INTRODUCTION

The police are vested with vast powers under the laws which closely affect the liberty and rights of the public. Thus in the course of performing their duties, police officers are inevitably exposed to criticism and complaints. The Royal Malaysia Police have not been spared from scrutiny and criticisms. The complaints span a broad spectrum from dereliction of duty, corruption, abuse of powers, brutality, misconduct, to negligence. In particular, police personnel serving on the front line of the force who are in direct contact with the public usually bear the brunt of public criticisms and complaints. They include personnel at the police enquiry office and the criminal investigation department. Police refusal to accept reports from the public and police inaction on certain criminal cases are some of the common brickbats lambasted at the force. This article discusses two issues pertaining to police reports and investigation, namely (1) is it wrong for a police officer to refuse to accept a report on the ground that the particular police station has no territorial jurisdiction over the place of the case to be reported? and (2) must the police always wait for a first information report to be lodged in order to commence investigation?

Investigation Process

Investigation into criminal cases is one of the many important duties of the police force. Chapter XIII of the Criminal Procedure Code (CPC) gives various powers of investigation to the police and lays down a definite scheme in which the investigative process is to be carried out. Under the CPC, investigation starts after the police officer receives information in respect of an offence and generally consists of the following steps:

(i) proceeding to the scene of crime,
(ii) ascertaining the facts and circumstances of the case,
(iii) discovery and arrest of the suspected offenders, and application for remand order,
(iv) collection of evidence relating to the commission of the offence which may consist of:
   (a) examination of various persons (including the accused) and the reduction of their statements into writing,
   (b) the search and seizure of things considered necessary for the investigation and to be produced at the trial, and
(v) formation of the opinion as to whether on the materials collected there is a case against the suspect and if so proceed to charge the suspect in court; or report to the Deputy Public Prosecutor for a decision if so required.

First Information Report (FIR)
In the normal course of things, investigation is usually started on receipt of a report at the police station about the commission of an offence. This report is known as the First Information Report, or in short FIR. It is also generally categorised as a Police Report since it is lodged at the police station. However not all police reports are FIR.

Under section 107 of the CPC, every information relating to the commission of an offence, if given orally to an officer in charge of a police station (OCS), shall be reduced to writing by him or under his direction and to be read over to the informant. Every such information shall be entered in a book to be kept by that officer, who shall append to such entry the date and hour on which that information was given, and whether given in writing or reduced to writing as aforesaid shall be signed by the person giving it.

The object of reducing the information in writing is to show the manner in which the informant related the occurrence, when the case was started. A careful and accurate record of such information is a matter of great importance. This information when recorded is the basis of the case set up by the informant (Apren v. State AIR 1973 SC 1, 5). In the context of section 107(1) CPC, the word ‘information’ means
A first information report is not substantive evidence, but can be used only for limited purposes. It can be used to corroborate or contradict the maker thereof, and for the purpose of testing the truth of the prosecution story. The FIR can also be used to show that the implication of the accused is not an afterthought or that the information is a piece of evidence of res gestae. The informant may refer to his police report to refresh his memory under section 159 of the Evidence Act.

Lodging a Police Report

Generally there are two modes in which a person can lodge a police report, which of course includes an FIR. First is where the information is given orally by the informant (or complainant) to the police personnel at the enquiry office of a police station, as stated in section 107(1) CPC. The police personnel on duty at the counter, acting under the direction of OCS, receives the information and reduces it to writing into a Report Book called Form Pol. 41. In this case it is usually the police personnel who writes the report in the words of the complainant. After the report is recorded it will be read over to the complainant whom will subsequently be asked if the report is correct and given a chance to make correction as he may wish. He shall also append to such entry the date and hour at which such information is given, and whether given in writing or reduced in writing. Both the complainant and the police officer are required to sign the report. Secondly, the complainant may write his own report, in which case...
he will usually be asked to write it on a form called Form Pol. 55 (Emergency Report Book), or where Form Pol. 55 is not available he will be asked to make it on Form Pol. 51A, or even a suitable blank piece of paper which the police personnel at the enquiry office will supply for the purpose. The police personnel receiving any such report will be required to counter sign the report besides getting the signature of the complainant on the report. The report will then be pasted into the Report Book (From Pol. 41). All reports, by whichever mode they are lodged, will be allocated a police report number for easy reference.

