

# WHITE PAPER

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## STATE OF POLICING AND LAW & ORDER IN MUMBAI

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## I. Foreword

We are happy to present to you the 8<sup>th</sup> white paper on ‘*The State of Policing and Law & Order in Mumbai*’. Over the years we have been tracking data on various issues; from Crime reported across different areas of Mumbai to the working of the Sessions Courts. The white papers have evolved over the years from Data collection and presentation to Concrete ideas for change.

Crime against women and reported cases of molestation has increased over the years, while conviction rate remains low. Between 2012-2013 to 2016-2017, reported cases of rape increased 96%, and reported cases of molestation increased 165%. Protection of Children against Sexual Offences (POCSO), a relatively new act (2012), aimed to tackle child abuse. The data reveals the shocking state of the safety of the Girl Child in the city. Out of the total rapes reported for the year 2016, Girls under the age of 18 accounted for 72% of cases, i.e. 455 out of 628 cases.

The Supreme Court, in 2006, delivered a landmark judgement in Prakash Singh v/s Union of India suggesting radical police reforms in the country. One crucial aspect was the separation of investigative work from the maintenance of law and order. Following the verdict, a standing order was passed by former Director General of Police, Sanjeev Dayal, dated 24/05/2015: *Separation of investigation in vases triable under sessions court from law & Order*. This order is a very important one for improving policing and will go a long way in increasing the dismal Conviction rates especially in the sessions court. Unfortunately, as all progressive initiatives this too has not been implemented by the Government.

We observed that the conviction rates for Class II serious offences, tried at the sessions court level, was a dismal 7% in year 2012. While this has increased over the years, it remains 19% as of 2016. Praja along with PCGT (Public Concern for Governance trust) and the students of Pravin Gandhi college of Law have looked at 1326 cases from 2008 to 2012. We have studied the life cycles of these cases and have been able to get interesting data on how cases are dealt with by the Courts, the police and the Public prosecutors. The average time taken for cases in the Sessions Court was 25.8 months. The Sessions Court was set up for the specific purpose of expatiating the speed of the cases. In the 1960’s cases would be completed in one session which could be anywhere between 10 days to 2 weeks. Over a period of time we have seen a gradual decline in the working of the session courts.

At Praja we have taken this up and in the next year we will be focusing on the more research on the session courts and looking at Reforms that are required to improve the Sessions courts.

**NITAI MEHTA**

**Managing Trustee, Praja Foundation**

## II. Acknowledgement

Praja has obtained the data used in compiling this white paper through Right to Information Act, 2005. Hence it is very important to acknowledge the RTI Act and everyone involved, especially the officials who have provided us this information diligently.

We would like to appreciate our stakeholders; particularly, our Elected Representatives & government officials, the Civil Society Organizations (CSOs) and the journalists who utilize and publicize our data and, by doing so, ensure that awareness regarding various issues that we discuss is distributed to a wide-ranging population. We would like to take this opportunity to specifically extend our gratitude to all government officials for their continuous cooperation and support.

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We would like to thank Hansa Cequity team for helping us with extrapolating the cause of death data and the team at Hansa Research for the citizen survey.

We would also like to thank our group of Advisors & Trustees and lastly but not the least, we would like to acknowledge the contributions of all members of Praja's team, who worked to make this white paper a reality.



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**Part A – Overall RTI Data for the City: Crime Statistics and Deliberations**
**Section I. Crime Statistics<sup>1</sup>**
**Table 1: Reporting of Crime in Mumbai City**

Specific Crime	2012-13	% Increase 2011-12 to 2012-13	2013-14	% Increase 2012-13 to 2013-14	2014-15	% Increase 2013-14 to 2014-15	2015-16	% Increase 2014-15 to 2015-16	2016-17	% Increase 2015-16 to 2016-17
Murder	202	2%	171	-15%	183	7%	170	-7%	141	-17%
Rape	294	57%	432	47%	643	49%	728	13%	576	-21%
Molestation	793	43%	1209	52%	1675	39%	2145	28%	2103	-2%
Riot	360	9%	387	8%	353	-9%	452	28%	454	0%
House Breaking (Day/Night)	2578	1%	3012	17%	3071	2%	2877	-6%	2570	-11%
Chain Snatching	1269	-22%	2110	66%	1174	-44%	837	-29%	355	-58%
Thefts	5578	-3%	6647	19%	6369	-4%	7006	10%	6622	-5%
Vehicles Stolen	4016	-8%	3793	-6%	3294	-13%	3324	1%	3046	-8%

**Inferences:**

Across the crime heads there is a decreasing trend in reporting of cases from the year 2015-16 to 2016-17.

The reporting of rape cases indicates a dip of 21% from the previous year to the year 2016-17.

<sup>1</sup> Crime Statistics are for Financial Years (April to March) of the corresponding years.



**Table 2: Comparison of Survey data and Reported Crime from 2015 to 2017**

Region	2015				2016				2017			
	Survey <sup>2</sup>	Molestation (% rise)	Rape (% rise)	Chain Snatching (% rise)	Survey	Molestation (% rise)	Rape (% rise)	Chain Snatching (% rise)	Survey	Molestation (% rise)	Rape (% rise)	Chain Snatching (% rise)
North Mumbai	32%	67%	58%	-34%	37%	46%	25%	-46%	23%	-1%	-20%	-44%
North West Mumbai	28%	60%	83%	-40%	35%	41%	5%	-36%	24%	-3%	-30%	-36%
North East Mumbai	31%	0%	38%	-44%	27%	16%	20%	18%	23%	24%	-18%	-77%
North Central Mumbai	30%	40%	25%	-39%	24%	15%	4%	-25%	23%	3%	-4%	-50%
South Central Mumbai	40%	14%	37%	-56%	37%	38%	11%	-20%	33%	-7%	-22%	-71%
South Mumbai	24%	32%	63%	-56%	39%	8%	10%	-32%	21%	-6%	-19%	-74%
Entire City	31%	39%	49%	-44%	33%	28%	13%	-29%	25%	-2%	-21%	-58%

**Inference:**

The above data shows a decrease in reported crimes. Percentage in reporting of rape has gone down from 49% in 2015 to -21% in 2017.

Overall percentage of Citizen’s survey data has decreased from 31% of the people not feeling secure for the women, children and senior citizens in one’s locality in 2015 to 25% people in 2017.

**Note:** The data of the reported crime is of the Financial year (e.g. 2015 is for the financial year 2014-15 and so on), whereas the survey is conducted in the first four months of the corresponding year (i.e. for 2015 it is conducted during Jan to April 2015).

<sup>2</sup> This refers to the percentage of people not feeling secure for women, children and senior citizens in one’s locality (Table 34). Detailed statistics of the citizen survey can be referred in Part B of the White Paper.

## State of Policing and Law & Order in Mumbai

A long due step to protect the rights of children, acknowledging the rampant problem of Child Sexual Abuse (CSA) in India, was enacting of the special law-- Protection of Children Against Sexual offences(POCSO) 2012. Under this law, child rape, harassment, exploitative use of children for the purposes of prostitution and pornography are all criminalised and severely punished. This act requires setting up of special courts for speedy trial and delivery of justice in CSA cases.

Below we look at the data for cases reported age wise for women and girl victims of rape (Section 376 IPC and Section 4 & 6 of POCSO Act), for the years 2015 and 2016.

**Table 3: Cases registered under POCSO Act<sup>3</sup> during 2015 to 2016**

	Incest Rape cases		Other Rape cases		Total (under POCSO)	
	2015	2016	2015	2016	2015	2016
<b>Number of Cases reported</b>	<b>13</b>	<b>14</b>	<b>435</b>	<b>441</b>	<b>448</b>	<b>455</b>
Below 6 years	0	0	26	18	26	18
6 years & above - Below 12 years	4	4	45	48	49	52
12 years & above - Below 16 years	3	3	190	51	193	54
16 years & above - Below 18 years	6	7	174	324	180	331
<b>Total Victims</b>	<b>13</b>	<b>14</b>	<b>435</b>	<b>441</b>	<b>448</b>	<b>455</b>
<b>Total Rapes<sup>4</sup></b>					<b>712</b>	<b>628</b>

### Inference:

The number of cases reported under POCSO has increased from 2015 to 2016. However, number of victims are stark for age group 12 years & above – Below 18 years.

Out of the total rapes reported for the year 2016, 72% cases had young girl victims. This percentage has increased from the previous year which 63%.

<sup>3</sup> Women & Girls Victims of Rape (Section 376 IPC and Section 4 & 6 of POCSO Act)

<sup>4</sup> This the number of cases registered for the calendar year.

## State of Policing and Law &amp; Order in Mumbai

**Table 4: Area-wise reporting of specific crimes (Highest reporting of category-wise cases)<sup>5</sup>**

Crime	2012-13		2013-14		2014-15		2015-16		2016-17	
	Area of Mumbai	Reporting	Area of Mumbai	Reporting	Area of Mumbai	Reporting	Area of Mumbai	Reporting	Area of Mumbai	Reporting
Murder	NM	51	SCM	52	NWM	48	NCM	49	NWM/NCM	37
Rape	NCM	83	NCM	119	NWM	188	NWM	198	NCM	149
Riot	NCM	84	NCM	102	NCM	94	NCM	131	NCM	130
House Breaking <sup>6</sup>	NCM	782	NCM	851	NCM	908	NCM	763	NWM	725
Chain Snatching	NCM	336	NWM	531	NM	320	NCM	231	NWM	132
Thefts	NCM	1491	NCM	1942	NCM	1800	NWM	1984	NWM	1896
Vehicles Stolen	NCM	1069	NCM	1052	NCM	922	NCM	859	NCM	788
Overall	NCM	9156	NCM	10136	NCM	10856	NCM	11311	NCM	10113

**Inferences:**

The highest number of rapes were reported in North Central Mumbai amounting to 149 cases for the year 2016-17 and yet only one question was asked by the MLAs on issues of rape.

Amongst all the crime heads the highest number of cases registered are under Theft which is highest 1896 for this year albeit the number has gone down from 1984 which was the count for the previous year (2015-16) in the North West Mumbai region.

The cases reported for Riot and Vehicles stolen have been highest for North Central Mumbai across the years 2012-2013 to 2016-2017.

North central Mumbai has the highest number of crime registered over the past five years.

<sup>5</sup>North Mumbai includes: Borivali, Dahisar, Malad West; North West Mumbai includes: Jogeshwari, Goregaon, Andheri; North East Mumbai includes: Mulund, Ghatkopar, Shivaji Nagar; North Central Mumbai includes: Vileparle, Kurla, Bandra; South Central Mumbai includes: Chembur, Sion/Koliwada, Mahim; and South Mumbai includes: Worli, Byculla, Colaba, Malabar Hill

<sup>6</sup> House Breaking including– Day & Night

**Table 5: Cases Investigated for the Year 2015 to 2016 (12 and Port Zone)**

Cases Investigated for the year -2015 <sup>7</sup> to 2016							
Year	Pending investigation from early year	Cases Reported in the current year	Not investigated u/s 157 (1)(b) of Cr.PC	Classified final as (Statement B/C <sup>8</sup> )	Final reports sent (Statement A)	Cases sent-up from current year (Charge sheet)	Pending investigation as of December of the current year
<i>CLASS - II SERIOUS OFFENCES (Cases including murder, rape, grievous hurt, kidnapping, abduction etc.)<sup>9</sup></i>							
2015	6,603	6,863	18	328	645	4,663	7,811
2016	7,811	7,181	15	817	731	4,682	8,736
<i>OTHER I.P.C.</i>							
2015	55,198	36,077	144	243	11,267	19,957	59,651
2016	59,651	32,436	109	598	11,236	21,298	58,829
<i>Total</i>							
<b>2015</b>	<b>61,801</b>	<b>42,940</b>	<b>162</b>	<b>571</b>	<b>11,912</b>	<b>24,620</b>	<b>67,462</b>
<b>2016</b>	<b>67,462</b>	<b>39,617</b>	<b>124</b>	<b>1,415</b>	<b>11,967</b>	<b>25,980</b>	<b>67,565</b>

**Inferences:**

A total of 1,04,741<sup>10</sup> cases were investigated in the year 2015 and 1,07,079<sup>11</sup> cases in the year 2016, of which investigation was completed in 37,265<sup>12</sup> cases in 2015 and 39,486<sup>13</sup> cases in 2016. Compared to 2015, investigation of 2,221 cases was more in the year 2016.

<sup>7</sup> Crime in India Reports pertain to calendar year for the period from January to December.

<sup>8</sup> After an FIR is registered and investigation completed either in the case a charge sheet is filed and the case is sent to the courts for trials (Cases Sent-up) or the case is classified as Statement A (mentioned above as 'Final Reports Sent' meaning cases in which charge sheet was not filed but investigation completed. In colloquial police vocabulary Statement A is also known as 'Case True but not Detected') or the case is classified as B/C (meaning cases declared false or mistake of fact or law). Statement A is where accused is identified but not arrested, or the magistrate classifies the case to be true but undetected.

<sup>9</sup> CLASS - II SERIOUS OFFENCES (Cases including murder section 302 IPC, attempt to murder section 307 IPC, culpable homicide not amounting to murder Sec.304 IPC, attempt to commit culpable homicide Sec.308 IPC, rape IPC section 376, attempt to commit rape Sec.376/511 IPC, grievous hurt 325,326,326A & 326B IPC, kidnapping, abduction Sec.363, 363A, 364, 364A, 365, 366, 366A, 367, 368 & 369 IPC, assault on women with intent outrage her modesty Sec.354 IPC, importation of girls from foreign country Sec. 366-B IPC, causing death by negligence Sec.304-A IPC and unnatural offence U/s 377 IPC).

<sup>10</sup> Sum of pending investigation from early year (61,801) and cases reported in the current year (42,940).

<sup>11</sup> Sum of pending investigation from early year (67,462) and cases reported in the current year (39,617).

<sup>12</sup> Sum of not investigated/refused (162), classified final (571), final reports sent (11,912) and cases sent-up from current year (24,620).

<sup>13</sup> Sum of not investigated/refused (124), classified final (1,415), final reports sent (11,967) and cases sent-up from current year (25,980).

## State of Policing and Law & Order in Mumbai

Of this 39,486 cases, 30% of the (a total of 11,967) cases were found to be true but were not detected; and 66% (a total 25,980) cases were sent up for trials. While, investigation in 63% of the (a total of 67,565) cases registered in 2016 or that may have been registered prior to 2016 is yet pending completion of investigation

Of the total (1,04,741) cases, 13% (a total of 13,466<sup>14</sup>) in 2015 and the total (1,07,079) cases, 14% (a total of 14,992<sup>15</sup>) in 2016 cases are related to Class II (Serious Offences). Of the above classification of crime, Class II (Serious Offences) is the most crucial.

A total of 13,466 cases (Class II serious offences) were investigated in the calendar year 2015. In the year 2016, this count shows an increase by 1,526 with 14,992 cases. Of which investigation was completed on 6245<sup>16</sup> cases in 2016. Of this 6,245 cases, 12% (a total of 731) cases were found to be true but were not detected (arresting the accused will qualify as detection); and 75% (a total of 4682) of the cases were sent up for trials.

While, investigation in 58% of the (a total of 14,992) cases registered in 2016 or that may have been registered prior to 2016 is yet pending completion of investigation i.e. in 8,747 cases.

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<sup>14</sup> Sum of pending investigation from early year (6,603) and cases reported in the current year (6,863) of Class – II Serious offences.

<sup>15</sup> Sum of pending investigation from early year (7,811) and cases reported in the current year (7,181) of Class – II Serious offences.

<sup>16</sup> Sum of not investigated/refused (15), classified final (817), final reports sent (731) and cases sent-up from current year (4,682) of Class – II Serious offences.

**Table 6: Trial Cases from Crime in India Report for the Year 2015 to 2016<sup>17</sup>**

Trial Cases for the year – 2015 to 2016							
Year	Pending Trial from early year	Cases sent-up in the current year	Cases compounded or withdrawn	Acquitted	Convicted		Pending Trial as of December of the current year
					In no.	In %	
<i>CLASS - II SERIOUS OFFENCES (Cases including murder, rape, grievous hurt, kidnapping, abduction etc.)<sup>18</sup></i>							
2015	52,247	4,663	297	1,317	361	18%	54,905
2016	54,905	4,682	287	1,369	397	19%	57,518
<i>OTHER I.P.C.</i>							
2015	1,34,577	19,957	2,325	4,234	6,825	51%	1,40,527
2016	1,40,527	21,298	1,809	3,959	5,723	50%	1,50,185
<i>Total</i>							
<b>2015</b>	<b>1,86,824</b>	<b>24,620</b>	<b>2,622</b>	<b>5,551</b>	<b>7,186</b>	<b>47%</b>	<b>1,95,432</b>
<b>2016</b>	<b>1,95,432</b>	<b>25,980</b>	<b>2,096</b>	<b>5,328</b>	<b>6,120</b>	<b>45%</b>	<b>2,07,703</b>

**Inference:**

A total of 2,11,444<sup>19</sup> cases were tried in the courts in year 2015 and a total of 2,21,412<sup>20</sup> in the year 2016. Of which trial was completed in 7% (a total of 15,359<sup>21</sup>) cases in year 2015 and in the year 2016 trial was completed in 6% (a total of 13,544<sup>22</sup>) cases and judgement was given.

In the year 2015, of the 15,359 cases in which judgement was given, 47% of the (a total of 7,186) cases were convicted. Similarly, in the year 2016, of the 13,544 cases in which judgement was given, 45% of the (a total of 6,120) cases were convicted.

It should be noted that here the judgement for the case is considered and not for individual persons who are accused e.g. if there are three accused in the particular case and only one gets convicted then the entire case is treated as convicted, only when all three are acquitted then only the case is considered as acquitted for the above statistics.

<sup>17</sup> **Crime in India Reports pertain to calendar year for the period from January to December.**

<sup>18</sup> CLASS - II SERIOUS OFFENCES (Cases including murder section 302 IPC, attempt to murder section 307 IPC, culpable homicide not amounting to murder Sec.304 IPC, attempt to commit culpable homicide Sec.308 IPC, rape IPC section 376, attempt to commit rape Sec.376/511 IPC, grievous hurt 325,326,326A & 326B IPC, kidnapping, abduction Sec.363, 363A, 364, 364A, 365, 366, 366A, 367, 368 & 369 IPC, assault on women with intent outrage her modesty Sec.354 IPC ,importation of girls from foreign country Sec. 366-B IPC , causing death by negligence Sec.304-A IPC and unnatural offence U/s 377 IPC).

<sup>19</sup>Sum of Pending trial from early year (1,86,824) and Cases sent-up in the current year (24,620).

<sup>20</sup> Sum of Pending trial from early year (1,95,432) and Cases sent-up in the current year (25,980).

<sup>21</sup>Sum of Compounded & Withdrawn (2,622), Acquitted (5,551) and Convicted (7,186).

<sup>22</sup>Sum of Compounded & Withdrawn (2,096), Acquitted (5,328) and Convicted (6,120).

## State of Policing and Law & Order in Mumbai

While in the year 2015, 92% of the (a total of 1,95,432) cases and in the year 2016; 94% of the (a total of 2,07,703) cases were sent for trials are yet pending judgements.

Of the total (2,11,444) cases, 27% (a total of 56,910<sup>23</sup>) in year 2015 and the total (2,21,412) cases, 27% (a total of 59,587<sup>24</sup>) in year 2016 are related to Class II (Serious Offences). Of the above classification of crime, Class II (Serious Offences) is the most crucial.

A total of 59,587 cases (Class II serious offences) were tried in the courts in the calendar year 2016. Of which trial was completed in 3% (a total of 2,053<sup>25</sup>) cases and judgement was given. Of this 2,053 cases in which judgement was given, only 19% of the (a total of 397) cases were convicted; while the 67% cases were acquitted, 14% cases were compounded and withdrawn.

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<sup>23</sup>Sum of Pending Trial from early year (52,247) and Cases sent-up in the current year (4,663) of Class – II Serious offences.

<sup>24</sup>Sum of Pending Trial from early year (54,905) and Cases sent-up in the current year (4,682) of Class – II Serious offences.

<sup>25</sup>Sum of Compounded & Withdrawn (287), Acquitted (1369) and Convicted (397) of Class – II Serious offences.

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**Table 7: Custodial Deaths from 2015 to 2016**

<b>1</b>	<b>Deaths in Police Custody (of persons REMANDED to police custody by court)</b>	<b>2015</b>	<b>2016</b>
1.1	No. of Deaths or Disappearance reported	1	2
1.2	No. of Autopsy conducted	1	2
1.3	No. of Judicial enquiry ordered	0	2
1.4	No. of Judicial enquiry conducted	0	0
1.5	No. of Cases registered in connection with deaths against police personnel	0	0
1.6	No. of Policemen Charge-sheeted	0	0
1.7	No. of Policemen Convicted	0	0
<b>2</b>	<b>Deaths in Police Custody (of persons NOT REMANDED to police custody by court)</b>		
2.1	No. of Deaths or Disappearance reported	4	2
2.2	No. of Autopsy conducted	4	2
2.3	No. of Magisterial Enquiry ordered/Conducted	4	2
2.4	No. of Judicial Enquiry ordered/Conducted	0	0
2.5	No. of Cases registered in connection with deaths against police personnel	0	0
2.6	No. of Policemen Charge-sheeted	0	0
2.7	No. of Policemen Convicted	0	0
<b>3</b>	<b>No. of Deaths in Police Custody due to</b>		
3.1	Injuries sustained during the police custody due to physical assault by police	0	0
3.2	Injuries sustained prior to police custody	0	0
3.3	Mob Attack or Riots	0	0
3.4	Assault by other Criminals	1	0
3.5	Suicide	2	2
3.6	While Escaping from Custody	0	0
3.7	Illness	1	2
3.8	Natural Death	0	0
3.9	Road Accidents/Journey connected with Investigation	0	0
3.1	Hospitalisation	1	0
3.11	Others	0	0
	<b>Total</b>	<b>5</b>	<b>4</b>

**Inference:**

The above data shows four custodial death occurred in 2016 of which two death or disappearance has been reported (of persons NOT REMANDED to police custody by court), autopsy and magisterial enquiry had been done in all two cases. Two deaths have been reported as suicides.



## Section II. Status on Police Reforms

**State Security Commission** has not been formed till date under the Fadnavis Government as per the Supreme Court given ten years back on the 22<sup>nd</sup> of September 2006.

Home Dept. in Government of Maharashtra has constituted a **Police Complaint Authority** which has been notified on dated 25<sup>th</sup> May, 2015. It was done in pursuance of Section 22P (2) of the Maharashtra Police (Amendment and Continuance) Act, 2014 (Mah. XXIV of 2014) has come into force with effect from the 1<sup>st</sup> February, 2014. Even though a committee has been appointed but till date no functioning office is there for its work.

**Table 8: Statement of complaints received/cases registered**

Year	No. of Complaints received during the year	No. of Inquiry Instituted			No. of criminal cases registered during the year	Complaints/ Cases declared false/unsubstantiated after enquiry/investigation during the year	No. of cases Charge sheeted during the year	No. of Cases Police Personnel Charge-Sheeted	No. of Police Personnel arrested during the year
		Departmental	Magisterial	Judicial					
2015	290	47	1	21	47	170	12	16	26
2016	179	52	5	0	29	124	13	20	22

**Inference:**

Number of complaints received in 2016 against Police was 179 while only 29 criminal cases were registered and 22 police personnel got arrested.

