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Copy of Government Circular Memorandum No. 4107/F8/67-4-/Home dt. 13.4.1967 Home (F) Department, Trivandrum to the Secretary, Board of Revenue and all Heads of Departments etc.

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Sub: Prosecutions - conduct of - Negligence or callous indifference on the part of Government Officers - adverse observations by a Sessions Judge - Instructions issued.

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An instance has come to the notice of Government where a cultivator charge sheeted for his failure to measure the full quantity of paddy levied under the Kerala Rice and Paddy (Procurement by levy) order 1964 escaped conviction due to the indifference on the part of Government Officers in conducting the prosecution case properly.

The Sessions Judge while acquitting the appellant in the above case observed that if the prosecution failed to prove its case, it is on account of the callous indifference of the Village Officers who refused to produce the records, if there were any, in Court, to prove the prosecution case and that it was also due to the callous indifference of the investigating officer in not questioning the neighbouring cultivators for proving his case. The Judge has also observed that it would appear from the evidence that the prosecution was only anxious to make a show to prove its case and its real intention was to see that the accused somehow or other escaped. It is also pointed out by the Hon. Judge that rather than having such a farce, the prosecution could have dropped this case.

Pointed attention of all the Heads of Departments aprticu-larly the Board of Revenue, the Collectors and the Inspector General of Police is invited to the above observations of the Hon Judge and they are informed that whenever criminal proceedings are initiated on the basis of a complaint filed by a Government Officer all Officials connected with the case have a responsibility to see that the prosecution case is conducted properly and that they cannot shirk their responsibilities by saying that they need produce only such evidence as is called for.

The Heads of Departments are, therefore, requested to see that the officers under them render all necessary assistance and cooperation for the proper conduct of such prosecution cases with all enthusiasm, uprightness and sincerity expected of them. Instances of non-co-operation or indifference on the part of Govt. Officers in such cases will be seriously viewed by Govt. The Heads of Departments are also requested to take prompt action against such officers who show indifference or non-co-operation in the conduct of prosecution cases..

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Endt. on K. Dis. 13879/67 dt. 2.5.1967 (B3)

Copy forwarded to all Sub Officers for information and strict attention.

Sd/-

R. Sadasiva Panicker,
for Chief Conservator of Forests.

Endt. on G1 (L. Dis.) 7005/67 dt. 15.5.67.

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Conservator's Office,
Chalakkudy.

for Conservator of Forests.