Nevertheless there are other less conventional ways in which a police report may be lodged. Some complainants come to the police station armed with a pre-prepared written report. Some reports are sent to the police via post or despatch, especially by those who for some reasons or others feel uncomfortable or even intimidated going personally to police stations. Complaints of wrongdoings by police officers form the bulk of reports of this nature. All written reports giving information of commission of offences, either received by post, hand or despatch will be pasted into the Report Book just like a Form Pol. 55. In these cases, the identity of the complainants must first be determined and their signatures certified.

Police officers manning the police control/operation room or “999” emergency line often receive telephone calls pertaining to commission of offences like bank robberies. All information received by police through telephone, relating to the commission of offences will be recorded in the form of a report too. In this case the police officer receiving the telephone call is the maker of the report and he signs the report. The following criteria determine if a telephonic message qualifies as a FIR:

1. it should neither be vague nor indefinite; but it should be an information of facts disclosing the commission of an offence,
2. it may be given by anybody, and
3. it is not necessary that the offender or the witness should be named.

On rare occasions, police officers upon receiving information via some other means, in particular news reports, relating to occurrence of offences, may, if he deems necessary, lodge a report to facilitate investigation. Again the information concerned should neither be vague nor indefinite but it should be information of facts disclosing
the commission of an offence. The main object of lodging the report is solely to start off an investigation.

In conjunction of the commemoration of the 195th Police Day on 25th March 2002, the Inspector General of Police launched the hi-tech Police Reporting System (PRS) which enables the public to lodge police reports through the post or telephone. Once the system is fully implemented, reports can also be lodged via e-mail (The Star, 27th March 2002, “Making police reports by phone or post”). The system will revolutionalize the process of lodging police reports as well as investigation and prevention of crimes. The amount of paper work will be greatly reduced, in line with the government’s aspiration to be a “paperless society”.

TERRITORIAL JURISDICTION OF POLICE STATION IN THE MATTER OF RECORDING OF F.I.R.

Members of the public are frequently advised by the police to give information to the nearest police station. Unfortunately we often heard of complaints of informants being directed by officers in the ‘nearest’ police station to go to ‘proper’ police station to give his/her information, and in particular to lodge a police report. This problem arises from the territorial jurisdiction of the police station in relation to the case concerned. The administration of the Royal Malaysia Police is divided into Contingent (or State), District, Station (or Balai) and Pondok levels. Each division has its respective territorial jurisdiction and its officers are responsible only for cases happening within its territory. For example an investigating officer (IO) in a district only investigates criminal cases happening in the police district he is attached to. But the demarcation of territorial jurisdiction is mainly for police administrative purpose. It has little legal implication as far as criminal investigation is concerned. A competent police officer may exercise all of his/her investigative powers throughout Malaysia. In the process of investigating a case that occurred in his district, he may arrest his suspect in another district or interview his witness in another state. Hence territorial jurisdiction of police stations should not pose a hindrance to members of the public to lodge reports at a station most convenient to them.

Section 107(1) CPC merely specifies that every information relating to the commission of an offence, if given orally to the OCS shall be reduced in writing. In
other words, the information shall be accepted by the OCS or other officers under his direction. It does not pose a prohibition on the OCS to accept information pertaining to cases outside the territorial jurisdiction of his station.

In the case of State of A.P. v. Punati Ramulu (AIR 1993 SC 2644; 1993 Cr LJ 3684) the complaint was not recorded on the ground that the police station had no territorial jurisdiction over the place of crime, the Supreme Court of India observed that it was certainly a dereliction of duty on the part of the police officer because any lack of territorial jurisdiction could not have prevented him from recording information about the cognizable offence and forwarding the same to the police station having jurisdiction over the area in which the crime was said to have been committed.

