifying their presence or absence.
- 5. Picketing for absent criminals.
- 6. Unobtrusive watch over known or suspected receivers of stolen property.
- 7. Unobtrusive watch in brothers, drinking shops, river ghats, railway stations, hotels and other likely places of public resort, of loose and bad characters.
- 8. Bad livelihood cases in batches or single.
- 9. Watch over harbourers of criminals.
- 10. Scrutiny of gun licenses and examining stock of ammunition to prevent supply of arms and ammunition by undesirable persons to criminals.
- 11. Anti-dacoity operations.
- 12. Setting up Village Resistance Groups or Village Defense Parties, etc.

6. Detection: Investigation and steps for detection.

Some essential attributes of an Investigator in dacoity or any other crime:

- i) Must learn to study things.
- ii) Inexhaustible resources
- iii) Winning manners and cordial relation with others.
- iv) Inspiring confidence of others.

[Top](#) [Next](#)

- v) Thorough knowledge of crime and criminals.

7. Investigation – Preliminary:

- a) Thorough knowledge of crime by a study of Modus Operandi and maintaining proper crime maps.
- b) Prompt recording of F.I.R. noting therein:
 - 1. Date and time of occurrence.
 - 2. Method of approach, entrance, and their direction.
 - 3. Number of criminals
 - 4. Weapon carried and used
 - 5. Nature and degree of violence or its threat
 - 6. Appearance, dress, dialect, description of the criminals.
 - 7. If criminals are known or identified, their names, parentage, residence as far as could be ascertained.
 - 8. Whether any injury inflicted on any criminal, if so, its position as far as can be ascertained.
 - 9. If identified – means of identification, description of accused identified.
 - 10. Nature and description of articles stolen, whether the inmates can identify them.
 - 11. Articles left by criminals.
 - 12. Name of witnesses who came – statement before them.
 - 13. Gist of statement of culprit, if any, arrest at the spot.
- c) Careful examination of injuries either on culprit or inmates and arranging medical aid for them.
- d) Treat complainant with sympathy and courtesy to enlist his cooperation.
- e) Follow-up of the likely places of resort of criminals and their means of retreat, like train, bus, boat, etc. Check up issue and collection of railway tickets and ascertain probable destination of criminals.
- f) Issue 'Hue and Cry' notices to bordering police stations and seek the cooperation from bordering police stations and G.R.Ps., immediately.

8. Examination of the Scene:

- a) Equip with your 'investigation outfit'.
- b) Inspect the scene thoroughly and systematically.
- c) Take photograph from different angles.
- d) Draw sketch map
- e) Look for fingerprints and footprints. Develop finger prints and take casts or trackings or photograph of foot prints. Keep a scale by the side of the foot print when taking its photograph.

[Top](#) [Next](#)

- f) Collect articles left behind by culprits, such as cigarette or bidi ends, shoes, clothes, weapons, empty cartridges, remnants of crackers, blood and blood stains, etc.
- g) Look for places of assembly of culprits before occurrence – follow up through line of approach and retreat as far as possible for clues.
- h) Collect information such as purchase of abnormal quantity of bidis, betels, drinks, food stuffs, etc., which indicate the places of association before occurrence and may spot out the local contact of the gang.
- i) Camp at the scene fairly long enough to (a) Restore confidence, and (b) collect information.

9. Interrogation of witnesses: A successful investigation depends more on the methodology adopted by the investigator. An investigation can be considered thorough only if the physical evidence is completely handled, the witnesses intelligently interviewed, the suspect effectively interrogated, all logical leads properly developed and the case comprehensively, clearly and precisely reported and represented. The bulk of evidence to prove a criminal charge is provided by oral testimony of witnesses. Interviewing, which is the normal work of an investigator is the only means of getting information on all aspects of the case under investigation. The effectiveness of an investigator, therefore, largely depends upon his ability to obtain information from complainants, witnesses, informants and suspects by patient and intelligent questioning.

