

CHAPTER 13

SEARCHES AND SEIZURES

Production of Documents under Section 91 Cr.P.C.

13.1 If an Investigating Officer considers the production of any particular document or thing, necessary or desirable for the purpose of investigation, he may issue a written order to the person in whose possession or power such document or thing is believed to be, for its production under Section 91 Cr.P.C. A Court can also issue summons for production of such document or thing under Section 91 Cr.P.C.

Search without Warrant

13.2 If the document(s) or thing(s) required for investigation are likely to be found at a place and the Investigating Officer has reason to believe that such documents or things cannot otherwise be obtained without undue delay, such Officer may, after recording in writing the grounds of his belief and specifying in such writing so far as possible the document(s) or thing(s) for which search is to be made, conduct a search of a place or dwelling u/s 165 Cr.P.C. for such document or thing. The search shall, if practicable, be made by the Officer himself but if he is unable to conduct the search in person he may, after recording in writing his reasons for so doing, require any Officer subordinate to him by an order in writing to make the search. Such order shall specify the places to be searched and as far as possible the thing or document for which search is to be made. Copies of any record made u/s 165 (1) or (3) shall forthwith be sent to the nearest Magistrate or Special Judge empowered to take cognizance of the offence.

Warrants to be obtained for Searches

13.3 While the Investigating Officers may conduct searches, as authorized by law, under their own authority u/s 165 Cr.P.C. it is advisable to obtain warrants for searches under Section 93 Cr.P.C. from a competent Magistrate in important and sensitive cases (as well as where time and circumstances permit).

Unnecessary Searches to be avoided

13.4 House searches may be conducted only when essential in the interest of the investigation of the case after obtaining permission from the Competent Authority, who permitted registration of the case. In every case, wherein the Investigating Officer desires to search a house or dwelling Unit, he will record in his Case Diary the reasons for doing so. A house or dwelling Unit must not be searched unless there are definite reasons to believe that certain specific things or documents required for the investigation of the case will be found there. The number of places to be searched should be kept at the bare minimum.

Searches after dark to be avoided

13.5 Although the law does not require that searches should be made by daylight only, searches after dark should, as far as possible, be avoided. However, it may be necessary sometimes to take precautions to ensure that the articles of evidentiary value for which the search is to be made are not discharged or tampered with.

Search to be witnessed by Independent Witnesses

13.6 It is mandatory, as per provision of Section 100 (4) Cr.P.C., for an Officer making search, to get two or more independent and respectable inhabitants of the locality in which the place to be searched is situated or of any other locality if such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them to do so. Non compliance of this order amounts to an offence u/s 187 IPC provided u/s 100(B) Cr.P.C. In the latter case it will, however, be necessary to place on record the fact of having made attempts to have witnesses of the locality in which the search is to

be made but no witness was available. The Officer conducting the search must insist on the witnesses being present with him throughout the search and when an article or document is discovered, attention of the witness should be drawn to all the circumstances relating to it. While conducting searches in a computerized environment, it would be better to have computer literate witnesses. A witness should not be selected repeatedly to witness the searches. This can be facilitated by making entries of witness details in the CRIMES Module.

Procedure for House Searches

13.7 The procedure to conduct house searches is prescribed u/s 100 Cr.P.C. Before entering the house, the Investigating Officer and the witnesses should submit their person for being searched by the occupant of the house or some persons on his behalf who should be permitted to be present during the search. No other person should be permitted to enter or approach the house except a member of the household. If necessary, woman Officers should accompany the search party. The services of woman Police Officers could be taken from local Police. Immediately on reaching the house, all telephones should be taken charge of by the Search Party. Members of the search party should behave politely with the inmates of the house/place particularly with the women and aged persons. Due respect should be shown to the place of worship but the search should cover the entire premises. The search must be thorough and meticulous. All the incriminating documents/articles must be seized in the presence of witnesses. A search list must be prepared on the spot, indicating the proceedings of the search and the list of documents and articles seized during the search. A copy of the said search list must be given to the occupant of the house under acknowledgement and the documents/articles so seized from the premises may be recorded in his presence and that of the witnesses. In case it is not possible to complete the search on the same day, the portion of the premises which remained to be searched must be sealed and secured under a proper guard before leaving the premises for the night. All important exhibits should be got video-filmed and transferred to one-time write only CD/DVD. The original, along with a copy, should be sealed and deposited in the Court having jurisdiction. With the permission of the Court, a copy may be made and retained for the purpose of investigation.