**Table 9: Statement of police personnel involved/action taken**

Year	No. of Police personnel sent up for Trial during the year	No. of Police Personnel whose cases were withdrawn or otherwise disposed of	No. of Police Person in whose cases the Trials were completed during the year	Number of Police Person	
				Convicted	Acquitted
2015	16	1	3	1	2
2016	20	0	20	19	1

**Inference:**

20 Police personnel sent up for Trial during the year 2016 in comparison to 16 in 2015. Out of the 20 Police personnel sent up for trial, 19 got convicted.

## State of Policing and Law &amp; Order in Mumbai

**Table 10: Departmental action/punishment**

Year	No. of Police Personnel against whom disciplinary action initiated during the year	No. of Police Personnel awarded minor punishments summarily	No. of Police Personnel whose cases were withdrawn or otherwise disposed of	Number of Police personnel in whose cases enquiries were conducted during the year	Number of Police Personnel			No. of departmental enquiries in which charges were not proved and filed	No. of departmental enquiries pending at the end of the year
					Dismissal/Removal from Service	Major Punishment	Minor Punishment		
2015	183	115	27	156	2	0	114	3	40
2016	150	142	22	128	1	1	72	8	46

**Inference:**

In 2016, disciplinary action has been taken against 150 police personnel for 128 enquiries were conducted while in 2015, against 183 were taken and for 156 enquiries were conducted.

### Section III. Analysis of Public Prosecutor of Mumbai Session Court

There are two types of Public Prosecutors-

- Permanent Public Prosecutors whose current status in Mumbai session courts is that there are only 3 available working personnel against 15 sanctioned posts.
- Contractual Public Prosecutors whose current status in Mumbai session courts is that 31 are working.

#### Permanent Public Prosecutor

Public Prosecutors are required by Law (section 270 of the Code of Criminal Procedure, 1898) to conduct the prosecution in all Criminal trials held in a Court of Sessions, but it rests entirely with Executive to decide in what appeals or revision cases Public Prosecutors are to appear in the Sessions Court. The permanent prosecutor has two types of report for their appraisal:

1. Disposal Rate of Permanent Public Prosecutor is given in the following table: -

**Table 11: Conviction rate of Permanent Public Prosecutor from 2012 to 2016**

Year	Convicted Cases	Acquitted Cases	Disposed cases	Conviction Rate (%)
2012	91	219	310	29%
2013	63	143	206	31%
2014	29	54	83	35%
2015	12	37	49	24%
2016	15	64	79	19%

#### Inferences:

The above data indicates a dip in conviction rate by 10% from 2012 to 2016.

The total cases disposed show a steep decrease from 310 cases in 2012 to mere 79 in the year 2016.

**Table 12: Strength of Permanent Public Prosecutors as on April 2017**

Designation	Sanctioned	Working	Vacant
Additional Public Prosecutor (Session Court)	15	3	-12
Assistant Public Prosecutor (Magistrate Court)	48	35	-13
<b>Total</b>	<b>63</b>	<b>38</b>	<b>-25</b>

#### Inferences:

The numbers are indicative of the severely understaffed public prosecution system. Public prosecutors at both Assistant and Additional level are short of personnel. Overall short-staffed by 25 which is alarming since public prosecutors play a crucial role in the criminal justice system and such a gap is reflective of the state of the criminal justice system.

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- Every permanent prosecutor is appraised on a qualitative framework by self and Reviewing Officer. Analysis of the same is given below with different attributes on which they get graded:

**Table 13: Quantitative Analysis of Sessions Court Permanent Public Prosecutor from April 2016 to March 2017**

	Work Completion Reporting Officer	Work Completion Review Officer	Personal Attributes Reporting Officer	Personal Attributes Review Officer	Efficiency Reporting Officer	Efficiency Review Officer	Total Gradation
Average Gradation out of a total of 10 marks	6.83	6.83	6.85	6.85	7.35	7.35	7.30

**Note:** For a sample of the Public prosecutor's appraisal see Annexure 3.

### Contractual Public Prosecutor<sup>26</sup>

**Table 14: Conviction rate of Contractual Public Prosecutor from 2012 to 2016**

Years	Convicted Cases	Acquitted Cases	Total Disposed Cases	Conviction Rate (%)
2012	106	280	386	27%
2013	115	347	462	25%
2014	130	342	472	28%
2015	165	324	489	34%
2016	157	313	470	33%

**Inference:**

Conviction rate shows an increasing trend from the year 2012 to 2016. A sharp 6% increase from the 2012 to 2016.

**Table 15: Strength of Contractual Public Prosecutors for session court as on April 2017**

Designation	Sanctioned	Working	Vacant
Public Prosecutor	1	1	0
Additional Public Prosecutor	39	30	-9
<b>Total</b>	<b>40</b>	<b>31</b>	<b>-9</b>

**Inference:**

The numbers are indicative of the severely understaffed public prosecution contractual. Public prosecution plays crucial role in the criminal justice system and if this important limb of the justice system is understaffed the performance is going to be affected and would in turn affect the number of cases that reach conviction or acquittals.

<sup>26</sup> The current batch of contractual prosecutor have been functioning since 2008. Though they were appointed for one year and supposed to go through appraisal at the end of every year for which a committee was to be constituted. As of the day it is not clear whether the committee was formed further our RTI query has revealed that there is no clear system for Contractual Prosecutor's appraisal. Hence we have collected and presented their disposal rates similar to the 1<sup>st</sup> part of evaluation of permanent prosecutors.

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**Table 16: Quantitative Analysis of Sessions Court Contractual Public Prosecutor from July 2016 to March 2017**

No. of Contractual Public Prosecutor : 30			
Sr. No.	Particulars of Appraisal Form		In (%)
1	Industry and Application		Good 93%
2	Punctuality	a) Office Hours	Yes 77%
		b) Before Courts	No 100%
		c) Absence without intimation	No 37%
		d) Long absence	No 83%
3	Integrity and Character		Good/Honest 87%
4	General Intelligence		Good 97%
5	Advocacy Skills	a) Argument and Eloquence	Yes 57%
		b) Power of Persuasion	Yes 57%
		c) Drafting Skills	Yes 30%
		d) Quality of legal opinion/Advice	Good 10%
6	Relations with Members of the Bar, Court staff and Public		Good 97%
7	Behaviour with officer/officials of the Government Departments		Good 97%
8	General Perception of the judges/courts shout performances/ability		Good 30%
9	Instances, if any of court rebuking or imposing cost for indiscipline or incompetence (with sufficient details and documents)		Nil
10	Instances, Insubordination if any (with sufficient details and documents)		Nil
11	Overall performance/General assessment		Good 93%
12	Grading		Good 93%

**Table 17: Strength of Judges on April 2017**

Judges	Sanctioned	Working	Vacant
Principal Judge	2	1	-1
Addl. Principal Judge	2	2	0
Addl./Asst. Sessions Judges	78	62	-16
<b>Total</b>	<b>82</b>	<b>65</b>	<b>-17</b>

**Inference:**

21% short of Addl./Asst. Sessions Judges as on April 2017. The judicial system is severely understaffed this adversely affects the performance of the judges since the case load gets disproportionately distributed.

### Section IV. Railway Crime Statistics

**Table 18: Mumbai Railway Crime Statistics<sup>27</sup>**

Head	2012	% Increase 2011 to 2012	2013	% Increase 2012 to 2013	2014	% Increase 2013 to 2014	2015	% Increase 2014 to 2015	2016	% Increase 2015 to 2016
Murder	2	-78%	2	0%	6	200%	2	-67%	3	50%
Dacoity/Robbery	230	619%	282	23%	333	18%	304	-9%	36	-88%
All Thefts	1015	-30%	1116	10%	1334	20%	2209	66%	2094	-5%
Rape	1	-67%	5	400%	1	-80%	2	100%	3	50%
Molestation	12	200%	22	83%	27	23%	51	89%	37	-27%
Other IPC	128	-12%	162	27%	128	-21%	174	36%	138	-21%
<b>Total</b>	<b>1388</b>	<b>-15%</b>	<b>1589</b>	<b>14%</b>	<b>1829</b>	<b>15%</b>	<b>2742</b>	<b>50%</b>	<b>2311</b>	<b>-16%</b>

**Inferences:**

Local railway is a mode of commute for large number of people in Mumbai and it is important that it is safe for women to commute through locals. Railway crime statistics illustrates that rape and molestation continues to persist across the years.

**Table 19: Mumbai Railway Accidental Death and Injured for the year 2012 to 2016**

Name of Police Station	Accidental Death					Injured				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
C.S.T.	160	200	137	143	143	271	258	270	248	254
Dadar	187	156	161	147	145	186	141	116	150	98
Kurla	459	444	417	405	387	439	348	322	333	290
Wadala	207	215	197	187	164	240	206	216	241	167
Churchgate	39	48	48	56	48	101	116	127	141	169
M.C.T.	177	181	149	134	164	262	195	184	190	280
Bandra	111	115	114	115	99	88	82	85	79	91
Andheri	146	150	143	112	131	226	239	199	195	276
Borivali	339	345	307	286	279	453	290	344	320	294
<b>Total</b>	<b>1825</b>	<b>1854</b>	<b>1673</b>	<b>1585</b>	<b>1560</b>	<b>2266</b>	<b>1875</b>	<b>1863</b>	<b>1897</b>	<b>1919</b>

**Inferences:**

M.C.T. and Andheri show an increase in accidental death as well as the number of injured from previous year that is 2015 to 2016.

Out of 1560 Kurla registers highest share of 387 accidental death cases, keeping in with the previous year’s trend. However, in case of injuries out of the total of 1919 cases Borivali has 294 cases registered.

<sup>27</sup> Railway crime data is for Calendar year i.e. January to December for the corresponding years.

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**Table 20: Reasons of Accidental Death in 2016**

Stations Name	Reason of Accident Deaths									Total
	Line Crossing	Falling from Running Train	Hit against Rly Pole	Falling in Gaps/ Platform	Electric Shock	Suicide	Natural Death due to Illness	Cause Of Death Not Known CA <sup>28</sup> Report of Viscera are Pending	Other Reason	
C.S.T.	63	20	0	0	1	1	55	0	3	143
Dadar	70	36	0	0	3	2	10	5	19	145
Kurla	185	84	0	0	4	3	77	34	0	387
Wadala	68	63	0	0	11	0	0	0	22	164
Churchgate	21	8	2	2	0	3	12	0	0	48
M.C.T.	77	41	1	0	0	5	39	0	1	164
Bandra	49	21	0	0	4	1	16	7	1	99
Andheri	76	34	0	0	1	0	19	1	0	131
Borivali	171	47	4	4	1	7	45	0	0	279
<b>Total</b>	<b>780</b>	<b>354</b>	<b>7</b>	<b>6</b>	<b>25</b>	<b>22</b>	<b>273</b>	<b>47</b>	<b>46</b>	<b>1560</b>
<b>In (%)</b>	<b>50%</b>	<b>23%</b>	<b>0%</b>	<b>0%</b>	<b>2%</b>	<b>1%</b>	<b>18%</b>	<b>3%</b>	<b>3%</b>	

**Inference:**

Out of the total deaths due to railway accidents (1560) highest number of deaths (780) is due to line crossing. The problem of railway accident deaths persists across all the stations with alarming numbers, Kurla being the highest with number of 387 accidental deaths in 2016.

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<sup>28</sup> CA- Case Analysis

**Table 21: Reasons of Accidental Injury in 2016**

Stations Name	Reason of Accident Injured									Total
	Line Crossing	Falling from Running Train	Hit against Rly Pole	Falling in Gaps/ Platform	Electric Shock	Suicide	Injured due Illness	Cause of Injured Not Known CA <sup>29</sup> Report of Viscera are Pending	Other Reason	
C.S.T.	17	88	6	0	1	0	82	0	60	254
Dadar	19	36	0	0	0	0	20	0	23	98
Kurla	35	135	4	0	7	0	79	0	30	290
Wadala	20	96	2	1	12	0	0	0	36	167
Churchgate	7	70	17	0	0	0	42	0	33	169
M.C.T.	16	102	8	0	1	0	106	0	47	280
Bandra	12	51	2	1	0	0	25	0	0	91
Andheri	37	141	11	0	2	0	51	0	34	276
Borivali	39	121	12	1	0	0	46	0	75	294
<b>Total</b>	<b>202</b>	<b>840</b>	<b>62</b>	<b>3</b>	<b>23</b>	<b>0</b>	<b>451</b>	<b>0</b>	<b>338</b>	<b>1919</b>
<b>In (%)</b>	<b>11%</b>	<b>44%</b>	<b>3%</b>	<b>0%</b>	<b>1%</b>	<b>0%</b>	<b>24%</b>	<b>0%</b>	<b>18%</b>	

**Inference:**

The most disturbing cause of railway accidental injury is falling from the running train with a consistent count across the railway police stations. Andheri ranks highest with 141 accidental injuries due to falling from the running train in 2016.

<sup>29</sup> CA- Case Analysis



**Table 22: Railway Police Personnel<sup>30</sup> within Mumbai Corporation limits in the Railway Police Stations<sup>31</sup>**

	<b>Sanctioned</b>	<b>Working</b>	<b>Actual Difference</b>	<b>% Difference between Sanctioned and Working</b>
Police Inspector (P.I.)	27	19	-8	-30%
Asst. Police Inspector (A.P.I.)	19	15	-4	-21%
Police Sub - Inspector (P.S.I.)	79	61	-18	-23%
Assistant Police Sub-inspector	202	123	-79	-39%
Constable	1892	1606	-286	-15%
<b>Total</b>	<b>2219</b>	<b>1824</b>	<b>-395</b>	<b>-18%</b>

**Inferences:**

Railway police personnel details indicate that the department is facing shortage of personnel at all levels of Hierarchy. The percentage difference is highest (39%) for the Assistant Police Sub Inspector. Overall difference between the sanctioned and working is 18% (which has increased from the previous year which was 15%)<sup>32</sup>

<sup>30</sup>Government Railway Police (GRP)

<sup>31</sup> Includes C.S.T., Dadar, Kurla, Wadala, Churchgate, M.C.T., Bandra, Andheri and Borivali

<sup>32</sup> Praja's White paper on state of policing and law & order in Mumbai 2016 can be accessed [here](#).

## Section V. Police Personnel

**Table 23: Designation wise number of Police Personnel sanctioned and working (as of March 2017)**

Sr. No.	Designation	Sanctioned	Working in Mar'17	Difference between Sanctioned and Working (Mar'17)	% Difference between Sanctioned and Working
1	Commissioner of Police (C.P.)	1	1	0	0%
2	Joint Commissioner of Police (Jt. C.P.)	5	5	0	0%
3	Additional Commissioner of Police (Addl. C.P.)	11	9	-2	-18%
4	Deputy Commissioner of Police (D.C.P.)	41	40	-1	-2%
5	Assistant Commissioner of Police (A.C.P.)	129	87	-42	-33%
6	Police Inspector (P.I.)	1018	718	-300	-29%
7	Assistant Police Inspector (A.P.I.)	1047	990	-57	-5%
8	Police Sub - Inspector (P.S.I.)	3252	3054	-198	-6%
9	Assistant Police Sub-Inspector (A.S.I)	3179	1618	-1561	-49%
10	Head Constable (H.C.)	8114	7325	-789	-10%
11	Police Naik (P.N.)	7182	6679	-503	-7%
12	Police Constable (P.C.)	21456	18282	-3174	-15%
13	Technical Post	5030	3147	-1883	-37%
<b>Total Police Force</b>		<b>50465</b>	<b>41955</b>	<b>-8510</b>	<b>-17%</b>

### Inferences:

Assistant police sub- Inspector shows a shortage of 49%, with an overall shortage of 17% in the police force which has increased from the previous year which was a shortage of 7%<sup>33</sup>.

The above data indicates the gap still persists in the number of sanctioned and working Police Sub - Inspector (PSI) which is 6% and Assistant Police Inspector (API) which is 5%, Assistant Commissioner of Police (A.C.P.) is 33%, Police Inspector is 29% gap between sanctioned and working strength. In Mumbai, the P.S.I and above ranks (PSI, API and PI) are involved in investigation of cases.

<sup>33</sup> Praja Foundation's [State Of Policing and Law & Order in Mumbai, November 2016](#).

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**Table 24: Designation wise number of police personnel different between working forces in year 2016 to 2017**

Sr. No.	Designation	Sanctioned	Working in Mar'2017	Working in July'2016	Difference between working forces in Mar'2017 & July'2016
1	Commissioner of Police (C.P.)	1	1	1	0
2	Joint Commissioner of Police (Jt. C.P.)	5	5	5	0
3	Additional Commissioner of Police (Addl. C.P.)	11	9	9	0
4	Deputy Commissioner of Police (D.C.P.)	41	40	38	2
5	Assistant Commissioner of Police (A.C.P.)	129	87	101	-14
6	Police Inspector (P.I.)	1018	718	826	-108
7	Assistant Police Inspector (A.P.I.)	1047	990	936	54
8	Police Sub - Inspector (P.S.I.)	3252	3054	2907	147
9	Assistant Police Sub-Inspector (A.S.I.)	3179	1618	3024	-1406
10	Head Constable (H.C.)	8114	7325	7434	-109
11	Police Naik (P.N.)	7182	6679	7166	-487
12	Police Constable (P.C.)	21456	18282	20069	-1787
13	Technical Post	5030	3147	-	-
<b>Total Police Force</b>		<b>50465</b>	<b>41955</b>	<b>42516</b>	<b>-561</b>

**Inferences:**

The data shows that currently for Mumbai 50,465 is the number of sanctioned police personnel however only 41,955 police personnel are working (difference 8,510), a gap of 17%. The count of working personnel has decreased by the number 561 from 2016 when it was 42,516 to 41,955 in 2017. This decrease in the Police force will have severe impacts on the efficiency of policing in Mumbai.

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**Table 25: Police Personnel details based on Department**

Sr. No .	Department	Police Personnel Sanctioned	Police Personnel Working (Mar'17)	Police Personnel Working (July'16)	Difference between Sanctioned and Working (July'16)	% difference between Sanctioned and Working (July'16)	Difference between Sanctioned and Working (Mar'17)	% Difference between Sanctioned and Working (Mar'17)
1	Special Branch (I - CID)	1145	886	916	-229	-20%	-259	-23%
2	Special Branch (II - Passport)	443	317	297	-146	-33%	-126	-28%
3	Crime Branch	1746	1380	1409	-337	-19%	-366	-21%
4	Protection and Security	2368	1819	2177	-191	-8%	-549	-23%
5	Armed Police	13481	10730	12092	-1389	-10%	-2751	-20%
6	Anti-Terrorist Squad <sup>34</sup>	-	-	255	-11	-4%	-	-
7	Wireless Section	447	392	321	-126	-28%	-55	-12%
8	Traffic	3582	3330	3383	-199	-6%	-252	-7%
9	Control Room	267	132	114	-153	-57%	-135	-51%
10	Motor Transport	2	0	6	-42	-88%	-2	-100%
11	Technical Post	5030	3147	-	-	-	-1883	37%
	<b>Total</b>	<b>28511</b>	<b>22133</b>	<b>20970</b>	<b>-2823</b>	<b>-12%</b>	<b>-6378</b>	<b>-22%</b>

**Inferences:**

The above data represents details of police personnel of Mumbai, at various departments of Police and composition of supervisory level officers.

There is total gap of 22% between police personnel sanctioned and actually working with not even single department having met its requirement of sanctioned posts.

<sup>34</sup> Anti-terrorist squad is a separate cell and falls under the state dominion. Data for the same not procured since the white paper is limited to looking at state of law and order and policing in Mumbai.

**Table 26: Police Personnel details based on Supervisory level officer (as on 31st March 2017)**

Supervisory level officer	Police Personnel Sanctioned	Police Personnel Working (July'16)	Difference between Sanctioned and Working (July'16)	% Difference between Sanctioned and Working (July'16)	Police Personnel Working (Mar'17)	Difference between Sanctioned and Working (Mar'17)	% Difference between Sanctioned and Working (Mar'17)
C.P., Jt. C.P., Addl. C.P., D.C.P. and A.C.P.	187	154	-33	-18%	142	-45	-24%

**Inferences:**

The above mention data shows the gap between police personnel sanctioned for supervisory level officer and actually working as on March 2017 which is 24 % i.e. only 142 officers are working while 187 posts are sanctioned.

### Section VI. Road Accidents

**Table 27: No. of Accidents, Persons Killed and Injured from 2010 to 2016<sup>35</sup>**

Year	No. of Accidents	No. of Persons Killed	No. of Persons Injured
2010	23499	549	4896
2011	25471	563	5059
2012	24592	488	4543
2013	23512	496	4250
2014	22557	529	3936
2015	23347	520	4037
2016*	3349	510	3532

**Inference:**

Even though the number of accidents decreased since the FIR was not registered the number of persons killed is a consistent number in year 2016.

**Note:** (\*) No. of Accidents During 2010 to 2016 (Calendar Year) & Percentage Growth. In Greater Mumbai Region "Without Injury Accidents" were not registered as F.I.R. in Police Station. Hence number of Accidents in Mumbai City Decreased by 86% over Previous Year.

<sup>35</sup> Source: Joint Police Commissioner's (Traffic) office, Mumbai

**Section VII. Deliberations**
**Table 28: Questions asked by MLAs on Crime issues area-wise**

Sr.No.	Area of Mumbai	No. of Police Stations	MLAs	Total questions asked on Crime	Total occurrence of crime from 2016-17
1	North Mumbai	13	Aslam Shaikh, Atul Bhatkhalkar, Manisha Chaudhary, Prakash Rajaram Surve, Yogesh Amrutlal Sagar	131	6861
2	North West Mumbai	14	Ameet Bhaskar Satam, Bharati Hemant Lavekar, Ramesh Kondiram Latke, Sunil Waman Prabhu	33	10046
3	North East Mumbai	11	Abu Asim Azmi, Ashok Dharmaraj Patil, Ramchandra Shivaji Kadam, Sardar Tara Singh, Sunil Rajaram Raut	69	5511
4	North Central Mumbai	13	Ashish Babaji Shelar, Mangesh Anant Kudalkar, Md. Arif Lalan (Naseem) Khan, Parag Madhusudan Alavani, Sanjay Govind Potnis, Trupti Prakash Sawant	106	10113
5	South Central Mumbai	15	Kalidas Nilkanth Kolambkar, Prakash Vaikunth Phaterpekar, Sadanand Shankar Sarvankar, Selvan R Tamil, Tukaram Ramkrishna Kate, Varsha Eknath Gaikwad	76	7333
6	South Mumbai	26	Ajay Vinayak Choudhari, Amin Amir Ali Patel, Mangal Prabhat Lodha, Raj Khangaraji Purohit, Sunil Govind Shinde, Waris Yusuf Pathan	166	7554
<b>Note:</b> 1) Questions Asked by MLAs only during the following sessions have been included: <b>Budget 2016, Monsoon 2016 &amp; Winter 2016</b> 2) Vinod Tawde, Prakash Mehta, Ravindra Waikar & Vidya Thakur are ministers hence there are no questions asked by them					

**Inferences:**

The above data represents questions asked by MLAs on crime and police personnel/infrastructure. For the Budget, Monsoon and Winter 2016 session, North Central Mumbai has highest (10113) occurrences of crime; However, the area with maximum number of questions asked (166) on crime by the MLAs representing the South Mumbai area. North West Mumbai region has the lowest total number of questions asked on crime.

