

Policeman's Guide to Crime and Criminal Investigation

by

SADHU SINGH MANGAT

Detective Superintendent of Police (Retd.)



EASTERN BOOK COMPANY

LAW PUBLISHERS AND BOOKSELLERS

34, LALBAGH, LUCKNOW—226 001

*Eastern Book Company (Sales),
Kashmere Gate, Delhi-6
(Telephone : 227616)*



*Manav Law House
Block 8, Flat 2
Hastings Road Extension
(In Front of Circuit House)
Allahabad (Tel. 3369)*

1979 Edition

Price Rs. 50.00

Copyright © reserved with the Publishers

PUBLISHED BY EASTERN BOOK COMPANY, 34, LALBAGH, LUCKNOW-266 101
AND PRINTED AT LAW TIMES PRESS, 56/C, SINGARNAGAR, LUCKNOW-266 005

THIS BOOK
IS DEDICATED TO
HONEST AND TRUTHFULL
POLICEMEN

PREFACE

In considering the evolution of Criminal Law, it is well to remember the necessary element of State Prohibition and Punishment. It is immediately apparent that development of Criminal Law must of necessity be very closely linked with that of social organisation i.e. the State would require machinery not only for apprehending and detecting offenders, but also for establishing the offences and penalising them. And this has been entrusted to the police.

Criminal jurisdiction is exercised in conformity with the Indian Penal Code and with the substance of statutes of general application, created with the passing of time as the law is never static. All the offences under the Indian Penal Code and under any other law are dealt with in accordance with the Code of Criminal Procedure, unless special provisions are provided for.

The Indian Evidence Act is another statute book which presents the Law of Evidence from the point of view of legal proceedings which are daily handled by legal professionals, including, of course, the policeman who has to elucidate the crime, collect the evidence for the prosecution and to testify himself at the subsequent trial.

This book is compiled with a view to assist policemen in obtaining a working knowledge of the law in a procedure contained in the above mentioned three Acts of Parliament.

Fundamental principles of Criminal Law, the Criminal Procedure and the Law of Evidence are discussed in nutshell in Part I of this book. The subjects have been arranged in an order suitable for follow-up study.

Legal definitions, ingredients, and other essential legal aspects of serious crimes are, but briefly, dealt with, which give a bird's eye view of the Criminal Law as a whole. The book is not stuffed with legal overlapping interpretations contained in various books on the subject. It is purely a matter for study by a policeman engaged in criminal investigations.

Part II is devoted to practical investigations of some of the serious crimes with an object to show how crime is to be handled, investigated and accounted for. Most of the matter included is based on my twenty years' practical experience of investigating crimes of different nature. Notes, to some extent, particularly in cases involving forensic, pathology, chemistry, toxicology and, of course, other sciences of crime detection are prepared with the help of authentic books on respective subjects.

When called upon to investigate an alleged crime, an investigator has to ask himself three questions :—

- (i) Has any crime been committed?
- (ii) What crime?
- (iii) Who did it?

I sincerely trust that this book will serve the purpose of a 'KEY' to the above three questions.

Part III contains illustrative cases. These are true in all respects save the names and places. These are not stories of MYSTERY and SUSPENSE but are the result of hard work put in and are related exactly as the cases developed. It is hoped that the reader will amuse himself in reading them.

These cases are the real tests of the technique of Crime Investigation discussed in this book.

S. S. Mangat

WHAT MADE THE AUTHOR TO WRITE THIS BOOK

I am a retired detective, Ex-Tanzania Police Force (East Africa). Since my premature retirement in 1969 under the Africanisation policy of the country (Tanzania), through curiosity and interest in criminology, I have been observing the role of investigators in general and particularly into the investigations of homicide which is far more the commonest crime in Punjab.

In Punjab, the question of dealing adequately with crime is very serious. The motives for different crimes are equally complex. While the intelligent crimes are committed in the urban area, the venue of straightforward crimes is the countryside where everyone has the most intimate knowledge of his neighbour's business. The motive for any crime, thus, can, as a rule, be discovered easily enough. Why is it that so many cases fail?

The causes are many. The primary point to be noted about most investigations is that the police usually lay themselves out to secure oral evidence and do not exercise sufficient intelligence and thought for scientific investigation and search for the real evidence which is far more convincing and valuable in court. Real evidence seldom tells lies. If it does, it may be through the collaboration of two or more which has to pass the test of cross-examination, the best weapon to break such a collaboration.

Other causes of failure to secure convictions are the inveterate habit of false accusations, exaggerations, securing the services of professional paid witnesses (omnipresent type), ignoring the chance eye-witnesses to the crime, and fake stories invented by the complainants and the police, with all due respect to this noble profession, and padding of cases by both.

Furthermore, most of the investigating officers, not realising that their duty is to put all the facts of the case, both favourable and unfavourable to the prosecution case, if not before the court, at least on police records, only go into the investigation as far as their one-sided vindictive ends are met. They manoeuvre the investigation in such a manner that true facts are hidden or not explored and instead concocted stories based on pre-conceived theories to please their superiors or to give boost to their efficiency are deduced in Zimmies and at no cost they give chance to the alleged accused persons to explain their case and plead their innocence.

