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CASE LAW DIGEST CrPC SECTION 154



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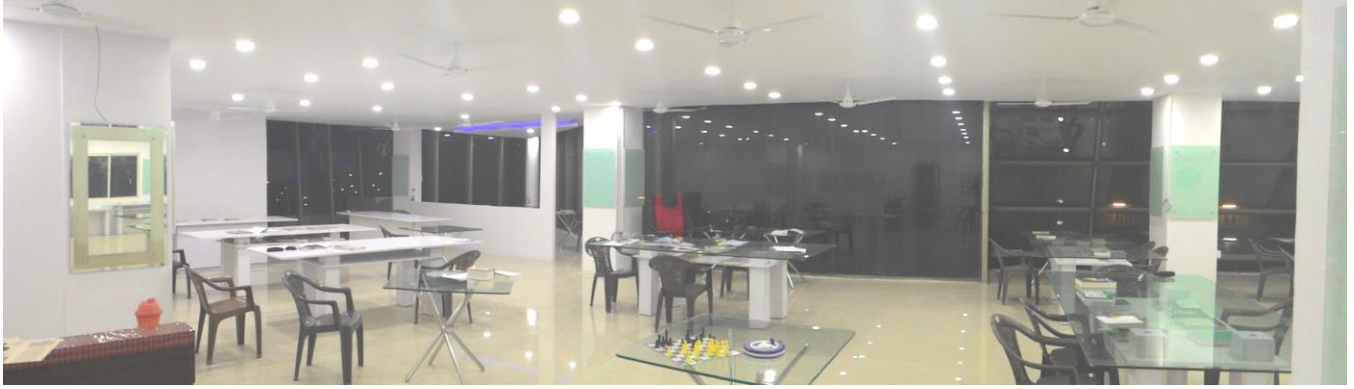


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SECTION 154 IN THE CODE OF CRIMINAL PROCEDURE, 1973

CrPC SEC. 154. Information in cognizable cases.

- (1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf. **Provided** that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer; **Provided further** that—
 - (a) in the event that the person against whom an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;
 - (b) the recording of such information shall be video graphed;
 - (c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible.
- (2) A copy of the information as recorded under Sub-Section (1) shall be given forthwith, free of cost, to the informant.
- (3) Any person, aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in Sub-Section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence.

CASE LAWS – CrPC Sec. 154

1. Wrongful gain and wrongful loss - Explained. ***State of U.P. v. Ranjit Singh*, AIR 1999 SC 1201**

In ***State of U.P. v. Ranjit Singh*, AIR 1999 SC 1201**, this Court has held that the High Court, while deciding a criminal case and giving the benefit of the U.P. First Offenders Probation Act, 1958, or similar enactment, has no competence to issue any direction that the accused shall not suffer any civil consequences. The Court has held as under:

"We also fail to understand, how the High Court, while deciding a criminal case, can direct that the accused must be deemed to have been in continuous service without break, and, therefore, he should be paid his full pay and dearness allowance during the period of his suspension. This direction and observation is wholly without jurisdiction...."

2. While recording FIR the police has to record the information despite he being unsatisfied by its reasonableness or credibility. ***Lalita Kumari v. Govt. of U.P.*, 2014 Cr.LJ 470 (SC).**
3. No second FIR for the same incident can be allowed to be registered. ***Anju Chaudhary v. State of U.P.*, 2013 Cr.LJ 776 (SC) : (2013) 6 SCC 384.**
4. Where the first FIR related to the incident of burning of a shop and the subsequent FIR related to the meeting held on the same day after the incident of shop burning wherein communal and provocative speeches by named persons were alleged to have been made, the offences into two FIRs are different. ***Anju Chaudhary v. State of U.P.*, 2013 Cr.LJ 776 (SC) : (2013) 6 SCC 384.**
5. FIR being an intimation about the occurrence of the incident, it need not cover all the details of the incidents. ***State of U.P. v. Munesh*, 2013 Cr.LJ 194 (SC).**
6. In case of a telephonic conversation received from an unknown person, the question of reading over that information to the anonymous informant does not arise nor does the appending of his signature to the information, as recorded, arise. ***Surajit Sarkar v. State of West Bengal*, 2013 Cr.LJ 1137 (SC) : AIR 2013 SC 807 : (2013) 2 SCC 146.**
7. The prohibition under Sec. 154 applies only to the filing a second FIR by the same complainant and others against the same accused subsequent to the registration of the