## State of Policing and Law &amp; Order in Mumbai

**Table 29: Issues wise question asked by MLAs (Budget 2016, Monsoon 2016 and Winter 2016)**

Issues	No. of questions
Murder	25
Rape	15
Rioting	0
House Breaking	0
Chain Snatching	1
Theft	6
Accident/Fatal Accident	21
Crime Against Child	42
Crime Against Women	25
Scams/Corruption	25
Terrorism related	12
Drugs	31
Extortion/Kidnapping/Threat	4
Human Rights	0
Conviction	5
Wrong Conduct/Action by Police	19
Other Crime related	212
Police and Establishment	132
Shortage of manpower	6
<b>Total</b>	<b>581</b>

**Inferences:**

Mumbai MLAs have hardly raised only 15 questions in the assembly related to rape. Not a single question has been raised for rioting.

**Table 30: Number of issues raised by MLAs (Budget 2016, Monsoon 2016 and Winter 2016)**

Category	No. of Members
0 Issues raised	3
1 to 5 Issues raised	4
6 to 9 Issues raised	10
10 to 49 Issues raised	13
50 and above Issues raised	2
<b>Total</b>	<b>32</b>

**Inferences:**

Above mention data shows that out of 32 MLAs, 3 MLAs have not raised even a single issue on crime, while 2 MLAs have raised 50 and more issues on crime.

### Section VIII. Forensic Laboratories

**Table 31: Cases received and examined by the Various Divisions of the Mumbai Forensic Laboratory from 2013 to 2016**

Year	Cases Received	Arrears from last year	Cases Examined	Carried Forward for next year
2013	28332	13663	31442	10553
2014	34943	10501	36431	9013
2015	28014	23057	26514	24557
2016	36157	13998	36428	13727

**Inferences:**

The above mentioned data shows increase in both number of cases received and examined from 2013 to 2016. Carried forward cases for next (2016) year decreased from previous (2015) year is 10,830.



**Table 32: Strength of Mumbai Forensic Laboratory personnel for the year 2014, 2015 and 2016**

Sr. No	Post	Sanctioned			Working			Actual Difference			% Difference between Sanctioned and Working		
		2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
<b>Class-I</b>													
1	Director	1	1	1	1	1	0	0	0	-1	0%	0%	-100%
2	Joint Director	1	1	1	1	1	0	0	0	-1	0%	0%	-100%
3	Deputy Director	10	10	12	3	4	6	-7	-6	-6	-70%	-60%	-50%
4	Asst. Director	16	16	18	9	11	9	-7	-5	-9	-44%	-31%	-50%
5	Sr. Admin Officer			4			1			-3			-75%
<b>Total I</b>		<b>28</b>	<b>28</b>	<b>36</b>	<b>14</b>	<b>17</b>	<b>16</b>	<b>-14</b>	<b>-11</b>	<b>-20</b>	<b>-50%</b>	<b>-39%</b>	<b>-56%</b>
<b>Class-II</b>													
5	Asst. Chemical Analyser	56	56	66	43	44	27	-13	-12	-39	-23%	-21%	-59%
6	Scientific Officer	19	19	28	1	1	1	-18	-18	-27	-95%	-95%	-96%
7	Admin Officer	2	2	4	1	1	2	-1	-1	-2	-50%	-50%	-50%
<b>Total II</b>		<b>77</b>	<b>77</b>	<b>98</b>	<b>45</b>	<b>46</b>	<b>30</b>	<b>-32</b>	<b>-31</b>	<b>-68</b>	<b>-42%</b>	<b>-40%</b>	<b>-69%</b>
<b>Class-III</b>													
8	Scientific Asst.	47	47	69	37	45	40	-10	-2	-29	-21%	-4%	-42%
9	Lab. Asst.	37	37	37	35	37	29	-2	0	-8	-5%	0%	-22%
10	Supt./Clerk	59	59	72	45	50	48	-14	-9	-24	-24%	-15%	-33%
<b>Total III</b>		<b>143</b>	<b>143</b>	<b>178</b>	<b>117</b>	<b>132</b>	<b>117</b>	<b>-26</b>	<b>-11</b>	<b>-61</b>	<b>-18%</b>	<b>-8%</b>	<b>-34%</b>
<b>Class-IV</b>													
11	Various Posts	108	108	110	94	94	81	-14	-14	-29	-13%	-13%	-26%
<b>Total IV</b>		<b>108</b>	<b>108</b>	<b>110</b>	<b>94</b>	<b>94</b>	<b>81</b>	<b>-14</b>	<b>-14</b>	<b>-29</b>	<b>-13%</b>	<b>-13%</b>	<b>-26%</b>
<b>Grand Total</b>		<b>356</b>	<b>356</b>	<b>422</b>	<b>270</b>	<b>289</b>	<b>244</b>	<b>-86</b>	<b>-67</b>	<b>-178</b>	<b>-24%</b>	<b>-19%</b>	<b>-42%</b>

**Inference:**

The above mention data shows sanction post and number of working of Forensic Laboratory personnel. The grand total of all Classes (I to IV) shows shortage of 42% i.e. out of 422 only 244 are working for the year 2016. Class II having the maximum shortage of personnel (69%) in 2016. Scientific officer post has shortage of 96% i.e. out of 28 sanctioned post only 1 is working.

**Part B – Citizen Survey Data**

**Section I. Survey Statistics as per Areas of Mumbai as per Member of Parliament Constituencies**

**Table 33: Percentage of people who feel unsafe in Mumbai?**

Percentage of Respondents <sup>36</sup> who feel unsafe in Mumbai	Area of Mumbai <sup>37</sup>						
	North Mumbai	North West Mumbai	North East Mumbai	North Central Mumbai	South Central Mumbai	South Mumbai	Entire City
Percentage of people not feeling secure in Mumbai	17%	16%	15%	15%	22%	16%	17%
Percentage of people not feeling secure for women, children and senior citizens are in one's locality	23%	24%	23%	23%	33%	21%	25%
Percentage of people not feeling secure while travelling from one place to another within the city	22%	22%	23%	20%	29%	21%	23%

**Inferences:**

- 17% of people feel unsafe in Mumbai out of which highest number 22 % people who feel unsafe are from South Central Mumbai.
- Amongst the areas, South central Mumbai is considered to be most unsafe for women and children and senior citizens (33%) and incidentally
- 23 % do not feel safe while travelling within the city.

**Table 34: Percentage of respondents who have witnessed or faced crime**

**5% respondents have witnessed crime** of the nature of accident, theft, murder, rape, etc.

**Amongst those who witnessed, 41% of the Respondents have faced crime** of the nature of accident, theft, murder, rape, etc.

<sup>36</sup>Data based on a household survey of 20,317 respondents across the city of Mumbai. Kindly refer to Appendix 1 for more details on the survey methodology.

<sup>37</sup>North Mumbai includes: Borivali, Dahisar, Malad West; North West Mumbai includes: Jogeshwari, Goregaon, Andheri; North East Mumbai includes: Mulund, Ghatkopar, Shivaji Nagar; North Central Mumbai includes: Vileparle, Kurla, Bandra; South Central Mumbai includes: Chembur, Sion/Koliwada, Mahim; and South Mumbai includes: Worli, Byculla, Colaba, Malabar Hill.

**Section II.A) Survey Statistics for Respondents who have *witnessed* crime (Table 35, 36 & 37)**

**Table 35: Respondents who *witnessed* crime and have informed police and their satisfaction**

	North Mumbai	North West Mumbai	North East Mumbai	North Central Mumbai	South Central Mumbai	South Mumbai	Entire City
Percentage of respondents who <i>witnessed</i> crime	5%	3%	7%	3%	5%	4%	5%
Percentage of respondents who have witnessed crime and have informed police	38%	44%	37%	44%	42%	38%	40%
Percentage of respondents who had witnessed crime and informed police and were satisfied with their response	40%	58%	50%	61%	47%	52%	50%

**Inferences:**

- Cases of crime are higher in North East parts of Mumbai where 7% of the respondents have witnessed crime.
- Amongst those who have witnessed crime in the entire city, 40 % of them have informed the police and 50% were satisfied with the response.
  - A higher percentage of North Central Mumbai and North west Mumbai residents (44%) informed the police about crime and 61% and 58 % of them respectively, got satisfactory response.
  - Response from Police from North Central Mumbai was the most satisfactory at 61%.

**Table 36: Medium of Informing Police by respondents who have *witnessed* crime**

	North Mumbai	North West Mumbai	North East Mumbai	North Central Mumbai	South Central Mumbai	South Mumbai	Entire City
Called the helpline numbers like 100/103 etc.	46%	67%	47%	29%	51%	38%	45%
Called on the local telephone number of the police station	14%	9%	9%	7%	6%	15%	10%
Personally visited the nearest police station and complained	33%	22%	27%	38%	24%	38%	30%
Personally visited the nearest police station and registered an FIR	7%	2%	14%	15%	14%	4%	11%
Others	0%	0%	3%	10%	4%	5%	3%

**Inferences:**

- Common helpline numbers (45%) and Personal visits (30%) are the prominent modes of informing the police officials about the Crime.
- Residents in North West Mumbai prefer to call the common helpline (67%) while residents in North Central Mumbai and South Mumbai prefer to visit the police station personally (38%).
- Residents in North Central Mumbai prefer to go a step ahead and register an FIR for the crime (15%).

## State of Policing and Law &amp; Order in Mumbai

**Table 37: Reason for not informing Police by respondents who have *witnessed* crime**

	North Mumbai	North West Mumbai	North East Mumbai	North Central Mumbai	South Central Mumbai	South Mumbai	Entire City
I don't have the time for all this	46%	39%	26%	12%	24%	41%	32%
I don't have any faith in the police / legal system	26%	3%	12%	19%	7%	16%	15%
Speaking to the police officials is a painful task	3%	16%	5%	13%	4%	2%	6%
I don't think it's my duty to inform them	4%	3%	11%	5%	8%	4%	7%
I don't want to get involved in any trouble	3%	6%	12%	14%	8%	12%	9%
Others	18%	32%	34%	38%	48%	25%	32%

**Inferences:**

- 32% of citizens across all wards stated lack of time as a major reason for non-reportage of crimes witnessed by them.
- Overall 15% respondents who witnessed crime did not report because they do not have faith in the police, while 7% did not report as they don't think it is their duty to inform the police.
- 46% of people from North Mumbai claim they don't have time to report crime and 16% of people from North West Mumbai hesitate to report because they feel speaking to the police officials is a painful task.
- 14% of people from North Central Mumbai feel that by informing about crime incidences to police, they will invite trouble for themselves.

**Section II. B) Survey Statistics for Respondents who have *faced* crime (Table 38, 39 & 40)**

**Table 38: Respondents who *faced* crime and have informed police and their satisfaction**

	North Mumbai	North West Mumbai	North East Mumbai	North Central Mumbai	South Central Mumbai	South Mumbai	Entire City
Percentage of respondents who faced crime	38%	66%	34%	40%	38%	49%	41%
Percentage of respondents who have faced crime and have informed police	70%	51%	66%	70%	70%	53%	64%
Percentage of respondents who had faced crime and informed police and were satisfied with their response	33%	62%	49%	50%	42%	47%	46%

**Inference:**

Percentage of respondents who faced crime is highest 66% in North West Mumbai, and 62 % residents from the same region were satisfied with the police response.

**Table 39: Medium of Informing Police by respondents who have *faced* crime**

	North Mumbai	North West Mumbai	North East Mumbai	North Central Mumbai	South Central Mumbai	South Mumbai	Entire City
Called the helpline numbers like 100/103 etc.	45%	68%	46%	12%	44%	30%	41%
Called on the local telephone number of the police station	12%	6%	6%	9%	7%	20%	10%
Personally visited the nearest police station and complained	35%	24%	38%	44%	30%	41%	35%
Personally visited the nearest police station and registered an FIR	9%	2%	10%	24%	17%	5%	11%
Others	0%	0%	1%	11%	1%	4%	2%

**Inference:**

- Even amongst those who faced the crime personally, North West Mumbai residents preferred to call the common helpline numbers (68%) while North Central Mumbai preferred to visit the police station personally (44%).
- North Central Mumbai residents are much more active in filing an FIR as 24% of those who faced the crime have registered an FIR.

## State of Policing and Law & Order in Mumbai

**Table 40: Reason for not informing police by respondents who have *faced* crime**

	North Mumbai	North West Mumbai	North East Mumbai	North Central Mumbai	South Central Mumbai	South Mumbai	Entire City
I don't have the time for all this	51%	28%	21%	28%	4%	35%	29%
I don't have any faith in the police / legal system	11%	2%	8%	0%	9%	34%	13%
Speaking to the police officials is a painful task	0%	25%	0%	18%	4%	0%	7%
I don't think it's my duty to inform them	12%	2%	18%	22%	4%	4%	10%
I don't want to get involved in any trouble	5%	0%	1%	18%	8%	7%	5%
Others	21%	43%	51%	14%	71%	20%	36%

### Inferences:

- Overall 29% of citizens who faced crime stated lack of time as a major reason for not reporting it and this response was highest in North Mumbai (51%).
- Overall 13% citizens who faced crime did not report because they do not have faith in the police, while 5% did not report as they don't want to get involved in any trouble.
- 18% of citizens in North Central Mumbai did not report crimes to avoid any further trouble due to police involvement.
- 34% of people from South Mumbai cited lack of faith as a cause for non-engagement with police.

**Section III. Survey Statistics as per SEC (Socio-Economic Classification)<sup>38</sup>**

**Table 41: Percentage of people who feel unsafe in Mumbai of different socio-economic classes**

	SEC A	SEC B&C	SEC D&E
Percentage of people not feeling secure in Mumbai	17%	16%	17%
Percentage of people not feeling secure about women, children and senior citizens are in one's locality	23%	24%	26%
Percentage of people not feeling secure while travelling from one place to another within the city	21%	21%	25%

**Inferences:**

People belonging to lower SEC D & E (skilled and unskilled labour class) feel least secure than middle to higher SEC individuals (petty traders, businessman, supervisor, officer etc.) when it comes to safety of women, children and senior citizens (26%).

**Table 42: Respondents who *witnessed* crime or faced crime who have informed police and their satisfaction**

	SEC A	SEC B&C	SEC D&E
Respondents who <i>witnessed</i> crime & have informed	51%	45%	31%
Respondents who <i>faced</i> crime & have informed	75%	71%	54%
Respondents who had informed police and were satisfied with their response	68%	46%	46%

**Inferences:**

SEC A, respondents (68%) were most satisfied with the response that they received and SEC A also is the section actually informing police the most in both scenarios whether they witness (51%) or face crime (75%). While, SEC D & E respondents are less keen to inform police when they witness (31%) or face crime (54%), but their satisfaction level with the response on informing is equivalent to the SEC B & C (46%).

<sup>38</sup>Data based on a household survey of 20,317 respondents across the city of Mumbai. Kindly refer to Annexure 2 note on the Socio Economic Classification (SEC).



**Table 43: Medium of Informing Police by respondents**

	SEC A	SEC B&C	SEC D&E
Called the helpline numbers like 100/103 etc.	38%	44%	52%
Called on the local telephone number of the police station	6%	14%	8%
Personally visited the nearest police station and complained	35%	31%	27%
Personally visited the nearest police station and registered an FIR	18%	9%	9%
Others	3%	3%	4%

**Inferences:**

- 52% respondents from SEC D & E called up help lines (100/103) numbers to inform police; whereas only 9% of them personally visited the nearest police station to register an FIR.
- 35% of the respondents from SEC A prefer to personally visit the police stations.

**Table 44: Reason for not informing police of different socio-economic classes**

	SEC A	SEC B&C	SEC D&E
I don't have the time for all this	27%	28%	36%
I don't have any faith in the police/legal system	10%	17%	14%
Speaking to the police officials is a painful task	7%	5%	6%
I don't think it's my duty to inform them	7%	7%	6%
I don't want to get involved in any trouble	5%	12%	8%
Others	45%	31%	30%

**Inferences:**

- 36% respondents from SEC D & E, who feel least secured in Mumbai said that they don't have the time to report crime incidences to the police and hence they ignored them.
- 12% of the respondents from SEC B & C didn't inform the police because they don't want to get involved in any trouble.
- Respondents from SEC B & C (17%) have the highest percentage who don't have any faith in the police/legal system.

**Part C - Area-wise Status of Mumbai<sup>39</sup>**

**Section I. North Mumbai Region Data**

**1. North Mumbai<sup>40</sup>**

**Table 45: Specific Crime highest occurrences (North Mumbai)**

Specific Crime	2012-13	2013-14	2014-15	2015-16	2016-17
<b>Murder</b>	51	32	45	37	34
<b>Rape</b>	52	85	134	168	134
<b>Riot</b>	61	64	73	90	91
<b>House Breaking (Day/Night)</b>	393	503	496	486	562
<b>Chain Snatching</b>	265	487	320	174	98
<b>Thefts</b>	744	894	909	1064	1046
<b>Vehicles Stolen</b>	776	661	651	576	621

**Inferences:**

It reflects that registered cases of rape (52 cases in 2012-13 to 134 cases in 2016-17) have been increasing over past 4 years and shows a dip for the year 2016-2017.

The highest number of occurrences of thefts amongst the crimes in this region.

**Table 46: Rank wise strength of Police personnel (North Mumbai)**

Sr. No.	Rank	Sanctioned	Working	Actual Difference	Difference in %
1	Police Inspector (P.I.)	66	54	-12	-18
2	Assistant Police Inspector (A.P.I.)	87	79	-8	-9
3	Police Sub - Inspector (P.S.I.)	255	346	91	36
4	Assistant Police Sub-Inspector (A.S.I)	239	125	-114	-48
5	Head Constable (H.C.)	565	684	119	21
6	Police Naik (P.N.)	572	536	-36	-6
7	Police Constable (P.C.)	1049	873	-176	-17
	<b>Total</b>	<b>2833</b>	<b>2697</b>	<b>-136</b>	<b>-5</b>

**Inferences:**

The data shows that Assistant Police Inspector (API) strength is short by 8 officers (gap of 9%) and the Assistant Police Sub-Inspector (A.S.I) is short staffed by 48%.The police forces are bestowed with responsibilities to uphold and enforce laws, investigate crimes and ensure security for the people. It is important that polices forces are well equipped in terms of personnel to perform the above duties.

<sup>39</sup> The above data represents constituency wise data. It shows the region wise data that comes under the purview of MP and the respective MLAs. Sometimes, for certain MLAs the wards are repeated. For instance; North Mumbai comprises of RN, RS, RC,PN and North West Mumbai comprises of KW,KE,PS, and also PN. So PN data will be represented in data for both regions.

<sup>40</sup>North Mumbai includes: Borivali, Dahisar, Malad West

## State of Policing and Law &amp; Order in Mumbai

**Table 47: Questions asked by MLAs on Crime issues (North Mumbai)**

Sr. No.	Question asked on crime issues	Aslam Shaikh	Atul Bhatkhalkar	Manisha Chaudhary	Prakash Surve	Yogesh Sagar	Total
1	Murder	8	1				9
2	Rape	4					4
3	Rioting						0
4	House Breaking						0
5	Chain Snatching					1	1
6	Theft						0
7	Accident/Fatal Accident	4		1			5
8	Crime Against Child	8	2	1		1	12
9	Crime Against Women	4		1		1	6
10	Scams/Corruption	1	1		1	1	4
11	Terrorism related	1					1
12	Drugs	4	1			5	10
13	Extortion/Kidnapping/Threat	1					1
14	Human Rights						0
15	Conviction						0
16	Wrong Conduct/Action by Police	5			1		6
17	Other Crime related	27	5	3	4	5	44
18	Police and Establishment	11	11	2	1	2	27
19	Shortage of manpower	1					1
<b>Total</b>		<b>79</b>	<b>21</b>	<b>8</b>	<b>7</b>	<b>16</b>	<b>131</b>

**Inferences:**

The above table shows that total questions asked in North Mumbai region by the five MLAs on the issues of Crime are 131 in the sessions from Budget, Monsoon and Winter 2016. The maximum questions asked by Aslam Shaikh were (79). The issue raised was 'Police and Establishment' with 27 questions out of 131.

## Section II. North West Mumbai Region Data

### 2. North West Mumbai<sup>41</sup>

**Table 48: Specific Crime highest occurrences (North West Mumbai)**

Specific Crime	2012-13	2013-14	2014-15	2015-16	2016-17
Murder	47	33	48	38	37
Rape	71	103	188	198	138
Riot	82	82	82	102	118
House Breaking (Day/Night)	649	824	795	706	725
Chain Snatching	300	531	319	205	132
Thefts	1268	1710	1721	1984	1896
Vehicles Stolen	989	902	744	827	779

**Inference:**

The above data represents an overall decreasing trend in different crimes except for riot and house breaking in comparison to previous year.

**Table 49: Rank wise strength of police personnel (North West Mumbai)**

Sr. No.	Rank	Sanctioned	Working	Actual Difference	Difference in %
1	Police Inspector (P.I.)	106	87	-19	-18
2	Assistant Police Inspector (A.P.I.)	133	123	-10	-8
3	Police Sub - Inspector (P.S.I.)	379	471	92	24
4	Assistant Police Sub-Inspector (A.S.I.)	353	181	-172	-49
5	Head Constable (H.C.)	836	893	57	7
6	Police Naik (P.N.)	884	641	-243	-27
7	Police Constable (P.C.)	1663	1411	-252	-15
	<b>Total</b>	<b>4354</b>	<b>3807</b>	<b>-547</b>	<b>-13</b>

**Inferences:**

The data shows that Assistant Police Sub - Inspector (ASI) strength is short by 172 officers (gap of 49%) and the Police Naik (PN) is short staffed by 243 officers (gap of 27%).

<sup>41</sup>North West Mumbai includes:Jogeshwari, Goregaon, Andheri

## State of Policing and Law &amp; Order in Mumbai

**Table 50: Questions asked by MLAs on Crime issues (North West Mumbai)**

Sr. No.	Question asked on crime issues	Ameet Satam	Bharati Lavekar	Ramesh Latke	Sunil Prabhu	Total
1	Murder					0
2	Rape				1	1
3	Rioting					0
4	House Breaking					0
5	Chain Snatching					0
6	Theft					0
7	Accident/Fatal Accident				1	1
8	Crime Against Child	2	1		2	5
9	Crime Against Women					0
10	Scams/Corruption				2	2
11	Terrorism related				3	3
12	Drugs	1			2	3
13	Extortion/Kidnapping/Threat					0
14	Human Rights					0
15	Conviction					0
16	Wrong Conduct/Action by Police	1			1	2
17	Other Crime related	2			6	8
18	Police and Establishment	2	1		5	8
19	Shortage of manpower					0
<b>Total</b>		<b>8</b>	<b>2</b>	<b>0</b>	<b>23</b>	<b>33</b>

**Inferences:**

The above table shows that total questions asked in North West Mumbai region by the four MLAs on the issues of Crime are 33 in the sessions from Budget, Monsoon and Winter 2016. Ramesh Latke has not asked single questions on crime issue in the sessions. The maximum questions asked by Sunil Prabhu that is 23.