Leaving aside many other important things which invariably accelerate investigations, even if the accused surrenders himself on his own volition, a long fairy tale resulting in the arrest and recovery of weapons is put on records. Probably they do so to earn appreciation from their superiors and to impress upon further higher authorities, of their promptness, courage and ability, ignoring the fact that the true circumstances under which the accused surrendered himself and the weapon, might have saved him from the gallows.

I was very much pained to hear and see the investigation made by police in a most horrible triple murder that occurred at Rajgarh, District Ludhiana, on 26th April, 1974. As a peace loving citizen, on my own initiative, I led three deputations consisting of hundreds of men to the higher authorities at the district level whereby the authorities were made known of the true facts of the case supported by substantial evidence but all proved futile. I had then decided to make my observations on criminal investigations on the conclusion of the case.

The case has since been concluded, the guilty have been hanged and the innocent acquitted; hence this book 'A POLICEMAN'S GUIDE TO CRIME AND CRIMINAL INVESTIGATION'.

CONTENTS

PREFACE	..	..	..	vii
WHAT MADE THE AUTHOR TO WRITE THIS BOOK	..	..	..	xv

PART I

CRIMINAL LAW—PROCEDURE AND EVIDENCE

CHAPTER I

CRIME—EVOLUTION OF

	..	..	..	<i>Pages</i>
(1)—Law	..	..	..	3
(2)—Common Law	..	..	..	3
(3)—Statute Law	..	..	..	3
(4)—Crime	..	..	..	4
(5)—Offence	..	..	..	5
(6)—Motive	..	..	..	6
(7)—Malice	..	..	..	7
(8)—Penal system—aim of	..	..	..	7
(9)—Offenders	..	..	..	8
(10)—Punishments	..	..	..	9
(11)—Criminals	..	..	..	10
(12)—Principal offenders	..	..	..	11
(13)—Accomplice	..	..	..	11
(14)—Accessories before the fact	..	..	..	11
(15)—Accessories after the fact	..	..	..	11
(16)—Criminal responsibilities	..	..	..	12
(17)—Elements of crime	..	..	..	12
(18)—Grounds of defence and exceptions from criminal liabilities	..	..	..	13

CHAPTER II

CRIMINAL LAW IN NUTSHELL

(19)—General	..	..	..	..	26
(20)—Criminal Conspiracy	..	..	..	..	26
(21)—Offences against the State	..	..	..	..	27
(22)—Offences against the Defence Forces	..	..	..	..	28
(23)—Offences against public tranquillity	..	..	..	..	29
(24)—Offences by or relating to public servants	..	..	..	..	31
(25)—Offences relating to elections	..	..	..	..	32
(26)—Contempt of lawful authority of public servants	..	..	..	..	33
(27)—False evidence and offences against public justice	..	..	..	..	33
(28)—Offences relating to Coins and Government stamps	..	..	..	..	34
(29)—Offences relating to weights and measures	..	..	..	..	34
(30)—Offences affecting the public health, safety, convenience, decency and morals	..	..	..	..	35
(31)—Offences relating to religion	..	..	..	..	35
(32)—Offences affecting the human body	..	..	..	..	35
(34)—Offences against property	..	..	..	..	50
(34)—Offences relating to documents	..	..	..	..	58
(35)—Paper money.	..	..	..	..	60
(36)—Breach of contract—defamation and criminal intimidation, etc.	..	..	..	..	61
(37)—Attempts	..	..	..	..	61

CHAPTER III

CRIMINAL PROCEDURE

(38)—Information	..	..	..	..	63
(39)—Action on receipt of information	..	..	..	..	63
(40)—Investigation and submission of reports	..	..	..	..	64
(41)—Powers to call witnesses	..	..	..	..	64
(42)—Warrant of arrest	..	..	..	..	65
(43)—Search warrant	..	..	..	..	65
(44)—Distress warrant	..	..	..	..	66
(45)—Summons	..	..	..	..	66

				<i>Pages</i>
(46)—Affidavit	..	..	..	66
(47)—Bail	..	..	..	66
(48)—Recognizance or bond	..	..	..	67
(49)—Remand	..	..	..	67
(50)—Arrest	..	..	..	67
(51)—Search	..	..	..	69

CHAPTER IV COURTS OF JUSTICE

(52)—General	..	..	..	71
(53)—The Supreme Court of India	..	..	..	71
(54)—Attorney General of India	..	..	..	73
(55)—The High Court	..	..	..	73
(56)—The Subordinate Courts	..	..	..	74
(57)—Classes of Criminal Courts	..	..	..	74

CHAPTER V EVIDENCE

(58)—What is evidence ?	..	..	..	76
(59)—Facts which may or may not be proved	..	..	..	78
(60)—Classes of facts	..	..	..	78
(61)—Minimum evidence required	..	..	..	79
(62)—By whom and in what manner evidence must be produced	..	..	..	80
(63)—Giving evidence	..	..	..	81