In the context of Royal Malaysia Police, clear instructions had long been issued in this matter under the IGSO (D 202) and various directives of the IGP and CID Director. Officers at the enquiry office shall not refuse to accept reports of cases that occurred in areas outside the territorial jurisdiction of their stations. All reports are to be recorded and no informants shall be given a run-around. The OCS or officers at the enquiry office are required to record such reports in Form Pol. 55 and take whatever necessary actions. The police station under whose jurisdiction the offence occurred is to be informed immediately of the facts and details of the report by telephone, so as to alert the investigating officer there to take necessary actions. Such a report will then be sent by post or by hand to the station concerned where it will be pasted in that station’s Report Book and a report number of that station allocated. For practicality the investigation proper will be carried out by the investigating officer of that station since the crime took place in his territory. Nonetheless the OCS or investigating officer at the station where the report is lodged should take all necessary actions of initial investigation, depending on the urgency of the case. This would include interviewing the complainant and recording his statement, and making a prompt arrest or search or seizure in areas within the territorial jurisdiction of his station if so needed. All the results of the initial investigation will then be handed over or communicated to the investigating officer at the other end as soon as may be practicable. The complainant will also be referred to the investigating officer at the other station for further investigation. Ideally he should be informed of police procedure in such cases and under no circumstances should he be subjected to any unnecessary inconvenience.
It is not uncommon for police to receive such reports. Most of these complainants make such reports at the station deemed most convenient to them. Others do so as they have little confidence in local police officers and prefer to lodge their complaints with the state or national police headquarters.

The non-availability of investigating officers at Pondok Polis and police stations other than district police headquarters often give rise to the problems of complainants having to be referred to the ‘proper’ station. Due to manpower shortage, in some districts investigating officers for serious cases are only stationed at the police district headquarters. Complainants will therefore be referred to the district HQ for investigation after lodging his report at Pondok Polis or police station. A medical student of Universiti Malaya for example had complained of having to wait for five hours at two police stations just to hand over a thief who stole his shoes, lodge a report and have his statement recorded (New Straits Time, 7th November 2001). Writing to the press under the heading of “Police make mockery of its motto at station”, he cried foul of the ordeal and was most dissatisfied with the inefficiency of the police personnel at both stations. He and his friends handed over the thief to Pantai Police Station where they had to wait for an hour before being referred to Brickfields Police District HQ for investigation. They spent four more hours there just to wait to be interviewed by two sergeants whom he deemed not so competent. All these happened during the wee hours of the morning. He ended by saying: “After this experience, I will think twice before I blame anyone for not wanting to be a witness or reporting a criminal case.”

In another incident a Chief Inspector was surprised when told of the reasons why residents in his area sometimes chose not to report crimes to the police (The Star, 20th September 2001, “Crimes go unreported in Taman Bukit Maluri”). A resident said: “It sometimes takes more than three hours to just file a simple complaint and this has discouraged us from making any reports.” The resident, whose home was burgled twice that year, said he first had to make a report at the Kepong Police Station and was then asked to see an investigating officer at the Sentul District HQ. “It does not make sense when one has to spend hours just to make a report,” he said.

Complaints of police refusing to accept reports on the grounds of different territorial jurisdiction are rare nowadays. This can be attributed to the strict
enforcement of police standing orders and directives. Complaints of the public given run-around usually arise from the fact that complainants have to be referred to IO at another police station for investigation. The two cases above showed that there is much to be done to improve our services to the public especially in the aspects of logistical support and human resource management. More importantly, attitudes of the police personnel need to be changed. So long as the problem of shortage of policemen is not addressed, members of the public will have to bear with such inconveniences. Attitudes and mindset of police personnel have to be corrected to live up to the motto of “mesra, cepat dan betul”. Police officers, especially the lower ranks should be trained to be more sensitive, empathetic and courteous to the public whom they serve. A good communication skill is of utmost importance. More police stations need to be built to keep up with the rapid social-economic development especially in urban areas.

**CAN INVESTIGATION BE CARRIED OUT WITHOUT AN F.I.R.?**

**How Investigation Is Started**

Investigation is usually started on receipt of a first information report at the police station about the commission of an offence. As stated above, the FIR forms the basis of the case set out by the informant and puts the police in motion in order to investigate.