13.8 Legally, it is not necessary for the DSPE to obtain consent of the Head of Department or Office concerned before making search of the premises of an Officer working under him. The DSPE Officers should, however, take him into confidence before conducting search or if they do not think it practicable to do so, inform him as soon as possible after the search has commenced. In case of search to be conducted in the premises of armed forces or an armed forces Officer, which is located in a sensitive area and falls within the category of "Prohibited Areas", the DSPE Officers should take the Commanding Officer of the Unit/Senior authorities concerned into confidence before hand. Their assistance should be sought for entry in such premises and also for conducting the search.

Guidelines to be observed during Searches

13.9 While the broad principles for taking a decision to conduct search have been mentioned in the foregoing paragraphs, the Investigating Officers or other Officers participating in the search may keep the following guidelines in mind. Guidelines for conducting search where computers or any other electronic data storage equipment are available have been discussed separately.

- (a) Searches must always be carried out in strict conformity with law. Provisions of Sections 94, 165, 166, 100, 101, 102, and 103 Cr.P.C. must be fully complied with.
- (b) Searches should preferably be conducted after obtaining Search Warrants. In the case of accused persons, search warrants should be obtained under Section 93 (1) (c) of Cr.P.C., 1973. In all cases where searches are decided to be carried out, prior approval of the Competent Authority should be obtained. For this purpose, a self-contained note personally prepared in hand or self-word processed by the I.O. with the comments of the SP, should be sent to the Competent Authority. This note should be treated as "Secret" and sent to the Competent Authority by name in a sealed cover with due precautions against leakage of information. Wherever possible, the note should be hand-delivered or sent by registered post (in name cover). In urgent cases, it could be

sent through encrypted electronic mail message with digital signatures of the Officer(s) concerned. The SsP should exercise due caution against possible leakage. A watch of the place to be searched may be kept wherever necessary during the period of verification of information. It will not be possible to follow this procedure in certain emergent cases where there is evident risk of loss of evidence due to inherent delays. In such cases, the provisions of Section 165 Cr.P.C. may be invoked after completing all necessary legal formalities, including preparation of grounds of search. Searches after dark should be avoided as far as possible. In such cases, it is for the Branch SP to personally satisfy himself about the need for taking emergent action. However, approval of the Competent Authority should be taken as soon as possible.

- (c) Soon after registration of the case, the need for conducting searches should be evaluated and the proposal for search should be sent to the Competent Authority without causing undue delay.
- (d) In case during the course of a search/investigation/enquiry, the involvement of an Officer of the level of Joint Secretary and above becomes apparent, the inquiry/investigation against the latter would be initiated only after obtaining permission u/s 6-A of DSPE Act.
- (e) Members of the search party should be fully briefed about their allotted tasks and about the do's and don'ts on searches contained in this Manual and other instructions issued from time to time, before they set out for actual search.
- (f) Once a search party reaches the place of search and starts the proceedings, normally persons from the house should not be allowed to go out or outsiders allowed to come in. However, in genuine cases like school going children and medical emergency etc. the persons may be allowed to go and come after proper personal search. If the person whose house is being searched happens to be out at that time and returns during the course of search, he would, of course, be allowed to come in. The search party should have control over all the access points and outlets to the house. The search party should also take control of the telephones.
- (g) The addresses and places to be searched should be verified before taking a decision and confirmed before searches are actually launched.
- (h) Whenever searches are being organized, monitoring of the progress by senior Officers involved should be done at the Branch. A stand-by reserve team along with a vehicle should also be kept at the Branch/Unit, to move immediately to assist a search party. Whenever required, it could also be utilized if, during a search, necessity of searching other premises arises.
- (i) As far as possible, searches should be completed in one stretch. In case, search is to continue, after a break, on the next day due to any reason, the premises should be properly sealed in the presence of witnesses and unsealed again in their presence. Adequate guarding/ security arrangement should be ensured for this period.
- (j) In cases, such as those of disproportionate assets, searches could be held not only at the residence and office of the suspect Officer, but also at the place of his close relation, friends and Chartered Accountants etc., who very often are entrusted with incriminating documents. Such an assessment will have to be made prior to the registration of the case. In cases of disproportionate assets, a separate inventory should be prepared of items, which are not seized. The value, preferably as per agreement of all concerned, should be indicated against each item. Milometer reading of cars and scooters should also be shown in the inventory list. A conscious effort should be made to locate and seize the locker keys; which have a typical appearance. The locker concerned should be located quickly and sealed for conducting a search later on (within a day or two), if immediate search is not possible.
- (k) Searches should not, unless unavoidable, be carried out on the occasion of festivals/celebrations or mourning etc. going on in the house concerned.