Objects of interviewing: Not simply to obtain a narration of facts, the facts elicited must be:

- i) unprejudiced
- ii) strictly admissible in law
- iv) capable of withstanding challenge by the defense
- v) capable of counteracting the probable plea of the defense

Pre-requisites for interviewing:

- a) Must have the qualities of a salesman, an actor and a psychologist.
- b) Ability to establish cordial relationship with the subject.
- c) A forceful personality to induce confidence by the strength of his character without betraying any air of superiority.
- d) Absence of exaggerated provincialism or racial traits to avoid any clash with the subject's prejudice.
- e) Study of the facts of the case – the legal nature of the offence itself; studying the physical evidence left at the scene and its relation to the possible version of the witness; studying the background of the witness; favorable physical conditions conducive to creating proper atmosphere for obtaining information like a quiet place which is free from interruption, proper seating arrangement, wearing plain clothes, etc.

[Top](#) [Next](#)

- f) **Time:** Interview must take place as promptly as possible after the occurrence when facts are fresh in the minds of witnesses otherwise there is chance of witnesses
- g)
- h)
- i)
- j) forgetting the facts, risk of adding imaginary facts as a result of discussions and repetition by witnesses amongst others, chance of exercise of influence by clients of the suspect to tamper witnesses, chance of courts suspecting statements obtained after delay without satisfactory explanation, chance of the witness not co-operating; chance of the witnesses changing residence and becoming unavailable, etc.
- k) Reviewing lapsed memory of the witness by placing him in the same surrounding in which he saw the occurrence and by associating the occurrence with some other interesting and important event which the witness easily remembers.
- l) In urgent matters requiring immediate attention, the investigator should engage another officer for examination of the witnesses and the officer so engaged should be adequately briefed.
- m) The first person to be examined is the victim if he is alive and conscious. After him other witnesses to prove the occurrence giving information about the accused and stolen property and other incriminating evidence in a chain.
- n) **Techniques:**
 - (i) **Relationship:** The interviewer must endeavor to win the confidence of the subject by developing the best possible relationship with the witness and by not starting the interview with any prejudice against the witnesses.
 - ii) **Attitude:** Attitude in the examination of witnesses will vary according to the nature, character, mentality, age, sex, etc. of the subject.
 - 1) Try to think in terms of what you yourself would be thinking, doing or saying if you were the subject under interrogation.
 - 2) You should never look bored or indifferent.
 - 3) Feeling of the witness about the case and also whether any relationship exists between the witness and the suspect should be enquired before the interview.
 - iii) **Approach:** The interviewer should first get acquainted with the witness. He should inform the subject of his identity and extend proper courtesy. He should then try to develop acquaintance with the witness, to know him and his feelings in the course of some preliminary talk of an explanatory nature.
 - iv) **Questioning:**
 - 1) during examination the witness must have undivided attention of the interviewer.
 - 2) The interviewer should talk on the subject's level. For this the questions should be simple and intelligible.
 - 3) Embarrassing questions like poverty, criminal background, etc. of the witness unless pertinent to the enquiry, should be avoided.
 - 4) The examination should be more like conversation

[Top](#) [Next](#)

- 5) The questions should be aimed at obtaining free narrative from the witness.
 - 6)
 - 7) Leading or suggestive questions must be avoided as this defeats the purpose of examination.
 - 8) The interviewer should not subject the witness to too rapid questioning or to a multiplicity of questions at a time as this will cause excessive tension the subject's mind and hinder the truthful account.
 - 9) The interviewer must keep alert and watch reaction of the witness to the questioning.
 - 10) Open-end questions may be asked, where necessary.
- v) Recording: The interviewer should not flourish his note book at the very outset before he is set to correct mental atmosphere. This may frighten and dissuade him from speaking. He should not take down notes as the interview continues. The witness should be heard fully and then only the interviewer should proceed to record. He should review the statement after the witness has completed and seek clarification, if necessary.
- vi) Terminating: No interview should seemingly run endlessly nor should it just fade out. When to begin or to close the interview depends on –
- 1) Character of the witness.
 - 2) How much has been accomplished
 - 3) Need, if any, for supplemental information.
- The end must be orderly, definite and never too abrupt. At the end the witness should be thanked for his co-operation.
- vii) Evaluation of statements: While evaluating, the interviewer should wean out facts gossips and test the facts to find out their probative value. Unintentional mistakes of the witnesses by reason of their exaggeration, errors or faulty observation relating to time, distance or description should be separated from willful mis-representation. Minor discrepancies which are quite natural do not diminish weight of evidence.
- viii) Some special categories of witnesses:
- 1) Reluctant witnesses
 - 2) Talkative witnesses
 - 3) Illiterate witnesses
 - 4) Lying witnesses
 - 5) Shy and nervous witnesses
 - 6) Woman witnesses
 - 7) Child witnesses
 - 8) Deaf and dumb witnesses.