CHAPTER VI PRESERVATION AND PRESENTATION OF EVIDENCE

(64)—General	..	..	..	84
(65)—Things	..	..	..	84
(66)—Documents	..	..	..	84
(67)—Handwriting	..	..	..	86
(68)—Signature or seal	..	..	..	86
(69)—Old documents	..	..	..	87
(70)—Maps	..	..	..	87

	<i>Pages</i>
(71)—Stamps	87
(72)—Photographs	87
(73)—Refreshing the memory	87
(74)—The Note Book	88
(75)—Copies when admissible	88
(76)—Photographs of accused	88
(77)—Identification parade	89
(78)—Husband and wife	90
(79)—Statements of persons who cannot be called as witnesses ..	90
(80)—Evidence as to character	94
(81)—Role of prosecutor	97

PART II

CRIMINAL INVESTIGATION

CHAPTER I

GENERAL

(82)—The Investigating officer	103
(83)—Police relations with public	108
(84)—Equipment of the Investigating Officers	109
(85)—Informers and Information	110
(86)—Agent Provocateur & Police Traps	113
(87)—Wire and Tape Recording	115
(88)—Action at the scene of crime	116

CHAPTER II

SCIENTIFIC AIDS TO CRIMINAL INVESTIGATIONS

(89)—The Expert	119
(90)—Fingerprints	123
(91)—Firearms	126
(92)—Firearms wounds	129
(93)—Reconstruction—suicide, accidents and murders	131
(94)—Dangerous drugs	132

	<i>Pages</i>
(95)—Tools & Weapon marks	137
(96)—Punch marks	138
(97)—Restoration of numbers on metals	138
(98)—Broken glass	139
(99)—Plaster and other casts	140
(100)—The use of dyes and other detectors	143
(101)—Safes and Safe breaking	144
(102)—Traces of blood	149
(103)—Seminal stains	152
(104)—Dust and soils	153
(105)—Fibres	154

CHAPTER III

PORTRAIT PARLE

(106)—Personal description	157
(107)—Character reading	158

CHAPTER IV

SPECIFIC INVESTIGATIONS

(108)—Investigation of Murder	162
(109)—Investigation of offences against morality	169
(110)—Investigation of abortion	172
(111)—Investigation of infanticide—child destruction and concealment of births	174
(112)—Investigation of poisoning cases	175
(113)—Investigation of breaking offences	179
(114)—Investigation of arson	181
(115)—Investigation of Forgery	183
(116)—Investigation of handwriting—printing and typing	135
(117)—Investigation of theft of motor vehicles	197
(118)—Investigation of motor accidents	198
(119)—Post Office enquiries	205
(120)—Investigation into banking frauds	210

PART III

ILLUSTRATIVE CASSES

(1)—Lion-man Murder	..	..	..	215
(2)—Singha Eupe-(White Sikh)	..	..	..	224
(3)—Ruthless Criminals	..	..	..	233
(4)—B. P. Shell Murder	..	..	..	241
(5)—Richard Alex	..	..	..	251
(6)—Lamba the Master Brain	..	..	..	258
(7)—Harnam Singh and Hasham Ladak	..	..	..	266
(8)—Shah and Aggarwal	..	..	..	276
(9)—Kanti Printing Works	..	..	..	285
(10)—Poor Sheila	..	..	..	301

PART IV

APPENDICES

Appendix

(A)—Table of etching solutions	317
(B)—Recapitulation tables of personal description	..	..	..	320
(C)—Report by the Medical Officer making examination of the deceased or sick person	..	..	..	336
(D)—Report of the Investigating officer	..	..	..	338
INDEX	..	..	..	339

PART I
CRIMINAL LAW—PROCEDURE AND EVIDENCE

CHAPTER I

CRIME, EVOLUTION OF

§ 1: Law

Law is defined by a great lawyer 'Blackstone', as a rule of action prescribed by some superior which an inferior is bound to obey. It is also defined as a rule of action established by an authority, statute, a rule of community or State.

The word 'law' implies obedience, penalty or sanction. It is rule of action to which men are bound to make their conduct conform and that if this rule is broken some punishments are ought to fall on the breaker, as a deterrent for others from doing likewise.

Criminal Law, the subject-matter of this manual, is an important branch of the Law. It deals with definition, trial and punishment of crimes. It consists of two parts :—

- (i) Substantive Law.
- (ii) Procedural Law.

The former is given in Indian Penal Code and the latter in Code of Criminal Procedure. These two aspects of Criminal Law are discussed, but briefly, in this manual.

Obedience to law must either be observed by the citizens or be enforced, and duty of enforcing the laws is assigned to police.

§ 2: Common Law

Unwritten rules which are made up of those general customs which have been regarded as laws of the land from time immemorial are known as common law. Common law is very effective in dealing with day-to-day problems of the complex society of ours. These unwritten laws have been effectively and efficiently executed by elderly people on the masses throughout the country.

§ 3: Statute Law

It includes all the laws made by the direct order of the country set out in Acts of Parliament or Statutes, which are ordinances made by the supreme power in this country, which is Parliament consisting of the President, the two