Section 108 CPC stipulates that on receipt of information relating to a non-seizable offence, the police shall obtain an order to investigate (OTI) from the Public Prosecutor. As for seizable offences, any police officers not below the rank of Sergeant or an OCS may exercise all his investigative powers without an OTI. Section 110 CPC says that:

"If from information received or otherwise a police officer not below the rank of Sergeant or an officer in charge of a police station has reason to suspect
the commission of a seizable offence he shall, unless the offence is of a character which the Public Prosecutor has directed need not be reported to him, immediately send a report of the same to the Public Prosecutor, and shall proceed in person or shall depute one of his subordinate officers to proceed to the spot to inquire into the facts and circumstances of the case and to take such measure as may be necessary for the recovery and, where not inexpedient, arrest of the offender."

A similar provision is found in the Criminal Procedure Code of India vi under section 157, dealing with the opening stage of investigation runs: "If from information received or otherwise." Both the CPC of Malaysia and India therefore envisage the starting of an investigation without the receipt of an FIR. The word "information" refers to the information given to the OCS under section 107 of the Malaysian CPC, which is the FIR. The expression "or otherwise" is a very wide expression, and may include an investigation started on a telegram or village gossip or other informal intelligence vii. In the case of Emperor v. Khawaja Nazir Ahmad the Supreme Court of India held that:

"No doubt in the great majority of cases, criminal prosecutions are undertaken as a result of information received and recorded in this way but their Lordships see no reason why the police, if in possession through their own knowledge or by means of credible though informal intelligence which genuinely leads them to believe that a cognizable offence has been committed, should not of their own motion undertake an investigation into the truth of the matters alleged ... In truth the provisions as to an information report (commonly called a first information report) are enacted for other reasons. Its object is to obtain early information of alleged criminal activity, to record the circumstances before..."
there is time for them to be forgotten or embellished, and it has to be remembered that the report can be put in evidence when the informant is examined if it is desired to do so."

The CPC thus recognises both that an investigation may proceed as a result of an information under section 107 CPC, as also that an investigation may proceed by reason of some other material which is in the possession of the police. Hence it may be mentioned that investigation does not necessarily commence on receipt of information and registration of the crime at the police station. The powers of police under the CPC to investigate an offence are wide and unfettered, but the condition precedent for taking up investigation is that the police must have reason to suspect that an offence has been committed. The suspicion must be reasonable and definite, and can arise from either an FIR or any other credible material. Based on the reasonable suspicion of the commission of an offence, the police officer has a statutory power to launch the investigation.

F.I.R. Not a Condition Precedent to Investigation

The decision of Emperor v. Khawaja Nazir Ahmad above was held with similar effect in the case of Apren Joseph v. State of Kerala AIR 1973 SC 1, where it was observed that a police report is not a condition precedent for the commencement of a criminal prosecution. The same principle was adopted by the Malaysian High Court in the cases of Herchun Singh & Ors v. PP [1969] 2 MLJ 209 and PP v. Foong Chee Chong [1970] 1 MLJ 97. In the latter case the respondent had been charged in the magistrate court with extortion. The complainant had made an oral report and the police had acted on it. The learned magistrate acquitted the respondent without calling on his defence partly on the ground that the report of the complainant had not been reduced to writing in the first instance and the absence of the first information report made the arrest of the accused void in law. The Public Prosecutor appealed. In allowing the appeal, Gill J (as he then was) said:

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“However important a document a first information report is, it can never be treated as a piece of substantive evidence and the fact that no first information report was made is not in itself a ground for throwing out a case. The powers of the police to investigate do not depend solely on Chapter XIII of the Criminal Procedure Code. The duties of a police officer as set out in s 20 of the Police Act, 1967 include apprehending all persons whom he is by law authorized to apprehend and these duties are amplified in s 23 of the Criminal Procedure Code. Most of these duties imply a power to investigate whether there has been an information under s 107 of the Criminal Procedure Code or not. (See Vellasamy v Rex[1941] MLJ 233, 236).”