### Section III. North East Mumbai Region Data

#### 3. North East Mumbai<sup>42</sup>

**Table 51: Specific Crime highest occurrences (North East Mumbai)**

Specific Crime	2012-13	2013-14	2014-15	2015-16	2016-17
Murder	40	36	36	38	22
Rape	68	74	102	122	100
Riot	73	68	63	65	60
House Breaking (Day/Night)	443	440	469	553	404
Chain Snatching	133	263	146	173	40
Thefts	651	759	747	838	861
Vehicles Stolen	588	616	404	492	477

**Inferences:**

The above data represents a decreasing trend in all crimes with respect to previous year except thefts which have increased by a count of 23.

**Table 52: Rank wise strength of Police personnel (North East Mumbai)**

Sr. No.	Rank	Sanctioned	Working	Actual Difference	Difference in %
1	Police Inspector (P.I.)	66	54	-12	-18
2	Assistant Police Inspector (A.P.I.)	95	84	-11	-12
3	Police Sub - Inspector (P.S.I.)	239	367	128	54
4	Assistant Police Sub-Inspector (A.S.I)	230	161	-69	-30
5	Head Constable (H.C.)	519	701	182	35
6	Police Naik (P.N.)	615	648	33	5
7	Police Constable (P.C.)	1053	1214	161	15
	<b>Total</b>	<b>2817</b>	<b>3229</b>	<b>412</b>	<b>15</b>

**Inferences:**

The data shows that Police Sub- Inspector (P.S.I.) strength has increased by 128 officers. The Assistant Police Sub- Inspector (A.S.I) is short of 69 personnel accounting for 30% difference between sanctioned and working.

<sup>42</sup>North East Mumbai includes: Mulund, Ghatkopar, Shivaji Nagar

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**Table 53: Questions asked by MLAs on Crime issues (North East Mumbai)**

Sr. No.	Question asked on crime issues	Abu Azmi	Ashok Patil	Ramchandra Kadam	Sardar Tara Singh	Sunil Raut	Total
1	Murder				1		1
2	Rape	1			1		2
3	Rioting						0
4	House Breaking (Day/Night)						0
5	Chain Snatching						0
6	Theft				1		1
7	Accident/Fatal Accident		1				1
8	Crime Against Child				1	1	2
9	Crime Against Women				1		1
10	Scams/Corruption				8		8
11	Terrorism related				1		1
12	Drugs				3	1	4
13	Extortion/Kidnapping/Threat						0
14	Human Rights						0
15	Conviction					1	1
16	Wrong Conduct/Action by Police				1		1
17	Other Crime related	4	5		15	7	31
18	Police and Establishment	3	3		6	3	15
19	Shortage of manpower						0
<b>Total</b>		<b>8</b>	<b>9</b>	<b>0</b>	<b>39</b>	<b>13</b>	<b>69</b>

**Inferences:**

The above table shows that total questions asked in North East Mumbai region by the five MLAs on the issues of Crime are 69 in the sessions Budget, Monsoon and Winter 2016. Ramchandra Kadam has not asked single questions on crime issue in the sessions. The maximum questions are asked by Sardar Tara Singh (39).

In 2016-17, 100 rape cases reported in North East Mumbai (refer to table no. 51) while only two questions regarding this issue has been raised by any MLA in both the sessions.

**Section IV. North Central Mumbai Region Data**
**4. North Central Mumbai<sup>43</sup>**
**Table 54: Specific Crime highest occurrences (North Central Mumbai)**

Specific Crime	2012-13	2013-14	2014-15	2015-16	2016-17
Murder	47	46	36	49	37
Rape	83	119	149	155	149
Riot	84	102	94	131	130
House Breaking (Day/Night)	782	851	908	763	667
Chain Snatching	336	502	308	231	116
Thefts	1491	1942	1800	1913	1731
Vehicles Stolen	1069	1052	922	859	788

**Table 55: Rank wise strength of Police personnel (North Central Mumbai)**

Sr. No.	Rank	Sanctioned	Working	Actual Difference	Difference in %
1	Police Inspector (P.I.)	116	103	-13	-11
2	Assistant Police Inspector (A.P.I.)	149	147	-2	-1
3	Police Sub - Inspector (P.S.I.)	453	565	112	25
4	Assistant Police Sub-Inspector (A.S.I)	447	274	-173	-39
5	Head Constable (H.C.)	1053	1060	7	1
6	Police Naik (P.N.)	1034	819	-215	-21
7	Police Constable (P.C.)	1911	1922	11	1
	<b>Total</b>	<b>5163</b>	<b>4890</b>	<b>-273</b>	<b>-5</b>

**Inferences:**

The data shows that Assistant Police Sub-Inspector (A.S.I) strength is short by 173 officer (gap 39%) while the strength of Police Sub-Inspector (P.S.I.) shows 25 extra personnel are working for the sanctioned post of 453.

<sup>43</sup>North Central Mumbai includes: Vileparle, Kurla, Bandra



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**Table 56: Questions asked by MLAs on Crime issues (North Central Mumbai)**

Sr. No.	Question asked on crime issues	Ashish Shelar	Mangesh Kudalkar	Md. Arif (Naseem) Khan	Parag Alavani	Sanjay Potnis	Trupti Sawant	Total
1	Murder	2		3	1			6
2	Rape		1					1
3	Rioting							0
4	House Breaking (Day/Night)							0
5	Chain Snatching							0
6	Theft							0
7	Accident/Fatal Accident			4		2		6
8	Crime Against Child	1		4	1	1		7
9	Crime Against Women			2	1			3
10	Scams/Corruption	2		1	2			5
11	Terrorism related				1			1
12	Drugs	1		1	1	1		4
13	Extortion/Kidnapping/Threat			1				1
14	Human Rights							0
15	Conviction					1		1
16	Wrong Conduct/Action by Police		1	2		1		4
17	Other Crime related	10	4	11	6	5	1	37
18	Police and Establishment	4	2	11	8	3		28
19	Shortage of manpower			2				2
<b>Total</b>		<b>20</b>	<b>8</b>	<b>42</b>	<b>21</b>	<b>14</b>	<b>1</b>	<b>106</b>

**Inferences:**

The above table shows that total questions asked in North Central Mumbai region by the six MLAs on the issues of Crime are 106 in the sessions from Budget, Monsoon and Winter 2016. The maximum questions were asked by Md. Arif (Naseem) Khan (42).

In 2016-17, 149 rape cases recorded in North Central Mumbai (refer to table no. 54) while only 1 question is raised on this issue.

## Section V. South Central Mumbai Region Data

### 5. South Central Mumbai<sup>44</sup>

**Table 57: Specific Crime highest occurrences (South Central Mumbai)**

Specific Crime	2012-13	2013-14	2014-15	2015-16	2016-17
<b>Murder</b>	41	52	34	43	28
<b>Rape</b>	66	105	144	160	125
<b>Riot</b>	64	61	73	83	60
<b>House Breaking (Day/Night)</b>	547	669	681	621	476
<b>Chain Snatching</b>	269	443	197	158	46
<b>Thefts</b>	1073	1243	1036	1057	994
<b>Vehicles Stolen</b>	734	724	585	594	609

**Inferences:**

The above data indicates that occurrences have gone down from the previous years across crime heads except for vehicles stolen.

**Table 58: Rank wise strength of Police personnel (South Central Mumbai)**

Sr. No.	Rank	Sanctioned	Working	Actual Difference	Difference in %
1	Police Inspector (P.I.)	92	70	-22	-24
2	Assistant Police Inspector (A.P.I.)	130	113	-17	-13
3	Police Sub - Inspector (P.S.I.)	348	480	132	38
4	Assistant Police Sub-Inspector (A.S.I)	337	186	-151	-45
5	Head Constable (H.C.)	760	794	34	4
6	Police Naik (P.N.)	856	711	-145	-17
7	Police Constable (P.C.)	1500	1593	93	6
	<b>Total</b>	<b>4023</b>	<b>3947</b>	<b>-76</b>	<b>-2</b>

**Inferences:**

The data shows that Assistant Police Sub-Inspector (A.S.I.) is short staffed by 45% and Police Naik (P.N.) is short staffed by 17%.

<sup>44</sup>South Central Mumbai includes:Chembur, SionKoliwada, Mahim

**Table 59: Questions asked by MLAs on Crime issues (South Central Mumbai)**

Sr. no.	Question asked on crime issues	Kalidas Kolambkar	Prakash Phaterpekar	Sadanand Sarvankar	Selvan Tamil	Tukaram Kate	Varsha Gaikwad	Total
1	Murder		1				1	2
2	Rape							0
3	Rioting							0
4	House Breaking (Day/Night)							0
5	Chain Snatching							0
6	Theft					2	1	3
7	Accident/Fatal Accident						2	2
8	Crime Against Child		1				4	5
9	Crime Against Women	2					4	6
10	Scams/Corruption	2					1	3
11	Terrorism related						1	1
12	Drugs	1					2	3
13	Extortion/Kidnapping /Threat						1	1
14	Human Rights							0
15	Conviction		1				1	2
16	Wrong Conduct/Action by Police							0
17	Other Crime related	4	4	4		3	17	32
18	Police and Establishment	6	2	1		2	5	16
19	Shortage of manpower							0
<b>Total</b>		<b>15</b>	<b>9</b>	<b>5</b>	<b>0</b>	<b>7</b>	<b>40</b>	<b>76</b>

**Inferences:**

The above table shows that total questions asked in South Central Mumbai region by the six MLAs on the issues of Crime are 76 in the sessions from Monsoon, Budget and Winter 2016. Varsha Gaikwad has asked highest number of questions (40) on crime issues. Selvan Tamil has not asked questions on crime issues in the session.

125 rape occurrences in South Central region of Mumbai (refer to table no. 57) and yet zero questions raised on the issue of rape.

**Section VI. South Mumbai Region Data**
**6. South Mumbai<sup>45</sup>**
**Table 60: Specific Crime highest occurrences (South Mumbai)**

Specific Crime	2012-13	2013-14	2014-15	2015-16	2016-17
Murder	30	18	31	16	20
Rape	41	60	98	108	87
Riot	64	82	61	76	87
House Breaking (Day/Night)	434	467	493	477	387
Chain Snatching	206	297	132	90	23
Thefts	1373	1398	1450	1585	1424
Vehicles Stolen	693	650	597	677	474

**Inferences:**

The above data represents riot has increased from 76 in 2015-16 to 87 in 2016-17.

**Table 61: Rank wise strength of Police personnel (South Mumbai)**

Sr. No.	Rank	Sanctioned	Working	Actual Difference	Difference in %
1	Police Inspector (P.I.)	125	96	-29	-23
2	Assistant Police Inspector (A.P.I.)	171	150	-21	-12
3	Police Sub - Inspector (P.S.I.)	581	634	53	9
4	Assistant Police Sub-Inspector (A.S.I)	528	238	-290	-55
5	Head Constable (H.C.)	1362	1008	-354	-26
6	Police Naik (P.N.)	1478	912	-566	-38
7	Police Constable (P.C.)	2627	2229	-398	-15
	<b>Total</b>	<b>6872</b>	<b>5267</b>	<b>-1605</b>	<b>-23</b>

**Inferences:**

The data shows that Assistant Police Sub - Inspector (ASI) short staffed by 290 officers and Police Naik (PN) is short staffed by 566.

<sup>45</sup>South Mumbai includes: Worli, Byculla, Colaba, Malabar Hill

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**Table 62: Questions asked by MLAs on Crime issues (South Mumbai)**

Sr. no.	Question asked on crime issues	Ajay Choudhari	Amin Patel	Mangal Prabhat Lodha	Raj Purohit	Sunil Shinde	Waris Pathan	Total
1	Murder		7					7
2	Rape	1	5			1		7
3	Rioting							0
4	House Breaking (Day/Night)							0
5	Chain Snatching							0
6	Theft	1	1					2
7	Accident/Fatal Accident	1	4			1		6
8	Crime Against Child		8		1	2		11
9	Crime Against Women	1	6				2	9
10	Scams/Corruption		2		1			3
11	Terrorism related	3	1			1		5
12	Drugs		5			2		7
13	Extortion/Kidnapping/Threat		1					1
14	Human Rights							0
15	Conviction		1					1
16	Wrong Conduct/Action by Police		5			1		6
17	Other Crime related	7	39	1	3	8	2	60
18	Police and Establishment	5	21	6	2	4		38
19	Shortage of manpower		2				1	3
<b>Total</b>		<b>19</b>	<b>108</b>	<b>7</b>	<b>7</b>	<b>20</b>	<b>5</b>	<b>166</b>

**Inferences:**

The above table shows that total questions asked in South Mumbai region by the six MLAs on the issues of Crime are 166 in the sessions from Monsoon, Budget and Winter 2016. The maximum questions asked by Amin Ali Patel (108). The issue of rioting is not raised by any MLA in spite of increase in the instances of riot as seen from table no. 60.

**Section VII. Mumbai Railway Crime Data Police Station-wise**

**Table 63: Mumbai Railway Crime Statistics**

Head	C.S.T.					Dadar					Kurla				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Murder	0	0	1	0	0	0	0	1	0	1	0	0	3	1	0
Dacoity/ Robbery	30	21	14	16	3	43	33	50	50	1	43	57	66	72	3
All Thefts	91	103	128	154	166	151	168	187	319	286	227	281	378	589	479
Rape	0	2	1	0	1	0	0	0	0	0	1	1	0	1	1
Molestation	3	4	1	4	0	0	5	7	2	8	2	5	9	19	7
Other IPC	26	22	10	24	17	19	26	15	25	20	40	56	50	51	50

Head	Wadala					Churchgate					M.C.T.				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Murder	0	0	1	1	0	0	0	0	0	0	1	1	0	0	1
Dacoity/ Robbery	39	62	64	51	12	2	5	12	12	2	4	18	12	6	4
All Thefts	95	114	168	296	203	46	46	49	60	68	67	71	45	150	202
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Molestation	0	1	1	7	1	2	0	1	3	7	0	2	1	4	2
Other IPC	6	13	18	14	8	6	0	1	9	9	6	15	15	19	10

Head	Bandra					Andheri					Borivali				
	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016	2012	2013	2014	2015	2016
Murder	0	1	0	0	0	0	0	0	0	0	1	0	0	0	1
Dacoity/ Robbery	18	31	48	42	4	12	12	12	13	4	39	43	55	42	3
All Thefts	79	70	86	194	184	76	96	95	166	202	183	167	198	281	304
Rape	0	2	0	0	1	0	0	0	0	0	0	0	0	0	0
Molestation	3	3	3	2	5	0	0	3	7	4	2	2	1	3	3
Other IPC	9	9	8	7	3	4	7	1	9	10	12	14	10	16	11

**Inferences:**

The above data shows the Railway Crime statistics from 2012 to 2016. The highest incidences of thefts in the year 2016 were in Kurla area (479).

# **STUDY ON MOVEMENT OF SERIOUS OFFENCE CASES IN THE SESSIONS COURT IN MUMBAI**

**January 2008 to December 2012**

### **Introduction and Methodology:**

In our 2013 paper on the state of policing and law and order we, at Praja Foundation, observed that the rate of conviction has been dropping for serious offence cases. A consistent recommendation by Praja has been to monitor and increase the conviction rate particularly in Class II serious offences (i.e. crime against body such as rape, molestation, murder and kidnapping). The conviction rates in the last few years have been low. In year 2012, the rate was as low as 7%, but the rate has improved from 9% in 2014 to 19% in 2016 which is a good sign and yet it is too low a conviction rate. One of the reason that was cited in various reports in media and through interactions we had with several authorities was that the problem lies with the way serious offence cases are handled in session courts. This was primary motivation driving our study. The Indian criminal justice system is a very comprehensive and rigorous system. The whole system has four major pillars, namely:

1. Law enforcement (Investigation)
2. Prosecution
3. The courts (Judicial decision)
4. Reform (correctional institutions)

The purpose of the analysis was twofold to understand the above mentioned first three pillars of the system in depth and qualitatively assess the reasons in delays in proceedings and judgments.

For this purpose, the study was divided into following two stages

### **First Stage**

This part of the project was about plotting each case into a life cycle and deducing therefrom the various reasons for the serious offence cases in the first trial court to get acquittal as an outcome. The first step was

1. To plot a clear 'life cycle' of various stages that a case has proceeded from registration to judgment (if given)
2. To study judgments for 'data mining' understanding reasons for acquittals and in case of conviction on lesser criminal charges, reasons for the same.
3. To find factors which may cause delays in proceeding and/or adversely affect conviction rate

The life cycle illustrates the various stages a case goes through and its outcome. The factors leading to conviction or acquittal. We decided to confine this study to sessions court in Mumbai with understanding that as per the law the most serious offence cases are tried in these courts. Data for the same was a set of criminal cases (4900) obtained through applications from all the three courts of Mumbai (Fort, Sewree and Dindoshi) during 2008 to 2012.

Data for this study comprises of **4900** cases reported from **2008 to 2012** in three Sessions court of Mumbai namely **Fort, Dindoshi and Sewree** the sources of information for this study have been collected from 'Roznama' (case entry registers) registers maintained in courts for details of pending cases and case judgments. We filed an application in all the three courts – Fort, Dhindoshi and Sewree. The application was forwarded to the respective registrars who provided us with photocopy of these registers.

Information of **1800** cases as per the Judgments uploaded till **August, 2014** on District Courts, Maharashtra website (<http://court.mah.nic.in/courtweb/index.php>) has been entered so far. However, for the interim report for the year, 2015 we had performed analysis on **550** randomly picked cases. Out of the remaining cases **776** have been analysed in the year 2016 while other cases could not be analysed because some of them are bail applications and for some the judgement order had not been uploaded on the website thus the final data set amounted to a total of **1326** cases. The conclusions and findings were published in the



## State of Policing and Law & Order in Mumbai

form of an interim report in the last two papers<sup>46</sup> we published on the state of policing and law and order in the city.

### Second Stage

This leg of the project was the analytical review of the cases. It was pursued with an intention **to find and present in detail the gaps** suffered by the process i.e. from investigation till judgement.

For this study we have chosen the cases coming under grievous offences on which judgement has been passed. The applications were submitted to collect hard-copies of the cases from Session Courts. The interim report informed our selection of data set and finally came down to the 17 cases which were studied in detail. Out of the total of **1326** cases which had been analysed for the interim reports **17** cases were selected all related to heinous crime as the final data set for qualitative in depth study. These cases are a mix set of both acquittal and conviction type of cases. This data set is reflective of the larger data set used for first stage of the analysis and was selected in a way to stay true to the findings of the interim report about 23% rate of conviction. It was of utmost importance that the data is representative of the several crimes and sections that come under the grievous crimes category. It was important also because the interim report findings indicated alarming figures in certain crimes for example in cases of rape that got acquitted 226 the reason for acquittal was failure to prove the guilt which is the ambit of the prosecutor. Thus the data needed to be a representative sample which had cases comprising of all these sections like rape, murder etc.

The main objective was to analyse and understand issues of public prosecution and adjudication which is the deciding factor for the rate of conviction and acquittal.

Now, the major thrust of this study is to find out the loopholes in the criminal justice system while reading original case laws. It would include studying the case file and then looking into each pillar in detail. Each pillar has a lot of processes to be followed and each process is to be looked into very minutely.

### Acknowledgement (Participants and Advisors)

We are extremely thankful to Mr. S.S. Puri, retired Deputy Inspector General of Police of the Marathwada and Kolhapur Ranges, who was once the director of Public Prosecutions, Maharashtra State for his continuous inputs and guidance instrumental in making this study possible.

The plotting of the life cycle which is part 1 of the study was conducted with the assistance of student interns from the Praveen Gandhi College of Law (PGCL) and guidance from the faculty and the principal of the college, Dr. L.R. Dwivedi was taken at various intervals. Without this assistance the study would not have been possible and Praja is most grateful to the students and the faculty of PGCL.

A protocol for the students to collate the information into raw data file templates was set-up by Praja. Eventually, the data was meticulously checked by the Praja data checking team. The Praja analysis team scrutinised the data and performed analysis to record necessary reflections consistent to our study.

During the entire process, we were advised by the experts from different sections of the society ranging from police, law fraternity and judiciary to academicians. We sincerely appreciate all the assistance, support and advice provided during the endeavour so far.

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<sup>46</sup> The interim reports were published in the year 2015 and 2016 and can be accessed on our website on the link below.

[http://www.praja.org/praja\\_docs/praja\\_downloads/Report%20on%20The%20STATE%20OF%20POLICING%20AND%20LAW%20&%20ORDER%20IN%20MUMBAI.pdf](http://www.praja.org/praja_docs/praja_downloads/Report%20on%20The%20STATE%20OF%20POLICING%20AND%20LAW%20&%20ORDER%20IN%20MUMBAI.pdf)

## State of Policing and Law & Order in Mumbai

### Overview Analysis:

The process of adjudication requires several factors to work together to get timely action in order to ensure delivery of justice. The several entities come together to form the legal system which doesn't function efficiently if even one of these entities is ineffective. The investigation, Public prosecution and the Judiciary all need to work in sync for better dispensing of justice. Although no two cases in the criminal trial are quite same we see that there is recurrent trend of acquittal in cases. The unmerited acquittals mean serious miscarriage of justice.

### Police Investigation:

For Bombay Police, Police sub-inspector (PSI) and above designations are involved in the work of investigation. **As of 2016 the difference between the sanctioned and the working number of PSI Police Sub-inspector is 6%, gap for the Assistant Police Inspector (API) is 5% in Mumbai (Table 23).** The shortage of police force severely impacts the efficiency of police investigation in heinous crime cases. The serious shortfall in the police personnel is one of the reasons for repeated failures to carry out a thorough investigation. Police investigation plays a crucial role in establishing the case. The evidence if collected meticulously provides a strong ground for the public prosecutor and the judiciary to their work better. It is important to understand that if these institutions are not well staffed it is going to disproportionately distribute the workload and hamper the performance of investigating officers in carrying out a thorough investigation. The investigation officer needs to have proper time and resources to pursue the case investigation. The issues of police department being understaffed, overworked persists and it affects the performance of the police in investigating cases of severity like rape cases of minors, murder, dowry deaths etc.

### Public Prosecution:

**Out of 1016 cases, the reason for acquittal of 911 cases is failure to prove charges by the public prosecutor (Table 69 Reasons for Acquittals).** The performance of criminal justice system depends on the efficient prosecution. It is prosecutor's responsibility to prove the case against the accused and if the prosecutor fails to do so the case is fated for acquittal. In many of the cases that were acquitted prosecutor couldn't quite fulfil the responsibility of proving the case against the accused.