- (l) Searches must always be conducted quickly and quietly and in a manner to avoid unnecessary embarrassment, humiliation or inconvenience to the occupants and members of their families. Due courtesy should be shown to them.
- (m) In cases of disproportionate assets, articles of trifling value and/or daily use need not be mentioned individually in the search list nor seized. It would, however, be useful to note down the lump sum value of such articles in the house. Colour photographs of various parts of the house should be taken and got signed at the back by the photographer. His statement should also be recorded under Section 161 Cr.P.C.
- (n) Disproportionately large cash or jewellery, unaccounted foreign exchange, costly electronic gadgets, arms and ammunition without licence etc. should be seized. It should be borne in mind that even if such an item is not covered by the search warrant, Section 102 Cr.P.C. could be invoked.
- (o) The size of the raiding party should depend on the requirements. Show of force should be avoided. If for any special reasons, some force is required, it may be kept in reserve at some distance. However in important cases where violent conduct on part of the accused or individual being searched is expected, adequate assistance of local Police should be taken. SP of the Branch may make an assessment and take necessary steps.
- (p) Officers not below the rank of Inspector should invariably head search parties. In case of searches of houses of senior Officers or big firms, the SP should supervise the searches personally. According to the importance of the case, the DIG concerned also should supervise such searches. However, the DIG/SP shall not be a formal witness to the search, as he would not remain continuously present during the searches.
- (q) Informants/colleagues/subordinates of the public servant/accused whose house is searched should not as a rule be selected as search witnesses and should not accompany the search party.

13.10 In the inventory that is prepared, the incriminating documents should be listed with relevant details. The remaining documents could be inventorised in bulk. However, page numbering and identity should be given and the witnesses etc. should individually initial the contents.

13.11 No unauthorized Press publicity should be given about the searches. Strict instructions should be given to members of the raiding party not to divulge any information about searches to unauthorized persons.

13.12 A search report should be sent to the Officer with whose permission the case was registered or the searches were conducted at the earliest and in any case not later than a week after the search along with the analysis of the same. Apart from the evidence collected, the report should also mention the time at which the search began and ended, the constitution of each search party and any other fact, which may be relevant. In case the preparation of search list etc. has taken an unduly long time, this fact should also be clearly brought out in the report.

13.13 When the I.O. of one Branch goes to conduct a search in a place within the jurisdiction of another Branch, the SP of the latter Branch should be contacted to depute an Officer of his Branch to be present at the time of search. Necessary endorsement in the search warrant should be obtained before conducting a search if a house is located outside the jurisdiction of the Magistrate issuing the search warrant. (Sections 78 and 79 Cr.P.C.)

13.14 In the course of a search, it should be ensured that the legal rights of the person searched are respected because any violation thereof may affect the search adversely. The occupant of the premises reserves the following rights: –

- (i) to see the warrant of authorization duly signed and sealed by the issuing authority;
- (ii) to verify the identity of each member of the search party;

- (iii) to have at least two respectable and independent residents of the locality as witnesses;
- (iv) to have personal search of all members of the search party before commencement and conclusion of the search;
- (v) to ensure that a personal search of females are carried out by another female only, with strict regard to decency;
- (vi) to have a copy of the panchnama together with all annexures, for which acknowledgment should be given;
- (vii) to call a medical practitioner, if required;
- (viii) to have the children permitted to go to school, after discreet examination of their bags; and
- (ix) to have the facility of having meals etc. at the normal time.

