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# POLICE POWERS OF INVESTIGATION



# INTRODUCTION

According to the preamble of Police Act ,1861 “the police officer is an instrument for the prevention and detection of crime . Police department comes under control of home ministry of the state . Various provisions of the Cr.P.C. And other enactments empower police to register crimes and take up investigation for their legal and logical conclusion .Thus,police are empowered to investigate offences both cognizable and non-cognizable ones .The cognizable offences are investigated by police ip so facto and the non-cognizable ones are investigated by them after obtaining permission from appropriate authority



# POWERS OF POLICE TO INVESTIGATE:-

The power of investigation may start :-

- Where FIR is given under section 154 CrPC
- Where the police officer has otherwise reason to suspect the commission of a cognizable offence [S.157(1)&156(1)CrPC]
- Where a competent Magistrate orders the police under Section 156(3) without taking cognizance of the offence on a complaint under section 200
- After taking cognizance of the offence on a complaint for the purpose of deciding as to the issue of process against the accused [S.202(1)&S.203CrPC]

## **PROCEDURE OF INVESTIGATION :157 CrPC**

If a reasonable suspicion of the commission of the cognizable offence exist , the police officer shall forthwith send the copy of report to the magistrate who is empowered to take cognizance of such offence upon a police report . Herein the basis for suspension maybe FIR received under S.154 or any other information of police.

## **POWER TO INVESTIGATE IN CASES OF NON-COGNIZABLE OFFENCES : S.155(2) CrPC**

Section 155 deals with information relating to non-cognizable offence . No police officer can investigate a non-cognizable offence without an order of a competent magistrate .But once the police officer is permitted to investigate a non-cognizable case ,he can exercise the same powers as in respect of a cognizable case , except that he cannot arrest any person without warrant .Where a case relates to two or more offences of which one is cognizable ,the case will be deemed to a cognizable case.[xvii]

# **POWER TO INVESTIGATE IN CASE OF A COGNIZABLE OFFENCE : S.156 CrPC**

In case of a cognizable offences , the investigation initiated by the giving of information under section 154 CrPC to a police officer in charge of a police station . Police officer's power to investigate in a cognizable offence is given under section 156 CrPC . Any police officer without the order of a magistrate can investigate any cognizable case . According to section 156(3) CrPC any magistrate empowered under section 190 CrPC can order a police officer in charge of a police station to investigate any cognizable offence . Section 190 empowers magistrate take cognizance upon receiving any complaint or upon police report or upon information received from any person other than police officer who is having knowledge that such offence is committed.

# POWERS OF POLICE

## ❖ Attendance of witness : -

Section 160 CrPC empowers the police officer to require the attendance of witnesses who are within the jurisdiction of such police station. However, where the male person under the age of 15 years or above the age of 65 years or a woman or a physically disabled person, the attendance of such persons will be required at his place where he resides.



## ❖ **Examination of witness : -**

As per section 161 of the code the police officer who has the power to investigate will examine the witness and reduce their statements in writing . This section also empowers to record the statement in audio – visual electronic means . Moreover , a women police officer is required to record the statement of the woman against whom an offence is committed .

## ❖ **Preparation of charge sheet : -**

A Police officer is empowered to submit a charge sheet after completion investigation under the section 173 . It consists of FIR copy , statement of complainant / informant , statement of witness , panchas , panchnama , dying declaration , recovery of articles etc.

## ❖Others powers of police under CrPC :-

- Medical examination of the victim of rape
- Search by police officer
- Police seeks police custody under section 167 when investigation is not completed within 24 hours . Police custody is given maximum upto 15days . This is called police custody .
- Police can release the accused when evidence is deficient as per section 169 CrPC
- Police power to inquire and report on suicide is given in section 174.



**THANK YOU**