*"The Prosecutor has a duty to the State, to the accused and to the Court. The Prosecutor is at all times a minister of justice, though seldom so described. It is not the duty of the prosecuting counsel to secure a conviction... His attitude should be so objective that he is, so far as humanly possible, indifferent to the result. It may be argued that it is for the tribunal alone, whether magistrate or jury, to decide guilt or innocence" (Christmas Humphreys (1955 Criminal Law Review 739 (740-741))<sup>47</sup>.* The public prosecutor plays an important role in all the cases we have analysed; the analysis is indicative of how a case is fated based on the performance of the public prosecutors. Prosecutors have the authority independent of the police and have the responsibility of maintaining rule of law.

Out of the **total 17 cases analysed 12 were acquitted and 5 convicted**. A lot of the cases could have reached a conviction and yet seem to have acquittal as an outcome because of reasons of poor investigation. It is important to understand that the police investigation plays an important role in establishing the case and if it isn't done rigorously the cases are fated to be acquitted in spite of the crimes being heinous such as dowry deaths, kidnapping and murder etc.

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<sup>47</sup> Law Commission Report, 197<sup>th</sup> Report On Public Prosecutor's Appointments can be accessed [here](#).

### Sessions Courts

The Sessions Court was established under the powers given to the State Government by section 9 of the Criminal Procedure Code. The Mumbai Sessions Court started functioning from 16th August 1948.<sup>48</sup> Sessions court are supposed to speedily and efficiently dispose of cases primarily dispose of the cases within the session. However, the judiciary also remains unable to perform. **The cases take around 12.3 months from the first date of hearing to reaching the final verdict (Table 65 Stages of Cases). The judiciary is understaffed, out of the sanctioned 78 working count adds to 62 Addl./Asst. Sessions Judges.** The case load gets disproportionately distributed and that adds to the inefficiency of justice system. It is important that all these three limbs of the criminal justice system work together to ensure delivery of justice.

### Case Laws:

Case laws were referred in the few cases studied for the case analysis. Case laws provide a look at the precedents in similar type of cases and inform the existing case proceedings. However, in the cases studied it appears that the case laws are not referred uniformly. Even though two cases are never the same, there are similarities and yet the case laws are interpreted differently for each of these cases.

### Witness Hostile

One of the key factors that affects acquittal is witness turning hostile. Out of the total number of cases that got acquitted (1014), 32 were due to the witnesses turning hostile. Problem of witness turning hostile is one of the factors causing low conviction rate in criminal cases. A considerable amount of cases studied for the case analysis also see this as recurring trend. In order to discourage from witness turning hostile prosecutor/court should consider the offence of perjury.

### Perjury

As mentioned witness turning hostile is big hindrance in the process of adjudication in order to ensure that witnesses do not turn hostile perjury (offence under Section 191 & 193 of IPC) should be considered. Several cases in our data set see this as a big hindrance for the case to be convicted in spite of the grievous nature of crime.

### Conclusion

The number of acquittals should be equally worrisome for the prosecutors and the judiciary. A speedy trial is extremely vital for those who entrust the judicial system and seek justice. The lack of effective legal representation, postures of out of court settlements and faulty delayed investigation all pose a huge threat to the legal system to work efficiently in order to deliver justice to every citizen that entrusts these institutions.

What needs to be done:

- Investigation of the crimes especially in case of class two serious offences needs to be prioritized. This seems to be a highly neglected area which significantly affects the conviction rate. The quality of investigation needs to be improved by putting in place mechanisms like periodic trainings, improving supervision on the investigation of the case.
- A team of experts, Practitioners and retired personnel from the Judiciary, Prosecution and Police should be set up. A feedback mechanism should be set up in order to discuss the performance of all these organs of the criminal justice system. A bimonthly or monthly review meeting should be held

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<sup>48</sup> <http://ecourts.gov.in/mumbai/citycivil>

## State of Policing and Law & Order in Mumbai

to understand and reflect on shortcomings and devising methods to solve these issues on a timely basis.

- The acquittal cases should be analysed monthly or bi-monthly by the team mentioned above. The team being drawn from the very organs of the criminal justice system allows for on ground knowledge and better informs the practices, allows for insights from the diverse experiences and enriches and informs the future practices.
- This not only enhances coordination between the individual agencies namely the investigation, prosecution and the Judiciary but also clarifies and creates well defined tasks for each thus holding each of them accountable and responsible for their duties in making the case stronger and reach its reasoned verdict.
- There should be a common platform for the prosecution, judges and the investigating officers to come together and work on better execution of cases tried in sessions court, especially serious offence cases. The court should develop a mechanism to assess and better the performances of the prosecutors as well as the investigating officers. This will be a greater incentive for both the Prosecution and the Investigation officers to work and prepare on the case. It is of utmost importance that the Apex court judgements are taken more prominence of and discussed by this review team to further direct the working of Sessions courts. It is imperative that for grievous crimes like rape and murder special investigation teams be set up.

It is of utmost importance that the inability to adjudicate better and at faster rate is accepted this is the first and the foremost step towards improvement in the system which is long drawn process. A holistic approach is required for controlling crime and violence in the city.

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### Summary of the data:

#### Total cases 1326

- 809/1326 –Fort, 110/1326- Sewree, 407/1326- Dindoshi
- On an average 7 witnesses examined per case.
- Cases where only one witness was examined 31/1326
- Cases where only two witnesses were examined 113/1326

#### For only Acquittal Cases 1016/1326

- Average witnesses examined per case 6/1016
- Cases only one witness examined 30/1016
- Cases only two witness were examined 108/1016

#### Court-wise Acquittal and Conviction

- Fort – 652 acquittal  
157 conviction
- Sewree- 71 acquittal  
39 conviction
- Dindoshi- 293 acquittal  
114 conviction

#### Crime head wise:

##### Murder

- Average witnesses examined in each case- 11
- Acquittal 184  
Reasons for acquittal: witness hostile- 8/184  
Failure to prove guilt- 92/184

##### Kidnapping

- Average witness examined in each case -6
- Acquittal 3  
Reasons for acquittal: witness hostile- 0/3  
Failure to prove guilt- 3/3

##### Rape

- Average witness examined in each case- 5
- Acquittal 246  
Reasons for acquittal: witness hostile 2/246  
Failure to prove guilt- 150/246

## State of Policing and Law & Order in Mumbai

### **Grievous hurt**

- Average witness examined in each case- 8
- Acquittal- 10  
Reasons for acquittal: witness hostile- 0/10  
Failure to prove guilt- 8/10

### **Attempt to Murder**

- Average witness examined in each case- 7
- Acquittal 164  
Reasons for acquittal: Witness Hostile- 10/164  
Failure to prove guilt- 80/164

### **Dacoity**

- Average witness examined in each case- 8
- Acquittal 30  
Reasons of acquittal: Witness hostile- 3/30  
Failure to prove guilt- 14/30

## PART - I

**Table 64: Total number cases convicted and acquitted**

Total Cases	Convicted	Acquitted
1326	310	1016
%	23	77

**Inference:**

The data mentioned above shows out of total 1326 cases only 23% were convicted while a large number of percentage (77%) got acquitted.

**Table 65: Stages of cases**

Stages	FIR date to Chargesheet	Chargesheet to first hearing date	First Hearing to Decision Date	FIR to Decision Date
Month	11.6	1.9	12.3	25.8

**Inferences:**

The above statistics represents time period from FIR lodged date to filing charge sheet which on an average took 11.6 months. After the charge sheet is filed the accused enter the process of attending trial. On an average, it took 1.9 months from charge sheet filed to first hearing in the court. The data indicates that the time period from first hearing in the court till the verdict given by the judge took 12.3 months. Overall, the life cycle of a particular case took 25.8 months starting from FIR till decision date.

**Table 66: Section wise<sup>49</sup> conviction, acquittal and stages of case**

Higher offences	No. of cases	FIR to Chargesheet	Chargesheet to first hearing date	First hearing to decision date	FIR to decision date	Total no. of hearings	Convicted	Acquittals
Kidnapping (363)	10	6.6 Months	0.4 Months	11.8 Months	18.8 Months	28.6	7	3
Rape (376)	300	9.2 Months	1.3 Months	10.8 Months	21.3 Months	23.0	54	246
Murder (302)	244	6.9 Months	1.7 Months	16.0 Months	24.7 Months	41.7	60	184
Greivous Hurt (325,326)	20	11.4 Months	1.4 Months	15.9 Months	28.8 Months	31.2	10	10
Attempt to Murder (307)	196	13.9 Months	1.6 Months	12.0 Months	27.4 Months	25.8	32	164
Dacoity (395)	35	25.0 Months	4.8 Months	13.8 Months	43.6 Months	31.0	5	30
Other IPC	521	13.5 Months	2.3 Months	11.4 Months	27.2 Months	26.4	142	379
<b>Total Cases</b>	<b>1326</b>	<b>11.6 Months</b>	<b>1.9 Months</b>	<b>12.3 Months</b>	<b>25.8 Months</b>	<b>28.6</b>	<b>310</b>	<b>1016</b>

**Inference:**

Only 54 out of 300 rape cases were convicted while a large number of 246 were acquitted and this raises a serious question mark on the roles of the investigation and prosecution agencies. This trend can also be seen in with the murder cases where out of 244 cases only 60 were convicted.

**Table 67: Comparison of convicted cases for the higher or the lower offence**

Total no of convicted cases	Higher offence section	lower offence section
310	233	77

**Inference:**

Of the 310 convicted cases, conviction in 233 cases were on the higher section while 77 were on a lower section under the IPC (Indian Penal Code). For instance, if there is murder case in which the victim was first kidnapped and then murdered and the conviction was only on the kidnapping and the murder charge was not proved, then in this case, the case for the above analysis will be put in the 'lower offence section' bucket.

<sup>49</sup> Under the Indian Penal Code(IPC) Section



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**Table 68: Section-wise<sup>50</sup> comparison of convicted cases**

HS \ LS	37 6	30 7	12 0 B	30 2	30 4	36 4	36 6	39 4	39 5	30 6	33 3	32 6	37 2	39 2	48 9 A	48 9 B
511	1															
326,32 5		4		4	1											
3(1)(C)			2													
363	4					1	1									
304				6												
324		8		1							1	1				
411				2										1		
420	1															
306	1			1	1											
335		1														
323	1	1		3	3					1	1					
392	1	1						1	2							
344	1															
332		1														
333		1														
342	1												1			
366	1															
366 A	1															
354	2															
368	2															
377	1															
489 A				1												
489 C																1
506				1												
457								1								
14(a)															1	
417	2															
<b>Total</b>	<b>20</b>	<b>17</b>	<b>2</b>	<b>19</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

**Note:**

- Here LS stands for Lower offence sections and HS is for Higher offence sections.
- Below mention is the sections/acts with the descriptions.

<sup>50</sup> Under the Indian Penal Code(IPC) Section

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Sections/Acts	Descriptions
302	Murder (302)
304	Culpable Homicide not amounting to murder
306	Abetment of suicide
307	Attempt to Murder
323	Voluntarily causing hurt
324	Voluntarily causing hurt by dangerous weapons or means
326	Voluntarily causing grievous hurt by dangerous weapons or means
326,325	Grievous hurt
332	Voluntarily causing hurt to deter public servant from his duty
333	Voluntarily causing grievous hurt to deter public servant from his duty
335	Voluntarily causing grievous hurt on provocation
342	Punishment for wrongful confinement
344	Wrongful confinement for ten or more days
354	Assault or criminal force to woman with intent to outrage her modesty
363	Kidnapping
364	Kidnapping or abducting in order to murder
366	Kidnapping, abducting or inducing woman to compel her marriage, etc.
366 A	Procuration of minor girl
368	Wrongfully concealing or keeping in confinement, kidnapped or abducted person
372	Selling minor for purposes of prostitution etc.
376	Rape
377	Unnatural Offences
392	Robbery
394	Voluntarily Causing hurt in committing robbery
395	Dacoity
411	Dishonestly receiving stolen property
417	Punishment for cheating
420	Cheating and dishonestly inducing delivery of property
457	Lurking house trespass or house-breaking by night in order to commit offence punishable with imprisonment
489 A	Counterfeiting currency-notes or bank-notes
489 B	Using as genuine, forged or counterfeit currency-notes or bank-notes
489 C	Possession of forged or counterfeit currency-notes or bank-notes
506	Punishment for criminal intimidation
511	Attempting to commit offences punishable with imprisonment for life or other imprisonment
120 B	Criminal Conspiracy
14(a)	Foreigners Act, 1946
3(1)(c)	Official Secrets Act

**Table 69: Reasons for acquittals<sup>51</sup>**

Witness Hostile	Complainant withdrew case	Benefit of doubt	Failure to prove guilt charge (Lack of evidence or Lack of witness)
33	10	62	911

**Inferences:**

The above data explains the reason for acquittal in 1016 cases. There are 911 cases of failure to prove charges by the public prosecutor. The study reflects that investigation officers failed in gathering and accumulating evidence and witness in majority of the cases and it is found that witnesses are hostile in 33 cases. There are 62 cases which are acquitted due to benefit of doubt that usually goes with the accused. It can also be interpreted that due to lengthy process of trials and changes in statement given by witness public prosecutor fails to prove the accused guilty. Hence, the accused is discharged on benefit of doubt.

**Table 70: Section-wise<sup>52</sup> reasons of acquittal**

Higher offences	Witness Hostile	Complainant withdrew case	Benefit of doubt	Failure to prove guilt charge (Lack of evidence or Lack of witness)
Kidnapping (363)	0	0	0	3
Rape (376)	2	7	11	226
Murder (302)	8	0	19	157
Grievous Hurt (325,326)	0	0	0	10
Attempt to Murder (307)	10	1	8	145
Dacoity (395)	3	0	0	27
Other IPC	10	2	24	343
<b>Total</b>	<b>33</b>	<b>10</b>	<b>62</b>	<b>911</b>

**Inference:**

As per the judgements perjury was not initiated in the 33 cases where witnesses turned hostile. This needs to be further investigated. In rape 226 acquitted cases were there due to Failure to prove guilt charge either due to lack of evidence or lack of witness. A benefit of doubt in murder case (19 of them) is confounding.

<sup>51</sup> The 'types' of reasons attributed were determined from the conclusions in the judgements. The categorisation was determined accordingly where one of the type has been profoundly stated, otherwise 'failure to prove charge' which is a combination of various factors has been assigned.

<sup>52</sup> Under the Indian Penal Code(IPC) Section

## PART - II

### List of Abbreviations and terms:

**U/sec-** Under section

**r/w-** Read with [generally used when the section a person is charged under is read with another section of Indian Penal Code(IPC)]

**EXH No.-** Exhibits presented in the court during the course of the trail

**API-** Assistant Police Inspector

**Art-** Article seized during the investigation and presented before the court as an exhibit

**Ld.-** Often used as a way of addressing the magistrate (also stands for learned/lord)

**PSI** - Police Sub Inspector.

**PW-** Prosecution Witness.

**Accd. No.-** Stands for Accused No.

**Prosecutrix-** A female prosecutor. A female victim of a crime on whose behalf the state is prosecuting a suspect

**Ors.-** Others

**PI Stn.-** Police station

**T I P-** Test Identification Parade

## State of Policing and Law & Order in Mumbai

### Summary of the data used for the case analysis study:

Total cases- 17

Conviction- 5/17

Acquittal- 12/17

Number of cases only one witness examined- 1/17

Number of cases only two witness examined- 1/17

Cases in which case laws referred- 2/17

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**A. Sessions case no: 34 of 2013**

The State Versus Altaf Lalmohammad Shaikh and ors.

CHARGES: punishable under section 302, 498-A r/w 34 of I.P.C.

OUTCOME OF THE CASE: Acquitted

NUMBER OF WITNESSES EXAMINED: 13

BRIEF FACTS:

As per the oral judgement,

The accused persons who are husband (Altaf Lalmohammad Shaikh) and nearest relatives of the husband of deceased Heena are facing charge for treating her with cruelty and in furtherance of their common intention committed murder of Heena. Alternatively, they are also facing charge on an allegation that they caused unnatural death of deceased Heena for dowry and alternatively they abetted her to commit suicide by ill-treating her and thereby committed an offence punishable U/Sec.304-B and 306 r/w 34 of IPC. Thus, accused persons are facing trial for the offence punishable U/sec.302, 304-B, 306, 498-A r/w 34 of IPC.

Deceased Heena was married with accused No.1 on 27.2.2011 as per Muslim rites and religion. After marriage, she resumed cohabitation at the house of present accused persons. However, after 4 months of her marriage, she was ill-treated by accused Nos.1 to 3 for demand of money and for domestic reasons. However, she cohabited the house of accused persons. During her cohabitation, she was pregnant she lost two daughters in a miscarriage. On 1.11.2012, Heena's parents received information that Heena has sustained burn injuries at her matrimonial house and admitted in Bhagwati Hospital. They immediately came to Mumbai and went to Bhagwat Hospital. Heena had sustained 99% to 100% burns. They made inquiry with Heena and she disclosed that on 1.11.2012, at about 10.30 p.m., accused Nos.2 and 3 quarreled with her. Accused No.2 poured kerosene on her and accused No.3 ignited matchstick and set her ablaze. At that time, accused No.1 was standing in the door by shutting the door and he has not attempted to save Heena. Heena disclosed that her marriage was performed with accused No.1 and after marriage, she was ill treated by the present accused persons mentally and physically by demanding money. She was ill-treated as she did not know how to cook food. Prior to 6 months, a demand of Rs. 50,000/- was made to her and she was ill-treated for the said demand. On 1.11.2012, at about 10.30 p.m. Her husband and in-laws quarrelled with her over the demanded money and abused her. They abetted her by saying that if her parents are unable to pay dowry amount, then she should die. Immediately, she poured kerosene on her person and set herself on fire. After recording said dying declaration, her cousin brother Badruddin has lodged report against the accused persons. On the basis of said report, police have registered offence vide CR No.312/2012, U/sec.498-A of IPC against the accused persons and the investigation started.

## State of Policing and Law & Order in Mumbai

### FINDINGS:

1. The timings of the FIR getting filed, timing of the death of the victim has inconsistency. The dates do not match.
2. Statement of the victim before dying has special magistrate, doctor and police signature but later the doctor claimed that the magistrate was absent.
3. The discrepancy on the part of the investigation to not collect statement of the dying victim thoroughly enough to be considered as key evidence in the court of the law.
4. The three officials involved, special magistrate, medical officer and the police aware that all three of them need to be present to collect the statement of the victim which was the primary evidence around which this case revolved and however, yet this process was not followed.
5. The lack of evidence and poor investigation to substantiate the evidence to establish the case leads to acquittal.
6. The accused should have been tried under the abetment of suicide law.
7. There is no substantial evidence to prove that the in-laws and her husband tried to save her when she alighted herself. There is enough ground for charges of culpable homicide. It was important that the in-laws be cross questioned on the same lines, considering culpable homicide. Isn't it lack of action on the part of the police investigation and judiciary to fight for the victim who eventually died.
8. Assistant Police Inspector (API) should be the one writing an FIR (first information report). He was the one who got the full information first from the victim. The possibility of witness turning hostile would have not arrived if the API Prosecution Witness (PW)- 8) would have written the FIR and not the victim's brother. The designated authority should have been able foresee the probability of witness turning hostile.
9. Exhibit No. 36 (EXH 36) is a report that API submitted about the information he received from the victim why didn't he instead file an FIR is an important question to ask.
10. Prosecution has the responsibility to prove the case against the accused beyond reasonable doubt.
11. The police fail as they end up taking multiple dying declarations thus producing EXH25, EXH40, EXH48. Which produces contradiction and thus weakens the case.

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**B. Sessions case no: 72 of 2010**

State Versus Arvindkumar Bhaiyalal Sahu

CHARGES: punishable under Section 302 of Indian Penal Code

OUTCOME OF THE CASE: Conviction

NUMBER OF WITNESSES EXAMINED: 6

**BRIEF FACTS:**

The incident occurred on 06.10.2009 around 21.45 hours of which information was given to Khar police station around 22.55 hours. The case diary No.2 was entered at 00.45 hrs. Complaint is lodged by Santosh Narayan Gurav. Santosh Gurav is son-in-law of Shri Kadam. Shri Kadam was residing in a room of 13 x 15 in Kadam House, first floor, Dr. Ambedkar Road, Khar(W), Mumbai. Accused Arvind Sahu (also known as Manoj) was occupying inner room on the first floor of Kadam House, Ambedkar Road, Khar. Complainant Shri Santosh Gurav lodged a report stating that his wife Pradnya and two children were residing in the said room owned by his father-in-law. The father-in-law resided on the ground floor. The room on the first floor which was visible from the ground floor was occupied by him and in inner room i.e. behind Santosh's room, Arvind Sahu, his wife and female child along with relatives were residing since 01.09.2009.

On 06.10.2009, Complainant returned home around 6 pm and was watching T.V. on the ground floor along with his wife. Sister and wife of Arvind Sahu were also watching T.V. by sitting on the ground floor. It was around 21.15 hours when Arvind arrived. He went in his room. He was followed by his wife Laxmi and a child girl. Around 21.45 hours, Complainant heard quarrelling noise between Laxmi and Arvind Sahu. Complainant Santosh saw light of burning. Santosh Gurav climbed the first floor. He saw Laxmi standing in the room (i.e. room occupied by Santosh). Clothes on her person were burning. Arvind Sahu was by her side and looking at Laxmi. Laxmi was raising cries. The complainant gave call to others. He brought water and by throwing water on her person he extinguished the fire. The Inner room was occupied by the accused. Clothes were seen burned. When the fire was extinguished other persons had come for help. The complainant Santosh Gurav with the help of Arvind encircled the clothes around the person of Laxmi and brought her in rickshaw to Bhabha Hospital. When Laxmi was carried to the hospital; Laxmi was saying –*mereko arvindne rokel dalke jalaya* (roughly translated, Arvind (tried) to burn me by putting kerosene all over me). She said this for 2-3 times. Laxmi was admitted to the hospital. Laxmi was then stating to the Medical Officer about the burning. Medical Officer called the police and informed them about the incident. Laxmi received complete burn on her person. Police Officer, accordingly, has registered the offence vide crime no.410/09 under Section 307 of I.P.C. Laxmi succumbed to her burn injury around 2.15 am on 7<sup>th</sup> October, 2009.



## State of Policing and Law & Order in Mumbai

### FINDINGS:

1. The investigation officer and the public prosecutor rigorously pursued the case and led it to conviction.
2. Evidence collected was strong enough to establish the case.
3. No history established about domestic violence and recurring incidences, it could be a fit of anger and why wasn't this point raised by the defence lawyer.
4. *Case laws referred. Based on the dying declaration of the woman. (section 32 (1) evidence act)<sup>53</sup>.*
5. Court has taken into consideration several case laws thus making the case strong enough to lead to conviction.
6. First informant hostile but the court studied the demeanour of the witness, he concealed half story and revealed half story. The court cross examined the hostile witness in order to reach a verdict.
7. The medical officer PW2 informed the court that the victim disclosed to the medical officer that she was burned her husband Arvind Sahu. This was supported by another doctor pw 4, who referred her to casualty ward.
8. Accused has also received the burn injuries which proves his presence at the crime scene. Examined by PW3. Also cross examined by the prosecutor.