13.15 Copy of the search list/seizure memo may also be made available to the Department concerned, whenever the Departments make a specific request in the said regard.

Statements under Section 161 Cr.P.C. of the Search Witnesses

13.16 The I.O. shall record the statements of the search witnesses under Section 161 Cr.P.C., immediately after completion of the search.

Search and Seizure of Digital Evidence

13.17 In order to avoid duplication, the principles and procedures to be followed while seizing digital evidence have been given in detail in the Chapter No.18 of this manual.

Production of Government Records

13.18 The Police Officers of DSPE are authorized to inspect official or secret records at all stages of the investigation. They can, therefore, have access to all official records required by them for the purpose of investigation or for production in Courts. The detailed procedure in respect of records/ documents of certain Departments is described in the following paragraphs:—

- (i) *Post Office Records* – Officers of the DSPE have no authority to require the production of letters, postcards, parcels, telegraphs or other documents or things in the custody of Postal or Telegraph authorities. The procedure prescribed in Section 92 Cr.P.C. must be followed if their production is considered necessary. This prohibition, however, does not extend to the other ordinary records maintained in a post office and information available in them shall be given on the written order of the Investigating Officer. Only those entries in such records will, however, be disclosed, which relate to the person or persons accused of the offence under investigation or which are relevant to the offence.
- (ii) *Securing of Income-Tax Records* – It is permissible under the Income-Tax Act, 1961, subject to the provision of any notification issued under Section 138(2) of the Act, to obtain any information in respect of the assessment of any assessee and to ask for the inspection of assessment records or any other information contained therein either by making an application under Section 138(i) of the Act or by sending a requisition under Section 91 Cr.P.C. or from any list of assesses published by the Central Government under section 187 Income-Tax Act. However, in view of very large number of assesses, the Ministry of Finance do not publish assessment figures in all cases particularly as the assessments would be in the names of the firms and not in the names of individuals. The latter source of information would therefore,

ordinarily not be available. DSPE Officers should obtain the requisite information, as a rule by sending a requisition under section 91 Cr.P.C., instead of making an application under Section 138(i) of the Income-Tax Act, 1961.

- (iii) **Production of Records by Bank and Public Offices** – It should be considered as sufficient compliance of an order under Section 91 Cr.P.C. by Banks or Public Offices if the required documents or books are shown or produced at the bank premises or in public offices as the case may be. IOs should not generally insist on an Officer of the Bank attending and producing the records at any place other than the Bank premises. Section 18 of the Prevention of Corruption Act, 1988 provides that certified copies of the relevant entries relating to the accounts in the Bankers' Books of any person suspected to have committed any offence under that Act, or of any other person suspected to be holding money on behalf of such person can be taken or caused to be taken and the bank concerned is bound to assist in the exercise of these powers. These powers can, however, be exercised only by a Police Officer empowered to investigate under Section 17 of the Prevention of Corruption Act, 1988 provided that they shall not be exercised by a Police Officer below the rank of a Superintendent of Police, unless he is especially authorized in this behalf by Police Officer of or above the rank of a Superintendent of Police. Copies of Statement of Accounts certified under the Bankers' Books Evidence Act are admissible in evidence without production of the Books/Ledgers in the Court.
- (iv) **Records pertaining to Company** – Any Registrar of companies should not be asked under the provisions of Section 209A of the Companies Act for seizure of records in such cases where records are required by the DSPE. DSPE Officers may conduct search for the records, at the premises of the company or procure it by issuing notice under Section 91 Cr.P.C. In spite of having enabling statutory powers to search or to demand production of documents the Officers normally conduct themselves with the active cooperation of the Department concerned for smooth progress in the investigation. Therefore, the Investigating Officers should try to enlist the support and cooperation of the concerned R.O.C. who may render all assistance to DSPE in exercise of their powers under Section 209A of Companies Act and then inspect the same for doing the needful and/or take attested copies thereof for the purpose of carrying on investigation.