case but it does not encompass filing of a counter FIR relating to the same or connected cognizable offence. ***Surender Kaushik v. State of Uttar Pradesh*, 2013 Cr.LJ 1570 (SC) : (2013) 5 SCC 148 : AIR 2013 SC 3614.**

8. Hearsay information given to the police cannot be treated as FIR. ***Umesh Singh v. State of Bihar*, 2013 Cr.LJ 2116 (SC) : AIR 2013 SC 1743 : (2013) 4 SCC 360.**
9. Merely because there has been delay in lodging FIR, it is not possible to throw away the entire prosecution case. ***Kulwant Singh v. State of Punjab*, 2013 Cr.LJ 2199 (SC) : (2013) 4 SCC 177; *Kanhaiya Lal v. State of Rajasthan*, 2013 Cr.LJ 2921 (SC) : (2013) 5 SCC 655 : AIR 2013 SC 1940.**
10. Second FIR if it is in the nature of cross complaint or counter complaint, it can be allowed. ***Amitbhai Anilchandra Shah v. Central Bureau of Investigation*, 2013 Cr.LJ 2313 (SC) : (2013) 6 SCC 348.**
11. Sec. 154 (2) with regard to supply of a copy of FIR to the informant is merely directory and but not mandatory. ***State v. N.S. Gnaneswaran*, 2013 Cr.LJ 3619 (SC) : (2013) 3 SCC 594 : AIR 2013 SC 3673.**
12. Where a complaint made by an illiterate lady was read over to her but it was not intelligible to her but was made intelligible through her relative, the FIR so recorded cannot be said that it is not of her own but was a creation of her relative. ***Subal Ghorai v. State of West Bengal*, 2013 Cr.LJ 3626 (SC) : (2013) 4 SCC 607 : (2013) 4 SCC 607.**
13. In case of plea of delay in filing FIR for an offence of rape on the ground that the first incident of sexual intercourse commenced six months prior to the date of complaint by the prosecutrix, there was no offence of rape as long as the commitment of marriage subsisted between the parties, but it is only after the accused refused to marry the prosecutrix and complained to police, as such no delay can said to have been caused in lodging the FIR. ***Karthi v. State, Inspector of Police, Tamil Nadu*, 2013 Cr.LJ 3765 (SC) : (2013) 12 SCC 710.**
14. Delay cannot be said to be sole ground to reject the prosecution case. ***Gangabhavani v. Rayapati Venkat Reddy*, 2013 Cr.LJ 4618 (SC).**

Suggested Readings:

1. *Kelkar R.V.:* Criminal Procedure, 3rd Edn. Eastern Book Co., Lucknow, 1993.
2. *Ratanlal and Dhirajlal,* The Code of Criminal Procedure, 15th Edn. Wadhwa & Co.,
3. *Padala Rama Reddi,* The Code of Criminal Procedure, 1973, Asia Law House, Hyderabad.
4. *Prof. S.N. Misra,* The Code of Criminal Procedure, Central Law Agency.
5. *M.P. Tandon,* Criminal Procedure Code, Allahabad Law Agency.
6. *Shoorvir Tyage,* The Code of Criminal Procedure, Allahabad Law Agency.
7. Baddi, A. (2016, October 17). CASE LAW DIGEST CrPC SECTION 154. Retrieved from <http://satyagraha.com/portal/articles/case-laws/343-case-law-digest-crpc-section-154.html>

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