### C. Sessions Case No: 518/10@101/11@321/11

The State Versus Rajkumar Girdhari Uke

CHARGES: punishable under Section 307 r/w. 34 of the Indian Penal Code. Accused No.2 stands tried for offence punishable under Section 37 (1) (a) r/w. 135 of the Bombay Police Act.

OUTCOME OF THE CASE: Acquitted.

NUMBER OF WITNESSES EXAMINED: 10

#### BRIEF FACTS:

On 01/04/2010, at 0.15 a.m., injured complainant Diwakar Balkrishna Sawant was admitted in Sion hospital. He gave a complaint stating that, on 31/03/2010, at 9.15 p.m., he was taking rounds on the road in front of building No.T/60 at Pratiksha Nagar, Sion-Koliwada, Mumbai. All of sudden, three unknown persons appeared before him. One of them opened fire against him. The bullet hit his abdomen. He screamed. Those persons ran away there. He gave description of the person firing at him. His friend Shekhar came there. He was moved to Sion hospital by Shekhar on motorbike. His complaint was taken down in presence of medical

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<sup>53</sup> Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant. —Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases: — (1) when it relates to cause of death. —When the statement is made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question. Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

## State of Policing and Law & Order in Mumbai

officer on duty. Crime vide C.R.No.84/2010 was registered against unknown persons. On the same day, P.S.I. Choukekar proceeded to the spot. He called two panch witnesses by name Sushant Prakash Shirke and Rupesh Tanaji Pawar. In their presence, spot panchanama was drawn. One empty cartridge and one knife was seized from the spot. He also drew rough map. He also seized blood stained clothes of the complainant under the panchanama. Further S.C.No.518/10 @ 101/11 -4- Exh.90 investigations was carried by A.P.I. Sawant.

On 04/04/2010, A.P.I. Sawant recorded further statement of complainant Diwakar Sawant, wherein, complainant stated that the person who opened fire against him was named as, Rajkumar Uke. According to him, the conspiracy to kill him was hatched by other accused by name Nitu Yadav, Vishal Aamkar, JayeshSangar and Rajan Parab, etc.

### FINDINGS:

1. In spite of case being strong the outcome was acquittal.
2. The medical officer was not cross questioned on the statement he made regarding the complainant. Medical officer claimed that the complainant was fit to give the statement but complainant claims to be in state of shock, it wasn't this established whether the complainant was in a state of recording the statement. Which statement should have been accepted as worthy of evidence to take the case forward should have been decided by the court more thoughtfully.
3. Public prosecutor should have made the second statement by the complainant as a basis of the investigation. Because no one can establish whether the complainant was in state of shock or not. It should have been understood that immediately after the incident the complainant was not in a state to give a proper statement.
4. The judgement claims that the intention to kill was not properly established.
5. All accused said '*we are not guilty*', the document of the examination of the accused is missing. Whereas Accused named Mukesh has agreed to have hidden the weapon (chopper) in the police statement. Also agreed to have witnessed Uke firing at the complainant which was recorded in front of the Panch but there is not a single document that shows the accused being cross examined in the court of the law.
6. Investigation was fairly strong in the above case but since it is an acquittal it goes to show the negative on the prosecution's side but we do not have the missing document which could prove this observation at the moment.
7. Benefit of doubt case. Hearsay witnesses thus distrustful witness in the court of law. Hearsay is an out of court statement, made in court, to prove the truth of the matter asserted
8. Investigation not properly done. Thus leading to an acquittal.
9. Victim changed the statement. Fire arms were not recovered and established as the weapon of crime.

### **D. Sessions Case No:10 of 2011**

The State Versus Sonu Subhash Maharana Pratap

CHARGES: punishable under section-376 of I.P.C.

OUTCOME OF THE CASE: Acquitted.

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NUMBER OF WITNESSES EXAMINED: 2

### BRIEF FACTS:

Victim Manisha, aged-15 years was residing at Indira Nagar Zopadpatti, Hut No.77, Jaywant Sawant Road, Dahisar (W), Mumbai. Accused was also residing in the same locality with his sister Baby and her husband. On 10.5.2010 at about 7.00 to 7.30 p.m. when prosecutrix was passing from the house of Baby, accused called her in his house and bolted the door from inside, on the pretext that he wanted to tell her something. Accused was alone in the house, he wooed the prosecutrix for sex, victim protested but accused pressed her mouth and by threatening her to kill, committed forcible sexual intercourse. Again on 12.5.2010 between 7.30 p.m.to 8.00 p.m. when prosecutrix was alone near Railway track, accused came there and again on the promise of marriage committed sexual intercourse with her. Nature committed no mistake and she conceived. On 8.7.2010 she started vomiting, resultantly her mother took her to Bhagwati Judgment 3 S.C.102011 Hospital and after medical check-up doctor confirmed her pregnancy.

The prosecutrix lodged her F.I.R. against the accused, alleging that accused committed rape on her. On the basis of her F.I.R. offence vide C.R.No.172//2010 under section-376, 506(2) came to be recorded against the accused at M.H.B.Colony Police Station. The investigating officer P.S.I. Vishnu Revgade prepared spot panchnama, he seized clothes of victim and sent victim and accused for medical examination and obtained medical examination certificate. After completion of entire investigation charge sheet was filed against the accused under section 376,506(II) of I.P.C. in the court of Ld. Metropolitan Magistrate's, 17th Court Borivali, Mumbai. The Ld. Magistrate having noticed the offences u/sec. of 376 I.P.C. being exclusively triable by the Court of Sessions, vide his order dated 5.01.2011 he committed the case to Sessions Court for trial according to law.

### FINDINGS:

1. During the trial the age of the victim/complainant became a core relevant issue on which this case could have been strongly established and conviction of the accused could have been possible. The medical examinations do not give the precise age and it is also known that there could be a variation of 2 years. The investigation failed to determine the age of the victim thereby making the case weak.
2. The prosecution, the Judge and the police all three actors failed to consider the importance of establishing age of the victim. Why wasn't the police asked to reinvestigate in order to make the case facts clearer.
3. The complainant turned hostile. The prosecutor/court should have considered the offence of perjury.
4. Lenient stance of the court.
5. Complainant and the mother of prosecutrix did not support the case of prosecution.
6. Ossification test was not ordered. Ossification test is vital if there is a dispute about the age of the suspect and the victim

State of Policing and Law & Order in Mumbai

### **E. Sessions Case No: 64 of 2008**

The State Versus Avinash Gunawantrao Dhoke

CHARGES: punishable under section 363, 302, 201 of I.P.C.

OUTCOME OF THE CASE: Convicted

NUMBER OF WITNESSES EXAMINED: 13

#### **BRIEF FACTS:**

The details of the shocking incident of murder of deceased boy Aditya as unfolded in the chargesheet are that - The informant Jau Shamu Jangle (PW-1) lodged F.I.R. in Samata Nagar Police Station (Exhibit-50) on the allegations that deceased Aditya was his son. The victim boy was aged about 8 years. The victim boy was admitted in the school and was also attending tuition class. The time of tuition class was from 9 a.m. to 11 a.m. On 20/2/2008, the victim boy had been out to attend the tuition class, but even after 11.15, he did not return to the home. Therefore, the wife of the complainant had visited the tuition class and made enquiry with the teacher about the victim Aditya. The teacher informed that, the victim had already left the tuition class at 11 a.m. Therefore, the wife of informant had tried to make search of the victim in the surrounding area, but the victim was not found. Thereafter at about 14.10 hrs., telephonic call was received on the mobile phone of the wife of informant from unknown person and the mobile number of the informant was asked by the said person and accordingly, the wife of informant had given mobile number of the informant to the said unknown person. Thereafter, the informant and his wife were making search of the victim in the area of Akurli Road, Kandivali (East), and at about 15.30 hours, telephonic ...4 calls were received on the mobile phone of the informant and it was informed to the informant that the victim boy was with the said person and threat was given by the informant on the mobile phone. Therefore, the informant confirmed that the victim was with kidnapper and therefore, he rushed to the Samata Nagar Police Station and lodged report. The statement of Jau Shamu Jangle was treated as F.I.R. by Police Sub Inspector Sawant.

#### **FINDINGS:**

1. Investigation strong enough to establish the correlation between the accused and the victim The circumstantial evidence was collected meticulously.
2. Substantial witnesses were corroborated and good number of witnesses made the case strong this allowed for the motive to be established.
3. The cross examination by the Public Prosecutor of the accused also allowed for the intent to be proven without further doubt.
4. Medical Examination seems to be a big failure in this case since the forensic could not prove that the skull and the bones found were of the deceased 8-year-old child.
5. Defence weak since it could not question the verdict which proved the accused guilty of killing the child in spite of lack of concert evidence.
6. Case laws referred thus leading to a well thought Judgement.

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## **F. Sessions Case No: 19 of 2009**

The State Versus

CHARGES: punishable under Section 307 of I.P.C.

OUTCOME OF THE CASE: Acquitted Jiva@Santosh Bhalchandra Gupta

NUMBER OF WITNESSES EXAMINED: 1

### **BRIEF FACTS:**

The brief facts of prosecution case can be summarized as under: -

The complainant, Deepak Indrapal Singh, and his father were doing the business of plastic packing and prior to one year of the incident the accused was serving with them; the accused was removed from the service by the complainant and his father as he was not working well. At that time the accused threatened to kill the complainant.

On 5/11/2008 at about 1.30 p.m., the complainant proceeded towards his house situated at Triveni Nagar for taking meal. He purchased some fruits and coconut water from the stall in front of the gate of his building. At that time, the accused came from behind the complainant and gave blow of sickle on his head due to which complainant sustained injury and he fell down.

The complainant was brought to Hayat Hospital and doctor examined him. He noticed that the complainant had sustained C.L.W. 3" X 2" X skin deep with sharp object and noticed fracture to occipital skull. The doctor opined that injury was of grievous nature. The intimation to the police was given by the doctor and police recorded F.I.R. of the complainant by coming to the hospital. On the basis of F.I.R., crime no. 338/2008 U/Sec. 326 of I.P.C. was registered by Kurar police station. The Investigating Officer prepared the spot panchnama.

The blood sustained clothes of the injured were recovered by the police. The weapon- Koyta was also recovered on the basis of discovery statement of accused . The Investigating Officer (IO) recorded statements of the witnesses and in his investigation he found that the accused attempted to commit murder of the complainant and he possessed the deadly weapon in contravention of the provisions of Section 37 of Bombay Police Act. After completion of investigation, the Investigating Officer submitted chargesheet against the accused in the Court of Addl. Chief Metropolitan Magistrate, 24th Court, Borivli, Mumbai Under Section 307 of I.P.C. and 37(1)(a) of Bombay Police Act.

The Addl. Chief Metropolitan Magistrate noticed that the offence punishable under section 307 of I.P.C. is exclusively triable by the Court of Sessions, he committed the case to the Court of Sessions for trial of the accused, according to the law. The contents of the Charge Exh.6 U/Sec. 307 of I.P.C. were read over and explained to the accused in vernacular language. Accused pleaded not guilty and claimed to be tried. The defence of the accused was of total denial.

### **FINDINGS:**

1. Koyta (weapon) a crucial evidence, was collected but fingers prints were found missing.
2. Reinvestigation was needed for the crime scene.

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3. A lot of the exhibits are missing but the existing evidence suggests that both investigation and public prosecution were weak.
4. The market place was the place where crime took place and yet there was only one witness.
5. Both the eyewitness PW1 and PW2 turn hostile. Therefore, case is closed by the prosecution.
6. Both witnesses admitted that they have compromised matter outside the court and have no grievance against the accused person.
7. No merit in the case leading to acquittal of the case.

### **G. Sessions Case no. 22 of 2009**

The State of Maharashtra Versus 1. Devendram Ramkumar Annadurai Anr., 2. Muragan Chalayya Devendram

CHARGES: Punishable under section 341 & 307 r/w 34 of the Indian Penal Code, as per Section 235(1) of the Code of Criminal Procedure.

OUTCOME OF THE CASE: Acquitted

NUMBER OF WITNESSES EXAMINED: 6

BRIEF FACTS OF THE CASE:

The case of prosecution in short is as under: -

The Complainant-Suresh Samudram Devendram (PW No. 1) is the brother of injured-Rakesh and they were residing at Holy Cross Road, Poisar, Kandivali (W), Mumbai. The Complainant-Suresh had business of selling Idlies.

On 28/10/2008 at about 11.45 p.m., Rakesh and his maternal uncle-Kondi Martand Ramaswamy went out of the house and the Complainant-Suresh was following them. When Rakesh and his maternal uncle Kondi reached near Michel House, the complainant Suresh heard the noise of his maternal uncle-Kondi as "Save, Save". The Complainant-Suresh immediately went to the Michel House by running and saw that Accused No. 2-Murgan Chalayya Devendram was holding the hands of his Brother-Rakesh and Accused No. 1-Ramkumar Annadurai Devendram was inflicting blows with sickle on the head and back of Rakesh. At the same time, one unknown person was holding Kondi- maternal uncle of Complainant-Suresh. Upon seeing the Complainant-Suresh, Accused No. 2-Muragan pushed injured-Rakesh into the gutter and both the accused and the unknown person fled away from the spot.

As Rakesh had sustained severe injuries on his head, neck, chin and near his ear, the blood started oozing from the said injuries. Therefore, the Complainant-Suresh with the help of his maternal uncle-Kondi, took the Injured-Rakesh to Bhagwati Hospital by auto-rickshaw. After sometime his parents and other relatives also came to Bhagwati Hospital. As Injured-Rakesh was admitted in the ICU and he was unconscious, the Complainant-Suresh lodged the Complaint-Ex-27 with Kandivali Police Station on 28/10/2008.

On the basis of his complaint, Police prepared the printed FIR-Ex-28 and registered the offence u/sec. 341 & 307 r/w 34 of the Indian Penal Code vide C.R. No. 383/2008 against the two accused and one unknown accused and starting the investigation. Police visited the spot of incident and drew the Spot Panchanama-

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Ex-22 on 29/10/2008. Police seized the blood stained soil (Article F) from the spot and blood (Article E), which was lying on the spot, by cotton and also plain soil (Article G) from the spot of the incident. Police seized the clothes of Injured-Rakesh i.e. one blue color jeans pant (Article C) and one white color shirt (Article D), which were stained with blood.

On 29/10/2008 itself, Police arrested both the accused under Arrest Panchanama-Ex-25 and took searched them. On 02/11/2008, Accused No. 1-Ramkumar made Disclosure Statement-Ex-31 in respect of Sickle-Article A and as per his say Police recovered Sickle-Article A, from one room situated near the bank of Poisar River vide Recovery Panchanama-Ex-32. Police sent all the articles seized under the Spot Panchanama-Ex-22 to Forensic Laboratory, Mumbai along with the forwarding letter Ex-33 and also Sickle-Article A along with forwarding Letter-Ex-34. The Investigating Officer received the Chemical Analyzer's Report-Ex-35 in respect of clothes and blood of Injured-Rakesh on 21/05/2009. The Investigating Officer also received C.A. Report-Ex-36 in respect of Sickle-Article A on 21/02/2009. On the same day, C.A. Report-Ex-37 in respect of soil examination was received by the Police.

After completion of investigation, the Investigating Officer came to the conclusion that there is sufficient evidence available against both the accused and therefore, he submitted the Final Report u/sec. 173 of the Code of Criminal Procedure, 1973 against both the accused in the Court of Metropolitan Magistrate, Borivali, Mumbai for the offences punishable u/sec. 341 & 307 r/w 34 of the Indian Penal Code. The Ld. Magistrate after complying with the procedure enumerated u/sec. 207 of the Code of Criminal Procedure, committed the case of both the accused to the Court of Session, as the offence punishable u/sec. 307 of the Indian Penal Code is exclusively triable by the Court of Session. Both the accused were charged u/sec. 341 & 307 r/w 34 of the Indian Penal Code vide Ex-3 on 30/03/2009. Charge was read over and explained to the accused in Hindi, to which they pleaded not guilty and claimed to be tried. Their defense is that due to previous enmity, the false complaint has been filed against them.

### FINDINGS:

1. One of the person's statement not recorded which was extremely crucial for clearing the facts of the case, maternal uncle who was in fact present at the sight of the incident. As shown by Exh- 38 non execution of the summons to witness. Lack of efforts of the investigating officer (API) MR. Shelar, to produce one of the key witnesses of the incident.
2. Collected the bloodstained shirt from the accused, how is it that the accused was found in the same clothes that he was wearing on the prior night when the incident occurred. How is it that the accused did not think of changing the clothes from the night 11:45 pm to the next day 10:20 am on 29<sup>th</sup> when he was taken under police custody?
3. Conclusions on the reports have no nexus of the injuries or blood of the injured person and hence found inconclusive. Exh- 35. Soil sample mixed with blood and the injured's blood.
4. Blood sample collected at 3:40 am (gap between the incident and collection of blood sample was 4 hours)
5. Failure of the prosecution to utilize blood group as an important evidence in establishing case facts.
6. Weapon of the attack procured three days after the accused was arrested by the police dated 2/11/2008 and blood sample match for the same found to be inconclusive. This was another crucial evidence which could prove the accused guilty. There is not mention of finger print test of the accused which could have been useful in proving if this is in fact the weapon used by the accused to attack the victim.

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7. Failure of the prosecution to emphasis on the key witnesses that went missing and no efforts to get the eye witnesses (Mohmed Riyan Sidamadar Shaikh, exh-15); witness summons lacking for eye witnesses -Marimuttu Dharmaraj Devendrum, Chornam Dharmaraj Devendrum (who have been mentioned in list of documents) to court for strengthening the case.
8. Rakesh (victim) his statement was recorded without any panchas being present.
9. The case got settled. The court should consider Perjury in such settlement cases.
10. Somebody assaulted him on the neck and he further stated that he did not know who assaulted him at the cross examination of PP. He resiles from his statements given before the police and not supporting case of prosecution. Both the eye-witnesses also admit that they had compromised the matter out of the court, therefore, they had no grievance against the accused and deliberately not stated anything incriminating against the accused. Pancha witness also turned hostile.

### H. Sessions Court Case No. 29 OF 2009

The State of Maharashtra Versus 1) Ramesh Purshottam Patel @ Thumar Ors.

CHARGES: The Accused are tried for the offences punishable under Sections 147, 148, 365 r/w.149, 323 r/w.149, 395, 506(II) r/w.149 of I.P.C.

OUTCOME OF CASE: Acquittal

NUMBER OF WITNESSES EXAMINED: 7

BRIEF FACTS OF THE CASE:

The circumstances which have given rise to the Prosecution of the Accused in nutshell are as follows: -

A) On 17.5.2005 at about 17.00 p.m. complainant Kiran Mansukhlal Patel had gone to attend marriage ceremony of his cousin sister Sunita Patelat at Saurashtra Patel Samaj Hall, Hanuman Tekdi, Ashokvan, Borivali (E), Mumbai. While Complainant was climbing down the staircase, he saw Accused No.5 Dinesh and Accused No.7 Vinnobhai Patel were also going down. They both pushed the complainant. Complainant asked them as to why they pushed him, to which they told him that they wanted to talk to him and called him downstairs but complainant refused to talk to them. However, Accused No.5 and 7 caught hold of his hand and brought him to the ground floor and further took him to the corner of the building and started assaulting him. The other accused Mukesh, Ramesh Patel, Ramesh Desai, Bharat Ranchhod and Alpesh also rushed and they all started assaulting the complainant by kicking and fist blowing. Accused Vinu assaulted complainant with wooden rod on his left ear portion and Accused No.1 Ramesh Patel snatched his gold chain. Seeing people around gathered the accused fled away with complainant's golden chain. Accused No.2 Ramesh Desai while fleeing from the spot threatened the complainant to kill him. Complainant rushed to Dahisar Police station. Police referred him to Bhagwati Hospital for treatment. The statement of complainant was recorded and offence vide M.E.C.R. No.9/2005 came to be registered against the Accused. During investigation police recorded statements of the witnesses, supplementary statement of the complainant, drawn spot panchnama and completion of entire investigation, charge-sheet came to be filed against the accused persons in the Court of Ld. Metropolitan Magistrate's 26th Court at Borivali, Mumbai.



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The Ld. Magistrate by his committal order dated 16.12.2009 committed case of the Accused to the Court of Sessions as the offence U/s. 395 I.P.C. is exclusively triable by the Sessions Court.

### FINDINGS:

1. Lack of information about the gap between the date of occurrence of the incident and filing of FIR. It should not take as long as 6 months to file FIR because it delays the process.
2. Memorandum panchnama<sup>54</sup> was filled in 2008 and the case FIR filled in 2005 and case took over all 4 years to come to a conclusion.
3. Medical officer who could have been a key witness in establishing the facts of the complainant's injury was not examined.
4. Accused no. 5 absent for several instances during the proceedings.
5. Prosecution thoroughly and rigorously examined the witnesses.
6. FIR is lodged after seven months by the complainant PW 2, this delay of seven months has not been explained.
7. PW 1 father of the complainant admits enmity in two groups on administration of a certain Swami Narayan Trust. Complainant admits he lost his gold chain in the scuffle which is not recovered by the police.
8. Moreover, accused have also examined defense witness no.1 Balubhai who is the elder brother of PW 1 and this specifically states before the court no such incident took place on that day. This falsifies the case of the prosecution.
9. Complainant has filed NC case no. 1325/05 on the next date of incident u/s 506, 504 of IPC.
10. Medical evidence also shows that on that day PW 2 did not receive any injury.
11. PW 1 2 3 are interested witnesses. The case is very weak not inspiring any truth hence result is improper acquittal.

### I. Sessions Case No: 44 OF 2011

The State of Maharashtra Versus Suryaprakash Ramsurat Sahani,

CHARGES: punishable under Sections 363, 366, 354 of I.P.C.

OUTCOME OF THE CASE: Convicted

NUMBER OF WITNESSES EXAMINED: 4

BRIEF OF THE CASE:

The Prosecution case in brief is as under:

A) On 13.6.2010 while complainant Raju Sukhraj Yadav at his workplace, received a phone call from his wife from his friend Manoj's cell phone that his elder daughter Khushboo is missing from 4.00 p.m. and she was

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<sup>54</sup> Guidelines for writing the panchnama are given in code of criminal procedure code 1973. Panchas are supposed to be two or more respectable people who are present during the investigation as a witness. In cases where there are no eye witness and the case is based on circumstantial evidence Panchas play a crucial role.

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not traceable. Therefore, complainant came back to his house and rushed to Kranti Nagar Police Chowki where he gave oral missing complaint of his daughter. However, police advised him to search for his daughter. While complainant along with his wife and other persons were searching for his daughter, they noticed one unknown person coming from Ganesh Chawl Tekdi along with his daughter Khushboo. Therefore, complainant took the said unknown person and his daughter Khushboo to Kranti Nagar Police Chowki, where police made enquiry with the victim and Complainant and victim narrated the incident and stated that Accused enticed her and took her to Tekdi near Ganesh Chawl. He gave her Samosa to eat and showed her picture on Television Set. Thereafter, accused removed her knicker. Victim started weeping therefore accused took her back. Complainant and others met her in between. Complainant therefore lodged his complaint against the accused which was treated as F.I.R. vide C.R.No.141/2010 for the offence under section-363, 366, 354 of I.P.C. Accused was arrested by the police.