The DSPE officials while investigating any case against any Company or its partners/Manager/Director can seize any account book or papers, as per the procedure laid down in the Cr.P.C., from the statutory functionaries of the company or from any place where the relevant documents are available, including the account books called by Registrar of Companies for their inspection under Section 209A of the Companies Act. For seizure of documents while investigating any case, the DSPE Officers need not invoke Section 209A of Companies Act as the Cr.P.C. contains enough provisions in different Sections like 102, 91, 51 etc. to summon or seize any document or thing required for the purpose of investigation.

In order to obtain the original documents filed by the Department/Public Sector Undertakings including the Banks in the Courts in civil matters we may approach the Department/ Public Sector Undertakings to file photostat copies of the documents in the Courts and make available the original records to the DSPE for expediting investigation in the connected cases.

Unnecessary Inconvenience to Parties to be avoided

13.19 While exercising the powers under Section 91 Cr.P.C. or while taking into possession documents, records etc., required for the investigation, the Investigating Officer must be careful not to act in a manner, which may cause unnecessary hardship or dislocation of work to the persons or offices concerned.

Memos for Records taken into Possession

13.20 In all cases, where any records or articles are taken into possession during the course of investigation without formal search, a proper recovery memo in prescribed form attested by two respectable witnesses and the person from whom the records or articles are taken possession of should invariably be prepared on the spot and each of the documents or articles should be got initialed and numbered by the persons producing it and the witnesses to preclude any changes or substitution.

Records of Seized Property Deposited in Malkhana

13.21 As soon as any property is seized, the Investigating Officer should hand over the property along with a copy of the seizure memo to the Officer-in-charge of the Malkhana who will make an entry in the Malkhana Sub-Module or Seized Property Register. Entries in the Malkhana Sub-Module or Seized Property Register should be made chronologically and blank spaces should not be left for entering subsequent seizures in the case. Seizure of cash (including trap money), jewellery and other valuables will also be entered in this register. In case, entries are made in the register, the same pertaining to the cash should be made in red ink. All such money and valuables will be deposited with the Malkhana by the Investigating Officer in the first instance in sealed covers and will be entered in the Malkhana Register by the Officer-in-charge of the Malkhana. After that, the sealed cover will be re-sealed in bigger covers or in small box in the presence of Sr.PP or any other Law Officer for safe custody in a safe/locker. A record of sealing of the covers or the boxes, as the case may be and their contents will be made in the Malkhana Register and will be signed by the Officer in charge of the Malkhana and the Sr.PP or any other Law Officer. Valuable jewellery and cash whose identity is required to be established in the Court, must be kept in the locker of a Nationalized Bank, which should be hired by the Branch for Joint operation by the Branch SP and the Malkhana Incharge of the Branch. The cash whose identity is not required to be established, should be deposited in the Nationalized Bank in a Current Account operable jointly by the SP of the Branch and the Malkhana Incharge and a remark to the said effect must be made against the relevant entries in the Malkhana Register/Sub-Module of CRIMES for ready reference and further necessary action for disposal of the properties so seized by CBI.

13.22 Record of seized property shall be maintained in the Malkhana Sub-Module of CRIMES or in the prescribed form in all the CBI Branches. Data entry in Malkhana Sub-Module in the Crimes Module shall be made by the Malkhana incharge on real-time basis. This Module must be actively utilized by the Branch for day-to-day handling of documents/material objects kept in the Malkhana. This record will be maintained year wise. It will show the items carried over from the previous year in the Malkhana.

13.23 The Officer-in-charge of the Malkhana shall place the Seized Property Register before the Superintendent of Police of the Branch once in two months for his check and inspection. The Superintendent of Police should check the sealed covers or boxes containing seized money or valuables once in a month at least.