In that case, a first information report was in fact made, but it was made orally. The inspector to whom it was made quite clearly thought that if any time was wasted in reducing the report into writing, reading it back to the informant and getting his signature, the accused might disappear from the scene before any steps could be taken to apprehend him

These cases have been quoted with approval by the High Court in PP v. Dato’ Seri Anwar Ibrahim (No.3) [1999] 2 MLJ. The accused – the former Deputy Prime Minister – was charged with, inter alia, five counts of corrupt practices under section 2(1) of the Emergency (Essential Powers) Ordinance 1970. At the close of the case for the prosecution, the defence raised, inter alia, that no police report had been lodged against the accused in respect of any abuse of power or corruption and that there could not be an investigation into an alleged crime without a complaint. There were however two reports lodged by the aide-de-camp of the accused on behalf of the accused. One of the reports was a complaint of criminal defamation against the author of Buku 50 Dalil who allegedly defamed the accused. The investigating officer testified that the investigation into the offences with which the accused has been charged was a result of the criminal defamation report, and that it is normal procedure for the police to ascertain the truth or otherwise of the allegations in complaints of this nature. The learned judge, Paul J, in finding the accused guilty observed that section 107 of CPC merely relates to the giving of information about the commission of a crime and does not in any way prescribe the persons to be charged following the investigation. He further held that “as the object of the section is merely to activate the investigative function of the police it does not mean that a person who makes a report cannot
himself be charged if the investigation reveals an offence against him. Furthermore, the section does not say that there can be no investigation without a report."

**Police Investigations without F.I.R.**

As pointed out by Gill J in *Foong Chee Cheong*, the investigative powers of the police are not confined to Chapter XIII of the Criminal Procedure Code. The duties of a police officer as set out in s 20 of the Police Act, 1967 include apprehending all persons whom he is by law authorized to apprehend and these duties are amplified in s 23 of the Criminal Procedure Code. The police have a great responsibility to execute these powers to investigate and eradicate crimes which the public do not normally come forward to give information, and require the pro-active actions of the police to discover them. The so-called victimless crimes are classic examples, which include gambling and dangerous drugs offences. In combating crimes of this nature, the police normally rely on “unofficial” information from their informers or other sources, and carry out preliminary and informal inquiries which usually include clandestine surveillance on the targets. When they have reasonable grounds to suspect that an offence is being committed, a formal investigation would be carried out. Formal investigation in this case usually starts with a search on the target, follows by seizures and arrests, if any. Police reports subsequently lodged by the raiding or arresting officers do not qualify as first information reports under section 107 CPC, but are more in the nature of “arrest reports” or “investigation statements” under Section 112 CPC.

In some instances, the police launch investigation into offences which they reasonably suspect to have occurred based on informal information received via various channels, even though no first information reports under s.107 have been lodged. The mass media often provide such information as certain victims prefer to tell the whole world about their miseries through the media rather than seeking help from the police to investigate the crime committed against them.

On 2 Jan 1996, Patrick Teoh – whom the local media termed as “controversial deejay” – had an on-air conversation with a called-in listener during his radio talk show program. The listener claimed that he had offered some money to the traffic police so
that he could be spared from giving a breathalyser test. He also discussed alleged corrupt practices among traffic personnel over the radio. Subsequently, the then Federal Traffic Police Chief lodged a police report based on the radio conversation to help establish the truth of the corruption allegations which had been made against traffic policemen. Investigation was duly carried out with Teoh summoned to police station to have his statement recorded (New Straits Times, 13th January 1996; Sunday Mail, 14th January 1996).

A woman who claimed to have been duped by her husband into prostitution had more than she bargained for when the police decided to investigate her plight even though she did not lodge a police report. She channelled her complaint to the MCA Public Service and Complaints Section and her story was published in the newspaper. Based on the newspaper report, the police started investigation despite the woman’s desire to settle the case amicably as the police considered the act of her husband was criminal (Malay Mail, 5th September 1991).