### FINDINGS:

1. Witnesses were thoroughly gathered and prosecution played a major role in getting the accused convicted.
2. Mother, father and father's two friends saw the victim and the accused together, the key eye witnesses were presented before the court of law.
3. Testimony of the samosa vendor was crucial evidence.
4. Video parlor owner also verified that accused had brought the victim around 5 pm to 7:30 pm. All the above witnesses were important and dully questioned which strengthened the case and rightfully convicted the accused.
5. Testimony of minor witness PW no.3 is trustworthy and not tutored therefore court relied upon it to hold accused guilty under section 354 and 363 of IPC.
6. Investigation proper and public prosecutor conducted the case properly hence the result is rightful conviction of the case.
7. The FIR lodged and accused arrested immediately on the same day hence evidence is reliable.

## J. Sessions Case No: 56 of 2008

The State Maharashtra Versus 1. Jugesh Laxmi Sahani Anr.

CHARGES: punishable under Section 307, 323 r/w 34 of the Indian Penal Code.

OUTCOME OF THE CASE: Convicted for the offence punishable u/s 307 r/w 34 of I.P.C.

NUMBER OF WITNESSES EXAMINED: 6

### BRIEF FACTS OF:

Facts according to prosecution are as below;

Injured Durgesh Gupta was selling fruits on the road in front of ICICI bank near Thakur village Kandivali(E). Accused was also selling vegetables at same place. Both the stalls were adjacent to each other. Therefore, vegetables and fruits used to get mixed up. Therefore, complainant gave proposal that one partition plank

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should be installed in between their business. However, they refused. They threatened him. On 19.10.2007 at about 5.00 pm complainant came to start his business. At about 9.00 p.m. one boy by name Santosh Rai came there and asked the accused for installing plank. There was a disagreement and Santosh slapped both brothers. After some time Sonu accused no.2 went to his house and returned at about 9.45 p.m. At that time complainant's relative Deepchand Gupta and one boy by name Ramsharan were standing near him. When Sonu came near complainant, he took knife which was concealed near his waist. After seeing knife, complainant started running. Then Jugesh accused no.1 caught hold him and shouted "Maar Saale ko". Thereafter accused no.2 Sonu dealt stroke of knife on his stomach. This lead the complainant to shout and fall on the road. Again he was assaulted on his chest to the left side by the same knife. After assault Sonu took the knife with him and ran away. His brother Jugesh also ran away. When his relative Deepchand tried to intervene and save complainant, both the accused started beating him by hands. Deepchand with the help of others admitted complainant in hospital. When he was in the hospital police came there and recorded his statement. PSI Gaud registered FIR No.305/07 u/s 326, 323 r/w 34 of I.P.C. On the same day clothes on person of complainant were taken in custody by preparing panchnama. Thereafter considering the injuries on person of complainant, Section 307 of IPC was added. Accused no.2 was assaulted by public and was admitted in Bhagwati hospital. Accused no.1 was arrested on the same day. While accused no.2 was arrested on 22.10.2007.

After completion of investigation chargesheet was filed in the Court of Learned Additional Chief Metropolitan Magistrate, Borivali. The Magistrate went through the chargesheet and found that offence u/s 307 of Indian Penal Code is exclusively triable by the Court of Sessions.

Therefore, committed the case to the Court of Sessions vide order dated 30.4.2008.

### FINDINGS:

1. The police did not file a case under sec 307 of IPC at the FIR level itself.
2. Spot panchnama was not held by the police (Document not found in the case) and no evidences have been collected from the Spot of the Assault.
3. No case has been registered against Santosh for slapping both the accused. There should be an action taken against Santosh for breaking the rule of law.
4. The case went on for too long i.e. for 4 years. It could have finished in a shorter duration but as the accused were absent on certain occasions, witnesses were absent on certain occasions and the Public prosecutor couldn't present the case very strongly. Since the accused were absent in the court, a warrant was issued against them.
5. Witnesses were strong.
6. All documents were rightly presented except for spot panchanama.
7. Medical examination was also rightly done.
8. All the witnesses very aptly and vividly brought evidence on record.
9. Investigation Officer and Public Prosecution sincerely followed through the investigation and collection of evidence and conducting the trial therefore result is a rightful conviction.

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### **K. Sessions Case No.105 of 2012**

Versus State Mohd.Takfin @ Mohd. Yasin Aziz Siddique

CHARGES: punishable u/Ss.363, 366 of the Indian Penal Code.

OUTCOME OF THE CASE: Acquittal

NUMBER OF WITNESSES EXAMINED: 7

#### **BRIEF OF THE FACTS:**

It is the case of the prosecution that, on 16/12/2009 accused Mohd. Takfin (Mohd. Yasin Aziz Siddique) kidnapped Ruksarbanu, the sister of the complainant with intention to compel her to marry with him against her will.

The brief facts of the prosecution case as under:

Ruksarbanu 16 years and 6 months old is the sister of complainant. Ikram Noorhasan Khan who is residing in Abojwadi area along with his wife and father. On 16/12/2009 at about 7.00 P.M. when the complainant Ikram Noorhasan Khan returned to the house, his brother Nabi Hasan informed him their sister Ruksarbanu was missing since 11.00 A.M. Thereafter, the complainant, Ikram Khan and his brothers Nabi Hasan and Ali Hasan tried to trace out Ruksarbanu till 22/12/2009, however she could not be traced out and finally on 23/12/2009 the complainant Ikram Khan lodged missing report in the police station. On 24/12/2009 the complainant came to know that, the accused who resides in the vicinity is also missing from 16/12/2009. Therefore, the complainant and his brother tried to trace the accused. However, they could not get any information.

Therefore, the complainant got suspicious that it is accused that kidnapped Ruksarbanu. The father of complainant was suffering from T.B. and was admitted in Shewari Hospital. Therefore, the complainant could not lodge complaint immediately. On 27/12/2009 the complainant, Ikram Khan approached to Malvani Police Station and filed complaint.

#### **FINDINGS:**

1. Key witnesses were not examined, therefore failure on part of the prosecution to probe further into getting the key witnesses to the court.
2. Conclusive age proof not established thus making the case weak.
3. The victim's statement not recorded or the document of victim's statement are missing hence the details about the victim's testimony missing.
4. Prosecutrix (Rukhsarbanu) was not brought before the court by the prosecution to depose and dictate her story. (if the prosecutrix is dead, this doesn't apply.)
5. As mentioned in the case, Zameer Sheikh married a minor girl and committed offence under child marriage restrain act 1929 but not made the accused by the investigation officer for reasons best known to him. Even the possibility of immoral trafficking of the minor girl Rukhsarbanu cannot be

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ruled out. Therefore, IO has violated the direction given by high court and Supreme Court in their judgments<sup>55</sup>.

6. IO has also did not produce a valid birth certificate which is an important government document to verify the age of the person.
7. The trial court observed that PW no. 7, P.I. Bhoje investigation officer has admitted in his cross examination that RukhsarBanu ran away and performed Nikah with Zameer Sheikh. Therefore, Zameer has committed offence under child marriage restrain act then why was Zameer Sheikh not been made an accused.
8. No one has seen Prosecutrix with accused Mohd. Tapkin when she ran away with him. Evidence on that point is quite silent.
9. No direct evidence on record about kidnapping.

### L. Session Case No: 38 of 2010

The State of Maharashtra Versus Mansingh Sardar singh Chauhan Ors.

CHARGES: punishable under Sections 302 and 201 read with 34 of I.P.C.

OUTCOME OF THE CASE: Acquitted

NUMBER OF WITNESSES EXAMINED: 7

BRIEF FACTS:

The factual matrix of this Prosecution case is narrated as under:

Informant Ramchandra Vasant Kasare was serving in BMC as sweeper in the year 2006. On 21.9.06, he was working in DudhSagar Lane along with labourer Siddharth More. At about 8 a.m, Informant Vasant Kasare noticed one gunny bag containing something near the road divider on road opposite DudhSagar Society. He also noticed that hair was protruding from that gunny bag. He suspected something wrong and disclosed this fact to labourer Siddharth More. Siddharth also noticed that bag and suspected there may be a dead body in that gunny bag. Thereafter Informant Vasant Kasare reported this fact to Mukadham Solanki on telephone and Waskar Saheb serving in BMC asked Informant Vasant Kasare to contact Police Control Room and accordingly, he contacted police control room. Immediately, P.I. More and other staff rushed to the spot and they opened the gunny bag. Dead body of a male person was noticed in that gunny bag. There were many injuries on that dead body and it was completely nude. Thereafter P.I. More drew inquest Panchanama on the dead body and took photographs of the dead body in the presence of panchas. The dead body was referred to postmortem examination at Borivali postmortem center. The Medical Officer conducted autopsy on that dead body and noticed many injuries on that dead body. He opined the cause of death as "Death due to strangulation associated with multiple injuries over body (Unnatural)".

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<sup>55</sup> \*2008 ALL MR (Cri) 3394, Mr. Naveen Rego Vs State of Maharashtra para no. 11 and reference in para no. 10. of the said Judgment in which Supreme court directions are specifically mentioned in Gaurav Jain V/s Union of India. AIR 1997 SC 3021.

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Thereafter Vasant Kasare lodged report to Police and upon his report CR.No.147 of 2006 came to be registered. During investigation, Investigating Officer drew spot panchanama and recorded the statement of witness. Public Notice was given in Dainik Lokmath dated 21.11.2006 for identification of dead body. However, till 2007, identification of dead body was not made. The assailants of that dead body were not traced out. Hence investigation of this case came to a standstill. On 1.1.2010 P.I.Girish Vishnu Ahavkar attached ASF Police Station received a letter from Crime Branch Unit No.11, Kandivali wherein it was mentioned that they have taken charge of two persons who had disclosed that they had committed murder in the jurisdiction of Aarey Sub Police Station. The names of accused persons were mentioned as Manohar Singh and Mansingh. On confirmation, Accused Manoharsingh and Mansingh were arrested in connection with this crime.

With the permission of the order of Metropolitan Magistrate, this crime was reinvestigated.

Thereafter, Investigating Officer, P.I.Girish Vishnu Anavkar had been to Rajasthan with the permission DCP, Zone XII. He arrested the other three accused persons in connection with this crime. The Prosecution story further reveals that on 2.1.2010, the Accused Mansingh showed the incident spot and accordingly spot panchanama was prepared. The statements of witnesses were recorded.

When accused Abhay singh was in police custody, he made discovery statement and showed the spot to the police where the gunny bag containing the dead body was thrown. After completion of investigation, he filed charge sheet against the accused persons in the Court of Metropolitan Magistrate, 26<sup>th</sup> Court, Borivali, Mumbai. The offence punishable under Section 302 of IPC is exclusively triable by the Court of Sessions and hence this case was committed to the Court of Sessions, Dindoshi, Mumbai.

After completion of investigation, he filed Charge Sheet against the accused persons in the Court of Metropolitan Magistrate, 26<sup>th</sup> Court, Borivali, Mumbai.

### FINDINGS:

1. The investigation lacked in establishing the motive for murder, investigation and prosecution failed to bring evidence on record.
2. Two of the accused accepted the charges in front of the police and yet the case got an acquittal.
3. The investigation failed to produce primary evidence in the court and hence case weak because secondary evidence mostly used.
4. The new tenet was not considered as an important witness which could have established the facts of the crime scene.
5. Failure to collect strong evidence Both the pp and the investigating officer lacked in getting a strong witness for the case.
6. This case is based on Circumstantial evidence therefore chain of the evidence should be linked and there should not be any missing circumstance.
7. The death of the deceased was homicidal.
8. The witness Ganpat who is the shop owner has no specific knowledge of enmity between deceased and accused.
9. The memorandum panchas and spot panchas turned hostile. At para 34 the court observed that IO already has knowledge of spot even though he has made discovery panchanama without recovery is not within the ambit of section 27 of evidence act.

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10. The gunny bag which was containing dead body was not the same and there is a different gunny bag marked on Exh 47 and 41. In case of the gunny bag getting changed at the spot and inquest then both the gunny bags should have been brought on record but IO fails to do so.
11. When the case is rest on circumstantial evidence there should be a chain of establishing circumstances to form a complete chain indicating guilt of accused persons. Because of failure of the investigation accused acquitted.
12. Trimukh Maroti kiran Vs State of Maharashtra 2006 ALL MR (CRI) 3510 S.C. their lordship observed that the normal principle in case based on circumstantial evidence – Circumstances should be of definite tendency unerringly pointing towards the guilt of the accused ; that the circumstances taken cumulatively should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and they should be incapable of explanation on any hypothesis other than that of guilt of the accused and inconsistent with their innocence.
13. Material witness turned hostile and IO has not properly investigated the crime hence the case gets acquittal. Directions be given to investigating agency that in circumstantial evidence the investigation should be very keen and should link chain of circumstances to show that accused and accused is the only person who has committed offence.

### **M. Session Case No: 108 of 2012**

The State of Maharashtra Versus Anis s/o. Wahid Khan

CHARGES: under section 120-B, 365, 394 and 395 of the Indian Penal Code.

OUTCOME OF THE CASE: Acquitted of the offences punishable under section 120-B, 365 and 395 of The Indian Penal Code.

NUMBER OF WITNESSES EXAMINED: 9

#### **BRIEF FACTS:**

In brief, the prosecution's case is that Baban Gopne, is resident of village Ghatgewadi, Taluka Phaltan, District Satara. He was serving with 'Jyotirling Courier Service', Kolhapur under Ganesh Bobde and others. The said courier service used to courier articles and cash amount from Kolhapur to Mumbai and vice-versa. Baban Gopne, was getting a salary of Rs. 2,000/-. Their company had a branch office at Kalbadevi, Mumbai. He used to transfer gold and silver items and cash amount to Mumbai.

On 10/7/2011, Baban Gopne, received seven parcels from Amol Gade and proceeded towards Mumbai, by a luxury bus of Pawan Travels. He had kept the bag of parcel near his legs. He did not alight anywhere during the journey. On 11/7/2011, around 6.30 to 6.45 a.m., he reached at Mohd. Ali Road, Mumbai and was waiting for a taxi. He had hanged the bag, to his shoulder. All of a sudden, three persons between the age group of 25-30 years, came in front of him and told him that their boss was standing at the backside and asked him meet their boss. Baban Gopne, told the said three persons, that he does not know their boss and did not want to meet him. Out of those three persons, two persons started beating him, while the third person was intending to snatch the bag containing the parcels. When, he resisted and tried to raise the hue

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and cry, they dragged him towards opposite side of the road and made him sit in a blue color Indica car. Out of those three persons, one person sat on the wheel of the car, while the remaining two sat near him. Out of two persons, one person snatched his bag. They drove the car around 45 minutes and dropped him near Vashi Naka and went away towards Vashi, Navi Mumbai. He had seen the car number, but except the words "MH-04", the other figures were not visible. Then, Baban Gopne, called on phone to Amol Gade, at Kolhapur and narrated the entire incident to him, who advised him to go to their branch office at Kalbadevi. He, therefore, went to Kalbadevi office and narrated the incident to his senior Manikrao Bobde. From there, they went to L.T. Marg police station. One of the police personnel of L.T. Marg police station, had accompanied them up to the spot of incident and, after seeing it, told them that it was within the territorial limits of Pydhonie police station. Therefore, they went to Pydhonie police station. Baban Gopne, had sustained some minor injuries on his left hand wrist. His complaint was written down. On the basis of his F.I.R., Cr.No.181/2011, punishable u/S.363, 392 and 394 r/w.34 of the I.P.C., came to be registered against three unknown persons and the investigation was taken over by P.N Mr Hirve. P.N. Mr Hirve, visited the spot of incident and prepared spot panchanama. It is alleged by the prosecution, that Antop Hill police, had received a secret information that the accused Nos.3 and 4 were coming in Pratiksha Nagar area, in order to dispose of the stolen articles in Cr.No.183/2011. They, therefore, laid a trap and apprehended the accused Nos.3 and 4. During the course of interrogation, the accused No.3 Mithun Bobde, made a disclosure statement and the stolen articles, in this crime, were recovered at his instance under discovery panchanama. Again, on 18/7/2011, the accused Mithun Bobde, made a disclosure statement and showed the spot of incident and, therefore, I.O. prepared discovery panchanama to that effect. The seized articles were sent for the evaluation under panchanama. Immediately, thereafter, the accused Nos.1 and 2 were arrested. The accused No.1 Anis Khan, made a disclosure statement and motorbike, which was allegedly used in commission of the crime, was seized at his instance, under discovery panchanama. On 3/9/2011, on the request of investigating agency, test identification parade, was carried out. The first informant Baban Gopne, had identified the accused No.3 in the said Test Identification Parade (T.I.P.) Again, at the request of I.O. the T.I.P. was carried out, in which, Baban Gopne, had identified the accused No.1 Anis. After the routine investigation, the charge-sheet came to be filed against the accused Nos.1 to 4 on 7/10/2011, before the Learned Additional Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai. As the offences were exclusively triable by the Court of Sessions, the Learned Additional Chief Metropolitan Magistrate, has committed the case to the Court of Sessions, which came to be assigned to this Court.

### FINDINGS:

1. It appears that soon after the arrest of the accused police had shown all the arrested persons to the complainant who was unknown with them and then after test identification parade was taken therefore complainant identified the accused on the basis of knowledge from the police that accused are the culprit in this crime. Therefore, TIP does not inspire the confidence.
2. Panch witness PW no4 and 5 turn hostile and not identified the accused therefore memorandum and seizure of articles stolen not proved.
3. Firstly, IO has committed mistake by showing the culprits to the complainant and thereafter taking the TIP, thus losing the value of TIP evidence.
4. IO has also not traced 5<sup>th</sup> absconding accused and not brought on record the evidence regarding conspiracy.
5. IO is couldn't take actions equal to the gravity of the crime in the investigation therefore investigation became weak which resulted in the acquittal of the accused.



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**N. Sessions Case No: 172 of 2009**

State of Maharashtra Versus Baptist Moris Fernandis another

CHARGES: Punishable under section 376 of Indian Penal code.

OUTCOME OF THE CASE: Acquittal of the offence punishable under section 376 of I.P.C. individually and r/w. 34 of I.P.C.

NUMBER OF WITNESSES EXAMINED: 6

**BRIEF FACTS:**

Prosecution case as it occurs from the record can be arrived as here in below: -

Complainant Kumari Reshma Abdul Jalil Kokani was residing with her family members. Her father was step-father by name Abdul Kokani. Complainant was residing in a ladies' hostel at Malegaon since 2004. Complainant had come to Bombay in September 2008 during Ramjan holidays. Complainant was humiliated and found that her step father has an evil vision. On 7.10.2008, out of anger, complainant left the house and reached at Bombay Central bus depot. One boy by name Mukim (accused no.2) met her. Complainant narrated her story. Mukim said that he has no house of his own but find out shelter at the house of his friend. Mukim then carried complainant to Agripada in the building under construction. Complainant was introduced with one Mansood. He has permitted complainant to occupy the premises at Wockhard Hospital. Complainant stayed there for 15 days. There being opposition from others on the stay of the complainant. Victim was then shifted to the house of Sajid, friend of Mukim. Sajid was residing with his wife and a son. Sajid and his wife used to go for the work in the morning around 9 am and used to return by 11 pm in the night. Their son by name Farzana used to leave along with his mother and back to home along with mother around 11 pm. Complainant has a mobile having no. 9967342201. Complainant developed liking for Mukim and has expressed her love. With the consent of victim, they have physically enjoyed each other. Mukim used to finance the expenses of the complainant. Baptis (accused no.1) was a friend of Mukim and Sajid. He had come around 3 pm. Baptis had a bad intention towards complainant. Once Baptis had hold her hands when she was alone at home. However, Reshma, victim, left the house and returned home after Baptis went away. On 15.11.2008, around 4 am, complainant had come out of the house for answering call of the nature. Then Mukim met her. They went to Nair Hospital for tea. Mukim went away. Then Baptis met her. Baptis said that, Mukim is a Bihari and will not marry the victim. Reshma and Baptis woke up near the garage at Afzal Chawl. Baptis carried Reshma to a garage and closed the door of the garage. Complainant attempted to make her escape. Baptis overpowered her and committed forcible sexual intercourse. Victim raised voice. Baptis went out of the premises. Complainant got her clothed came out of that place. She gave a call to Mukim. On arrival of Mukim, Mukim advised her to lodge a report. Accordingly, they then went to the police station and in presence of social welfare ladies i.e. Darshana Acharekar and W.P.C. Kalyani, report came to be recorded.

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### FINDINGS: -

1. Mother unable to establish age of the girl, investigation and prosecution failed to emphasis on the age of the victim.
2. Police did not collect any substantial evidence from the garage which is place of the crime.
3. Major loopholes in collection of evidence.
4. IPC 376 r/w 511 of IPC (attempt to commit offense)
5. (Exh.no. 14) para no. ix Ossification test: opinion age of victim 14-15 yrs six months on either side. Therefore, court did not consider age of prosecutrix upto 18 years by giving benefit of 3 years which is against modern medical science opinion.
6. Prosecutrix evidence is enough for the Accused No. 1 Baptist to be implicated under the charge IPC 376 r/w 511 of IPC (attempt to commit rape) and she has specifically and vividly put the fact on record, how the accused attempted to commit rape against her will and consent.
7. Her consent to accused no.2 admitted by the prosecutrix to the court makes the accused no. 2 guilty under section 376 since she was a minor and her consent is not legal. At the most the court may take the lenient view while affording the punishment to accused no.2.
8. Prosecutor also did not bring on record view of the spot panchanama, by asking the questions and also not satisfactorily argued on section 511 of IPC and medical certificate Exh. 14 which shows clearly that age of prosecutrix is 15 years. Secondly, IO has made panchanama under section 27 of evidence act which is discovery without recovery and therefore court has not exhibited it as it is against provision of law. therefore, IO should have knowledge of panchanama under section 27 of evidence act. (See deposition of PW2- Taslim Khan Pathan on Exh 18)
9. Neither prosecutor nor Investigating Officer has taken sufficient effort to bring on record sufficient and correct evidence, hence directions be given to the Investigating Officer and Public Prosecution to investigate and conduct the cases of rape seriously.

### **O. Sessions case no.96 of 2011**

The State of Maharashtra Versus 1) Mohammed Abrar Ajimuddin Farookhi Anr.

CHARGES: punishable under Sections 395 r/w.34, 342 r/w.34, 416, 412 of I.P.C. and under sections-3, 25 of Arms Act.