13.24 The Officer-in-charge of the Malkhana shall prepare a monthly statement of seized property pending in the Malkhana at the end of the month through Malkhana Sub-Module of CRIMES or in the following proforma in the register itself.

Sl. No.	Item No.	RC/PE No.	Date of seizure	Reasons for pendency	Remarks

13.25 The Law Officer looking after the Malkhana should scrutinize it and issue necessary directions. He shall countersign the statement after satisfying himself that all the properties entered in the record are available and no un-recorded property has been kept in the Malkhana. He will take rectification steps in case any discrepancy is noticed. He is also required to carry out a detailed inspection every three months. He may also carry out additional surprise inspections. In addition, the SP of the Branch should physically check the Malkhana in January and July each

year to ensure that the properties in the Malkhana are available as per the Malkhana Module or Register.

13.26 Items or documents kept in the Malkhana may be required during the course of investigation or trial and hence these may be issued to the Law Officer and Investigating Officer handling the trial case. A provision has been made for such issue and receipt in Malkhana Sub-Module. Any item, so required, may be temporarily issued only after making the necessary data entries in the said Module. Similar entries would be made once these are received back. Whenever the Malkhana Sub-Module is not working, a Temporary Issue Register in the following form will be maintained for keeping a record of items issued to the Law Officer and investigating Officer handling the case. The status of temporarily issued items will be reviewed every month by the Law Officer-in-charge of the Malkhana. In case, it is felt that a document/item has been pending with an Officer for a long time, he may be asked to return the same. The Branch SP may also exercise necessary supervision in this regard by reviewing such temporarily issued items at least once a month and take steps to get these documents/ items back if these are no longer required by the concerned Officer(s).

Sl. No.	Item No.	RC/PE No.	Name of I.O. or Law Officer issued documents and any other item	Signatures of the Officer to whom the document/item is issued with date	Date of Issue	Date of return	Signature of the Malkhana Incharge receiving back the documents/ articles

13.27 In case the property is produced in the Court or before an Enquiry Officer conducting Departmental enquiry as an exhibit, the Law Officer/Presenting Officer concerned should send a report to the Malkhana Incharge. Similarly, in cases where property has been given to the IOs for being returned to the parties concerned, the IOs should submit the acknowledgment of the party concerned before the Malkhana Incharge at the earliest. If for some reasons, the property could not be returned to the party, it should be promptly returned to the Malkhana Incharge. The return of property to the concerned parties will be monitored by the Law Officer- in-charge of the Malkhana on every fortnight. The records of properties taken out of Malkhana would be maintained through a prescribed invoice generated through Malkhana Sub-Module or in a printed pro-forma to be maintained in triplicate. The Law Officer-in-charge of Malkhana and SsP should ensure that these invoices are used for transmitting property.

Inspection of Documents

13.28 Whenever inspection of documents kept in the Malkhana is permitted by a Court, the Law Officer-in-charge of Malkhana or the SP of the Branch should make an Officer responsible for supervising such inspection. Such designated Officer shall be responsible for ensuring safety of all the documents. In important cases, even two or more Officers could be nominated for being present at the time of inspection. Persons conducting inspection should be searched and not allowed to carry anything by which he could damage or destroy the documents. Under no circumstances he should be permitted to carry any match sticks, cigarette lighters, ink or ball point pens etc. He may be permitted only to carry white papers and pencils for making notes if they so desire. The Officer-in-charge of Malkhana supervising the inspection should maintain a register in which details of the orders for inspection of document, and description of documents whose inspection has been permitted should be entered. This register will be seen and signed by the Law Officer-in-charge of the Malkhana or the SP of the Branch.

13.29 The Officer-in-charge of the Malkhana in each Branch will be responsible for the security of the articles kept therein. He may be provided with the assistance of an Armed Guard, wherever feasible and necessary. The Superintendent of Police should pay frequent visits to the Malkhana to ensure that necessary precautions against fire, water seepage or any other damage to articles are taken.

13.30 Whenever a new Officer takes charge of the Malkhana or is made temporary incharge in case of Malkhana Incharge going on leave or duty, he should check each item and submit a certificate to that effect, to the Incharge Law Officer after due checking and verification. In case, any discrepancy or shortage is noted, the same should be brought to the notice of Law Officer-In charge of Malkhana and the SP of the Branch.