10. Extension of the scope of investigation:

[Top](#) [Next](#)

- a) Consultation of previous records having similar modus operandi.
- b) Interview with prisoners in custody for similar cases.
- c) Check up movements and whereabouts of bad characters, strangers and also defunct informers.
- d) Study crime maps with particular reference to the movements of wandering gangs published in C.J. Gazettes on or about the date of occurrence.

11. Interrogation of suspects: The only approach into a possible solution in many criminal cases, even when investigated by the best qualified investigators, is the interrogation of the suspect as well as other who may possess significant information. The aim of interrogation of suspects is not only to obtain a confession but to learn from true facts and circumstances and other details of the offence itself, such as, date, time, place, purpose and manner of its commission, identity of the accomplices and to develop information leading to the recovery of property and unearthing of any other crime in which the suspect participated. To attain success in this art, the essential requirements are: Patience, Determination, Confidence and Knowledge.

12. Recording of Confession:

- a) must be truthful
- b) should be recorded in the first person as spoken by the persons.
 - i. his early boyhood.
 - ii. Environs and associations.
 - iii. Criminal activities disclosing all crimes committed, names of associates, details of occurrence, details of stolen property, division of booty and manner of its disposal, etc. which may lead to verification of truth of the confession.

Risks of false or partially true confessions:

- a) False confessions are sometimes made by criminals to implicate enemies.
- b) A spirit of foolish 'Bravado' sometimes is also responsible for false confession.
- c) Some confessions although otherwise true in all particulars attribute minor part on the maker of the confession are completely exculpatory.

Law about admissibility of confession:

- a) It must be recorded by a competent Magistrate
- b) Must bear the test of voluntaries
- c) If recorded by police – the portion which leads to discovery to material facts must be supported by actual discovery.
- d) Trust of the confession must bear the test of corroboration by substantive and independent evidence in the form of –

[Top](#) [Next](#)

- i. Recovery of property
- ii. Identification or recognition of persons.
- iii. Any other substantive evidence

13. Recovery of property:

- a) Utility of simultaneous raids.
- b) Production by confessing accused.
- c) Searches in the houses of accused, their wives and concubines.
- d) Searches in the houses of receivers.

14. Identification:

- a) Arrange and hold T.I. as early as possible by a competent Magistrate.
- b) Preclude chances of collusion.
- c) Investigating Officer should not accompany the witnesses on the day of T.I. parade, but must ensure production of witnesses and placing of the suspect in the parade.

15. Other evidence – Besides evidence of recovery and identification, other evidence which may corroborate a confession are:

- a) Association of the accused persons before and after confession.
- b) General association amongst the accused persons.
- c) Both (a) and (b) may be ascertained as a result of collection of information from sources or from persons.
- d) Evidence of finger print or foot print or opinion of the laboratory on tool marks or any other matter incriminating.

16. Preparation of case for court – For the Case Diaries, statements of witnesses or accused, summary of evidence or other records:

- a) Stick to truth,
- b) Draw no conclusion
- c) Exclude everything that may appear contradictory.
- d) Use simplest words
- e) Be absolutely clear.

When accused persons sent up are large in number, charts showing evidence of each of the accused persons should also be prepared.