OUTCOME OF THE CASE: Acquittal

NUMBER OF WITNESSES EXAMINED: 13

#### BRIEF FACTS OF THE CASE:

The circumstances which have given rise to the prosecution of the Accused in nutshell are as follows:

Complainant Jignesh kumar Dineshbhai Vyas was working in Patel Ishwardas Bechardas & Company, having its office at Malad (West), Mumbai with his assistant Govind. His Company is providing services, such as receiving gold ornaments and cash and disbursing the same in Maharashtra and Gujrat State as directed by the customers. On 02.07.2009 at about 12.40 noon when he was alone in the office he noticed two persons standing near the door. One of the persons told him that they wanted to send money. Complainant opened

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the lock on grill door and allowed them to enter the office. At that moment one of his regular customers viz. Jagdish came and inquired about his parcel. So complainant took out his parcel and kept it on the counter. At that time one of the two persons whipped out a revolver while his other accomplice started beating the complainant by fist blows. The person having revolver in his hand asked the complainant to handover key of the locker and within no time they rushed towards the locker. One of them slapped the complainant and snatched key of the locker. He then opened the locker, grabbed the currency notes wrapped in the bundles while another person brought the bag lying in the office and put all the bundles of currency notes in the said bag. The person having revolver threatened complainant and Jagdish to follow him. They made complainant and Jagdish to sit at the corner, gagged their mouth by cello tape, tied their hand and legs separately. Both the persons having revolvers in their hands and another person having chopper decamped with booty of currency notes, mobiles amounting to Rs.8,65,415/by threatening them. Complainant and Jagdish anyhow succeeded in freeing themselves and by raising alarm "Chor, Chor" they chased the robbers till New Era Junction. But the robbers succeeded in fleeing away in different directions. On the very day, police recorded statement of the complainant, treated it as F.I.R. and initially offence vide C.R.No.271/2011 under section 392, 394, 452, 342 r/w.34 I.P.C. and under section 325 of Arms Act came to be registered against 4 unknown persons. During investigation Accused No.1 was arrested on 20.07.2009. He made voluntary statement to the police that he has deposited Rs.2,23,000/, the amount robbed in the commission of offence in ICICI Bank. His statement was recorded and after completing necessary legal formalities, police seized the depositing slip from the said Bank. On 03.07.2009 Accused No.2 was arrested in this case. On 15.6.2010 test identification parade of Accused No.2 was conducted by the S.M.M. in Thane Central Prison. On completion of entire investigation, chargesheet came to be filed against the accused persons in the Court of Ld. Addl. Chief Metropolitan Magistrate's 24th Court at Borivali Mumbai. The Ld. Magistrate by his order dated 07.06.2011 committed case of the Accused to the Court of Sessions as the alleged offence U/s.395, 412, 416(a) of I.P.C. being exclusively triable by the sessions Court.

### FINDINGS:

1. The investigation was not strong enough to trace the money flow. There is no proper trace of the where did the 2lac come from? Where was the remaining money deposited?
2. Alibi not established or checked for the two accused and yet the case got an acquittal.
3. Mobile procured from the accused is not sufficient enough witness to prove that the cash was also taken by the same two people. The connection between the theft is weak.
4. History of Relation between the two accused was not established which could have been a crucial evidence to understand the incident of dacoity as it took place.
5. In this case PW No. 1 Jignesh Vyas lodged the complaint to the malad police station and thereby offence is registered as malad police station Cr No: 271/09 under section 392 394 452 342 r/w 34 of IPC and section 3 r/w 25 Arms act. The FIR is against 4 unknown persons. Actually offence was committed by accused no.1 and accused no.2 they have robbed Jignesh and after robbery Jignesh saw from some distance that four people ran away. But in this case all evidence collected by IO is against accused no.1 and no.2.
6. The offence of robbery is triable by judicial magistrate F.C. or Metropolitan magistrate therefore why this case was committed to the sessions court by additional chief metropolitan magistrate 24 Borivali is an important question of law.
7. Secondly the session court also given the finding on the points no.1 and 3 is not at all justifiable. He ought to have been remanded the case to 24 MM court Borivali.

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8. There is a sufficient and strong and trustworthy evidence against the accused but court has not applied its mind and its finding is on adamant and capricious.
9. In this case proper charges should be under section 394, 411, 342 r/w 34 of IPC and section 3 r/w 25 of arms act.
10. Pw 1 and 8 who are the eye witnesses to the incident have identified both the accused in TIP and also in the court (dock identification). And Supreme court in its verdict in Simon v/s State of Karnataka has states that a case has to be decided on examination of entire evidence merely wrong identification by eyewitness or failure to hold TIP in correct way is not fatal to the prosecution.
11. Supreme court in Maqbool Shahnawaz v/s state of AP 2010 ALL MR CRI 2971 SC held that photos of accused alleged to have shown to the witness before the TIP not hit the case of prosecution. TIP not a substantial piece of evidence it only helps to the investigation. But surprisingly the trial court in para 10 page 14 states that in this case PW 8 has admitted that photographs of the accused was shown to him in police station. This observation is capricious, adamant and against the view of the Supreme Court. When two eye witnesses very specifically identified the accused in the court. It shows that the trial court is much interested in releasing the accused. The observation of their Lords in above cases ought to have been followed by the trial court while appreciating the facts of the cases but the trail court has not appreciated the evidence and very eager to acquit the accused persons. Therefore, no guilty man shall be allowed to go unpunished as wrong acquittal will send wrong signal to the society.
12. Secondly finding of the trial court on memorandum and recovery panchanama U/s 27 of the Evidence Act is also not a correct finding and court has ignored law as well as fact of the case. Although both the Panchas and the investigating officer have proved discovery and recovery panchanamas, Court has not duly appreciated the evidence and the result is wrong acquittal of the accused. Under section 27 following are the settled principles of the S.C on section 27 of The Evidence act and the are as follows:
  13. In State NCT delhi v/s Navjot Sandhu 2005 Cri.L.J. 3950 SC
  14. 1999 ALL MR (Cri) SC 806 State of himachal Pradesh v/s Jeet Singh and 2008
  15. All MR (Cri) 3257 SC- Inspector of Police v/s Balprasanna and Ganesh lal v/s State of Rajasthan 2002 All MR (Cri) 905 SC
  16. Although the Trial court charged accused u/s 395 of I.P.C and itself observed that sec 394 of I.P.C is applicable then as the evidence of the prosecution was weighty, trustworthy and corroborative, the trial court ought to have had punished the accused for the offense of robbery or remand the case for trial.
  17. Prosecutor has to unfold its prosecution story before charge therefore prosecutor has also ignored the law and facts of the case on record. He ought to have submitted that the case is of robbery committed by the accused therefore it could have been remanded to the metropolitan magistrate.

### **P. Session Case No: 363 of 2008**

The State of Maharashtra Versus Akhtarali Mohamedali Shaikh 1.

CHARGES: Punishable under Sections 363 r/w Sec.34, 366 r/w Sec.34 of Indian Penal Code

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OUTCOME OF THE CASE: Acquitted of the offence punishable under Sections 363 r/w Sec.34, 366 r/w Sec.34 of I.P.C.

NUMBER OF WITNESSES EXAMINED: 4

### BRIEF OF THE CASE:

That the victim Miss Tarannum was the daughter of complainant Mohamed Umar Mohamed Moharam Shaikh. She was born on 30.1.1990. On 7.4.2007 at about 2.30 p.m. she left home by saying that she is going to toilet and did not return. Therefore, complainant searched her in the vicinity and also made enquiry with the relatives, however, the victim was not traced out. Therefore, on 9.4.07, complainant informed the concerned police station about missing of his daughter Tarannum. Victim Tarannum and Accused.No.3-Afzal used to meet each other at the house of Accused No.1-Akhtarali and Accused No.2-Smt. Jeena. Accused.No.1-Akhtarali and Accused No.2-Smt. Jeena used to allow Tarannum and Accused No. 3-Afzal to meet in their respective houses and provide them privacy. Therefore, the complainant instructed Accused.Nos.1 and 2 not to make available their houses for meeting of victim Tarannum and Accused.No.3-Afzal and not to provide privacy to them. While searching victim Tarannum, complainant met with his neighbor Mr.Phiroz Mohd. Istiyak Hussain (PW 2), who disclosed him that Accused.No.3-Afzal, with the help of Accused.No.1-Akhtar and Accused.No.2- Jeena, enticed his daughter and took her to his village situated in Gonda District, Uttar Pradesh, and on 13.4.07 he performed marriage with his daughter and showed him a copy of the Affidavit to that effect. On receiving the said information, complainant went to the police station and lodged complaint against the accused persons. On 5.8.07, on the basis of the said complaint, crime vide C.R.No.157/07 for the offence punishable u/s 363, 366 r/w Sec.34 of I.P.C. was registered against all the three accused persons. Accused.Nos.1 & 2 were arrested on 25.11.2007 & 15.12.2007, respectively. However, police could not trace out victim Tarannum and Accused.No.3. (ii) During investigation, police recorded statements of witnesses and on completion of investigation, chargesheet came to be filed against Accused.Nos.1 and 2 only as Accused.No.3-Afzal remained absconding. As the offence punishable u/s 366 of I.P.C. is exclusively triable by the Court of Sessions, the Ld. Metropolitan Magistrate, 29<sup>th</sup> Court, Dadar, Mumbai committed the case to the Court of Sessions, Mumbai vide order dated 23.4.2008, which was numbered as Sessions Case No. 363 of 2008.

### FINDINGS:

1. Even though four witnesses were examined. Eye witness to the incident lacking.
2. All accused arrested and examined thoroughly and did not establish the case.
3. Birth certificate not verified and hence it was not a valid evidence. Could not establish if the victim was minor. There is no explanation as to why was her father's submission of her birth certificate not a valid proof. It should have been considered as valid proof or the court should have mentioned the reasons of invalidating this document.
4. Documents of the marriage and related affidavit not collected by the investigating team. Major loopholes in investigation since these important documents were not collected as part of evidence.
5. Lack of evidence in proving that the accused guilty of kidnaping the girl.
6. Failure of the public prosecutor to emphasize on the loop holes in the investigation and to persist on to collecting evidence related to marriage, it was required to cross check these facts which could strengthen the case against the accused.

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7. Investigation did not try to search for the girl when they got the information that she is in UP. Severely lacking in the investigation.
8. All the witnesses who gave statements in the police investigation were not called in the court of law.
9. Death certificate is an important evidence in establishing the fact that she was married to the accused when she was a minor.
10. The public prosecutor should have asked about the crucial questions which could give leads about the marriage and the health deterioration of the victim which eventually lead to her death.
11. Victim Tarannum remained absconding and later on the victim died due to T.B at the house of the accused no. 3. The evidence of P.W 1 and 2 is of hearsay nature and nobody has seen that the victim was enticed by the accused party. No evidence on record that accused person persuaded the victim to abandon the guardianship with the promise of marriage. The evidence is therefore very weak against the accused party. I.O P. W 4 has admitted that he had neither made any inquiry with the concerned B.M.C office nor with the hospital regarding birth certificate of the victim. Her age was approximately 17 years and 6 months and she is no more. Therefore, from the facts of the case, it could be observed that the case itself is weak which has resulted in the acquittal of the accused which makes the judgment proper.

### **Q. Session Case No: 05 of 2011**

The State of Maharashtra v/s 1. Manirul Najrul Shaikh

CHARGES: punishable under Sections 395, 395 r/w. 397, 452, 341 of the Indian Penal Code, Sec.4, 25 of the Indian Arms Act and Sec. 37(1)(A) of the Bombay Police Act.

OUTCOME OF THE CASE: Conviction

NUMBER OF WITNESSES EXAMINED: 8

#### BRIEF OF THE CASE:

It is alleged that, on 16.8.2010 at about 23.00 to 23.20 hrs. at Panchayat Wadi, 2<sup>nd</sup> Floor, Room No.15, Bhuleshwar, Mumbai-400 002, the accused, along with wanted accused, committed dacoity of 375 gms. gold and two mobiles to the tune of Rs.6,71,866/- and at the time of committing the dacoity, the accused used weapon like chopper and also attempted to cause grievous hurt to Pintu Tulsi Das, having made preparation for causing hurt after trespassing and entering into and unlawfully remaining in the place. He made preparation for causing hurt and putting Pintu Tulsi Das, Vishwajit Anand Munna, Vishwajit Panna Mandal and Niyam Choudhary in the fear of hurt and assault. The accused also wrongfully restrained them and were illegally possessing weapons viz. chopper.

On 01.09.2010, Pintu Tulsi Das lodged a report in L.T. Marg police station, stating all the above facts, upon which a crime bearing No.241/2010 dated 01.09.2010 u/s. 395, 397,452,341 of the IPC, Sec.4 and 25 of the Indian Arms Act and Sec. 37(1)(A) of the Bombay Police Act was registered against the accused and further investigation was handed over to Shri Dilip Pandurang Daingade, PSI and Shri Shrikant Tatyasaheb Desai, PI, who completed the investigation and submitted charge sheet in the Court.

1. Case is registered fifteen days after the actual incident.

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2. Five people still wanted and not found, only one of the accused tried in the court of law. Major lacking in the part of investigation team as they did not trace the other accused.
3. The weapon seized was not submitted in the court.
4. Evidence not collected thoroughly to strengthen the case
5. Inability to crack the one arrested accused in order to get the names of the other accused. Failure on the part of the investigation.
6. Only imprisoned for two years when the IPC says it should be 3 years of imprisonment.
7. P. W 1 and 2 who are the eye witnesses fully supported the case of the prosecution in Toto.
8. P.W 5 conducted the TIP and eye witness identified the accused person.
9. Memorandum and recovery Panchanama u/s 27 is also proved through Panchas and I.O. Therefore, on record the prosecution evidence weighty and corroborative.
10. 4 accused are absconding and only 1 accused has been charge sheeted. There is sufficient evidence to hold accused no. 1 guilty and therefore accused is convicted u/s 395 of I.P.C, u/s 452 of I.P.C, u/s 341 of I.P.C.
11. I.O had not produced the Medical certificate on record of injured PW. 1 and also weapon is not seized, therefore, accused is acquitted under section 397 of I.P.C. (lacuna for not proving section 397 of IPC). There is a lacuna in investigation by not obtaining the medical certificate of injured PW. No. 1 and I.O has not seized the weapon used in offense and not produced it before the court.

### **Part D - What needs to be done**

- **Constitute the State Security Commission and make the Police Complaints Authority functional; both in letter and spirit.**
- **Fill up gaps in the sanctioned and available strengths of the police force at the level of the Investigating Officers and in the Police Control Room (100/103 helpline). Create a separate, specialized unit for investigation of serious offences.**
- **Home department needs to improve coordination between Investigating officers and public prosecutors. Set up a platform to make these organs of the criminal justice system work together for effective investigation and conviction results.**
- **Improve the monitoring of the performance of Public Prosecutors. A feedback mechanism to improve the work of the existing prosecutors.**
- **Police should take steps to reach out to SEC D & E classes to address any apprehensions about police, law & order. Using regional language mediums, local cable channels can be helpful.**
- **Strengthen and wherever necessary create infrastructure for continuous training, forensic labs, crime mapping and crime forecasting. Financial provision for proper maintenance of the force needs to be provided to improve the performance.**



### Annexure 1 – Survey Methodology

Praja Foundation had commissioned the household survey to Hansa Research and the survey methodology followed is as below:

- In order to meet the desired objectives of the study, we represented the city by covering a sample from each of its 227 wards. Target Group for the study was:
  - ✓ Both Males & Females
  - ✓ 18 years and above
  - ✓ Belonging to that particular ward.
- Sample quotas were set for representing gender and age groups on the basis of their split available through Indian Readership Study (Large scale baseline study conducted nationally by Media Research Users Council (MRUC) & Hansa Research group) for Mumbai Municipal Corporation Region.
- The required information was collected through face to face interviews with the help of structured questionnaire.
- In order to meet the respondent within a ward, following sampling process was followed:
  - ✓ 5 prominent areas in the ward were identified as the starting point
  - ✓ In each starting point about 20 individuals were selected randomly and the questionnaire was administered with them.
- Once the survey was completed, sample composition of age & gender was corrected to match the population profile using the baseline data from IRS. This helped us to make the survey findings more representatives in nature and ensured complete coverage.
- **The total study sample was 20,317.**

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### Annexure 2 – Socio Economic Classification (SEC) Note

SEC is used to measure the affluence level of the sample, and to differentiate people on this basis and study their behaviour / attitude on other variables.

While income (either monthly household or personal income) appears to be an obvious choice for such a purpose, it comes with some limitations:

- Respondents are not always comfortable revealing sensitive information such as income.
- The response to the income question can be either over-claimed (when posturing for an interview) or under-claimed (to avoid attention). Since there is no way to know which of these it is and the extent of over-claim or under-claim, income has a poor ability to discriminate people within a sample.
- Moreover, affluence may well be a function of the attitude a person has towards consumption rather than his (or his household's) absolute income level.

Attitude to consumption is empirically proven to be well defined by the education level of the Chief Wage Earner (CWE\*) of the household as well as his occupation. The more educated the CWE, the higher is the likely affluence level of the household. Similarly, depending on the occupation that the CWE is engaged in, the affluence level of the household is likely to differ – so a skilled worker will be lower down on the affluence hierarchy as compared to a CWE who is businessman.

Socio Economic Classification or SEC is thus a way of classifying households into groups' basis the education and occupation of the CWE. The classification runs from A1 on the uppermost end thru E2 at the lower most end of the affluence hierarchy. The SEC grid used for classification in market research studies is given below:

EDUCATION		Illiterate	literate but no formal schooling / School up to 4 <sup>th</sup>	School 5 <sup>th</sup> – 9 <sup>th</sup>	SSC/ HSC	Some College but not Grad	Grad/ Post-Grad Gen.	Grad/ Post-Grad Prof.
Unskilled Workers		E2	E2	E1	D	D	D	D
Skilled Workers		E2	E1	D	C	C	B2	B2
Petty Traders		E2	D	D	C	C	B2	B2
Shop Owners		D	D	C	B2	B1	A2	A2
Businessmen/ Industrialists with no. of employees	None	D	C	B2	B1	A2	A2	A1
	1 – 9	C	B2	B2	B1	A2	A1	A1
	10 +	B1	B1	A2	A2	A1	A1	A1
Self-employed Professional		D	D	D	B2	B1	A2	A1
Clerical / Salesman		D	D	D	C	B2	B1	B1
Supervisory level		D	D	C	C	B2	B1	A2
Officers/ Executives Junior		C	C	C	B2	B1	A2	A2
Officers/Executives Middle/ Senior		B1	B1	B1	B1	A2	A1	A1

\*CWE is defined as the person who takes the main responsibility of the household expenses

**Annexure 3 – Sample of Permanent Public Prosecutor’s Appraisal**

६				
(अ) कार्यपूर्तता (Work Completion) (भारांक ४० %) (Weightage 40 %)				
अ. क्र. (Sr. No.)	मुद्दे (Points)	प्रतिवेदन अधिकारी (Reporting Officer)	पुनर्विलोकन अधिकारी (Review Officer)	पुनर्विलोकन अधिकार्यांची स्वाक्षरी (Signature of Review Officer)
1	2	3	4	5
१	उद्दिष्टानुसार नेमून दिलेल्या कार्याची पूर्तता (Accomplishment of planned work)	-		
२	केलेल्या कामाचा दर्जा (Quality of Output)	८ ✓	८ ✓	} <i>Reehms</i>
३	केलेली उल्लेखनीय / वैशिष्ट्यपूर्ण कामे (Accomplishment of exceptional work / unforeseen tasks performed)	८ ✓	८ ✓	
	कार्यपूर्तता या घटकाचे सरासरी गुणांकन (Average gradation on Work Completion)	८ ✓	८ ✓	
(ब) कार्यपूर्तता गुणवैशिष्ट्ये (Personal Attributes) (भारांक ३० %) (Weightage 30 %)				
अ. क्र. (Sr. No.)	मुद्दे (Points)	प्रतिवेदन अधिकारी (Reporting Officer)	पुनर्विलोकन अधिकारी (Review Officer)	पुनर्विलोकन अधिकार्यांची स्वाक्षरी (Signature of Review Officer)
1	2	3	4	5
१	कामाबाबतचा दृष्टिकोन (Attitude to Work)	८ ✓	८ ✓	} <i>Reehms</i>
२	जबाबदारीची जाणीव (Sense of Responsibility)	८ ✓	८ ✓	
३	सर्वसाधारण वर्तणूक व व्यक्तित्व (Overall Bearing and Personality)	८ ✓	८ ✓	
४	भावनात्मक संतुलन (Emotional Stability)	८ ✓	८ ✓	
५	संवाद कौशल्य (Communication Skills)	८ ✓	८ ✓	
६	नैतिक धैर्य आणि व्यावहारिक भूमिका घेण्याचा कल (Moral Courage and Willingness to take Professional Stand)	८ ✓	८ ✓	
७	नेतृत्वगुण (Leadership Qualities)	८ ✓	८ ✓	
८	विहित कालमर्यादेत काम करण्याची क्षमता (Capacity to work in time limit)	८ ✓	८ ✓	
	वैयक्तिक गुणवैशिष्ट्ये या घटकाचे सरासरी गुणांकन (Average gradation on Personal Attributes)	८ ✓	८ ✓	

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**(क) कार्यक्षमता (Efficiency) (भारं ३० %) (Weightage 30 %)**

अ. क्र. (Sr. No.)	मुद्दे (Points)	प्रतिवेदन अधिकारी (Reporting Officer)	पुनर्विलोकन अधिकारी (Review Officer)	पुनर्विलोकन अधिकाऱ्यांची स्वाक्षरी (Signature of Review Officer)
1	2	3	4	5
१	संबंधित कायदे, नियम व प्रचलित कार्यपद्धती, माहिती तंत्रज्ञान आणि संबंधित क्षेत्रातील स्थानिक पद्धती याबाबतचे ज्ञान. (Knowledge of relevant Acts / Rules / Procedures / IT Skill and Awareness of local norms in the relevant area.)	७ ✓	७ ✓	P. S. Chaturvedi
२	कोशल्यपूर्ण नियोजनाची क्षमता (Strategic planning ability.)	७ ✓	७ ✓	P. S. Chaturvedi
३	स्वतः निर्णय घेऊन काम करण्याची क्षमता (Decision making ability.)	७ ✓	७ ✓	P. S. Chaturvedi
४	उपक्रमशीलता (Initiative)	७ ✓	७ ✓	P. S. Chaturvedi
५	आपल्या कामांशी संबंध येणाऱ्या इतर शासकीय यंत्रणेशी समन्वय साधण्याची क्षमता. (Ability to co-ordinate with other Government agencies in relation to work.)	५ ✓	५ ✓	P. S. Chaturvedi
६	हाताखालील कर्मचाऱ्यांना प्रेरणा देणे आणि त्यांच्या विकसनाची क्षमता. (Ability to motivate and develop sub-ordinate / work in a team.)	५ ✓	५ ✓	P. S. Chaturvedi
	कार्यक्षमता या घटकाचे सरासरी गुणांकन (Average gradation on Work Efficiency.)	७ ✓	७ ✓	P. S. Chaturvedi

५/ संबंधित कर्मचाऱ्याच्या सचोटी व चारित्र्याबाबत आपले स्वयंस्पष्ट अभिप्राय द्यावेत (प्रतिकूल अभिप्राय असल्यास सोबत त्या बाबतची उदाहरणे नमूद करावीत). (Offer your remarks on character and integrity) (if remarks are negative, then mention instances).

संबंधित अधिकारी सचोटीने काम करत असून ते एक प्रामाणिक अधिकारी आहेत म्हणून त्यांचे चारित्र्य चांगले आहे.