Orders of Courts to be obtained regarding seized Property

13.31 All properties seized during investigation under the provisions of the Cr.P.C. should invariably be forwarded to the Court in order to obtain orders under Section 457 Cr.P.C. for their custody during the pendency of the case. No case property relevant to the trial should be retained by CBI after the trial of the case has commenced unless it has been so ordered by the Court of competent jurisdiction.

Records required in another case

13.32 As soon as a Branch comes to know that the property seized in one case (whether of the same Branch or of any other Branch) will be required in another case, a clear note may be made in red ink in the Malkhana Register. The Investigating Officer, who originally seized the property, should also keep a note in the said regard. A written intimation should be sent to the SP concerned if the property is found useful for some case in any other Branch.

13.33 If the property has to be produced in the trial of a case other than the one in which it was originally seized, it should be routed through the Court concerned with the first case. A clear request should be made to the second Court to return the property to the Court concerned with the first case as soon as the trial in the second case is over and that it should not be disposed of in any other manner. Photostat copies or certified copies (in the case of documents) should be retained with the Court within the jurisdiction of which the property is originally seized.

13.34 A separate Case Index Register should be maintained in the Malkhana in the following form for the purpose of locating the various items concerned in a particular case:–

Sl. No	Case No., Name and address of the accused	M.R. Serial No.	Name of the I.O.	Remarks (The particulars of Almirahs or racks where the documents are kept. Court case or RDA reference with the present location of documents in movement.)

Storage of Arms/Ammunitions/Explosives

13.35 Arms and ammunitions require specialized and careful handling with certain additional security measures. Wherever armed guard has been provided to the Branch, the SP concerned may keep the seized arms and ammunitions in the Malkhana. In the absence of armed guard, such items may be kept in the nearest CBI Branch where such facility is available or with the nearest establishment of paramilitary forces/army under proper documentation. In no circumstances, explosives/ explosive substances shall be kept in the Malkhana of a Branch and they should be deposited under receipt with the nearest establishment of paramilitary/army, capable of handling or storing such objects. The firearms and the ammunition issued to the Branch for official use should be kept separate in the secured vault of the Malkhana. The Branch SP shall get periodic cleaning, oiling, and maintenance of the weapons by taking help of local Police or paramilitary units, wherever required.

Storage of seized Computer Media

13.36 Similarly, special care has to be taken for storing seized computer systems or any other electronic storage media. These must be kept in dry and cool environment.

File of Seizure Memos

13.37 A complete file of photocopies of seizure memos should be maintained for the purpose of checking the Seized Property Register. The number and date of seizure in connection with a case should be entered in the Crime Register in red ink. These memos and the Seized Property Register should be examined by the Senior Public Prosecutor of the Branch during his bi-monthly inspection of the Malkhana.

Disposal of Properties

13.38 The return of property to parties concerned should be done through proper invoices with supporting entries in the Malkhana Register of the Invoice No. & G.D. particulars. Properties relating to cases recommended for suitable action may be disposed of after giving information to the Department concerned as mentioned in the chapter pertaining to the Preliminary Enquiry. As regards property relating to disciplinary cases in which the punishment imposed is regarded as adequate, action may be taken to dispose of the property after ascertaining from the Department that no appeal has been filed by the Delinquent Officer against the punishment awarded. In case an appeal is filed the property will be disposed of after the appeal is decided.

Delay in the disposal of properties in cases which have been closed should be avoided and the Superintendent of Police should ensure that such properties are disposed of within 15 days after the final orders are passed by the Court on the Closure Report. In order to watch the disposal of closed cases, a register of closed cases in the following form should be maintained:—

Sl. Nos. of M.R. items pertaining to cases	Date of Disposal	Remarks

13.40 The Senior PP or PP must invariably inspect the Malkhana every three months and record an inspection note which should be seen by the Superintendent of Police who may give suitable directions to them and/or to the Malkhana Incharge on the lines mentioned above.