When the crimes published in the media are very serious in nature, the authorities take great interests of them and proper actions usually ensued. Hence when it was published in the media that Prince Harry of England admitted to smoking cannabis and under-age drinking, the English Police authority immediately issued statements that they were investigating the case and did not rule out legal actions against the prince (The Star 16 January 2002). On the local front, on 25 December 2001, The Sun newspaper front-paged an article under the heading “plot to kill PM: Local politicians hire hitman to also assassinate Abdullah.” The police immediately swung into action to investigate the truth or otherwise of the report which was very serious in nature (The Star 27 December 2001).

Sometimes in the course of investigating an offence, the police might discover that other offences have been committed. There is nothing under the law to stop the police from investigating these offences and subsequently prosecute the offenders notwithstanding the absence of a first information report. This was the scenario in Dato’ Seri Anwar Ibrahim’s case as mentioned before. In that case, a report was lodged on the accused’s behalf for an offence of criminal defamation against him. In
the course of investigating the report classified under s. 499 of the Penal Code, the police stumbled upon the offences allegedly committed by the accused. The trial judge concurred with the prosecution that it is not unusual for a person who makes a report for himself to be charged when the investigation into the report made by him necessitates that course of action. In related developments, Dr. Munawar and Sukma were also charged and convicted without FIR lodged against them.

When the police wish to initiate investigation into a case where no first information report has been lodged, a suitable police officer would normally make a police report basing on whatever information he may have. A good example is the report lodged by the Federal Traffic Police Chief on the alleged corrupt practices of policemen basing on the radio talk show. Here the reports lodged by police officers may not qualify as a first information report and thus may not be admissible in court. The reports are lodged for formality sake to start off investigation. It is the practice of the police department that every investigation paper must start with a police report even though that police report may not necessarily be an FIR under section 107 CPC. Nevertheless the report has other legal implication in that its maker is legally responsible for its content.

No Investigations Without F.I.R.
The police have often been criticised by certain quarters for not taking actions against crimes which, according to news report or speculation among the public, have been committed. Criticisms are particularly harsh if the suspected offenders are police personnel, or public and political figures. Hence when the Inspector General of Police appealed to the public not to write anonymous letters but lodge reports against corrupt police officers by furnishing details of the offence, it drew strong reaction from a newspaper columnist who questioned the IGP’s wisdom on the matter (Business Times 23 May 1991, “Corrupt is as corrupt does, not says”). The IGP at that time (1991) was a qualified lawyer and knew the laws well. He certainly was not saying that the police need an FIR in order to investigate his own subordinates. However the
police need some definite and reliable information to start with. A vague accusation of corruption channelled to the department through an anonymous letter would be of not much help, since it is impossible for the department to contact the informant for more specific details. Neither would a blanket accusation that all or most policemen are corrupted. Some minimum amounts of specific details are needed, for the police need to know where is the scene of occurrence and who to call for interview. There is no denying that some allegations of corrupt practices against policemen are unfounded and made with malicious intent. Hence the department usually carry out informal internal enquiry into anonymous allegation instead of embarking on a formal investigation right away.

When the police exercise their powers of investigation, various parties will be inconvenienced and even embarrassed. Being summoned to the police station to be interviewed, having one's house searched or getting arrested and detained are not experiences people cherish. The police must therefore exercise these powers with maximum care. The police department has been sued on numerous occasions by parties who felt that they have been wrongly suspected and investigated for crimes they claimed did not commit. Hence before an investigation is launched, the police must be satisfied that they have reasonable grounds to suspect that an offence has been committed, and that the informant must be responsible for the consequences shall the information later turned out to be untrue or malicious.

**Information to be Definite and Informant to be Responsible**

A first information report is not a condition precedent to investigation. The police only need some information to substantiate a reasonable suspicion that an offence has been committed to start off an investigation. In order to form a reasonable suspicion, the information concerned must be definite and not vague. Krishnamurthi K. observed that one of the important characteristics of an FIR is that it should be an information definite and responsible and not merely rumour or village gossip or hearsay of an indefinite variety. Rumour, gossip and hearsay have no definite shape or form and they do not constitute definite information against anybody about anything. Therefore they cannot amount to an FIR in any case (Guruswami Naidu v. Villis Guruswamy Naidu [1951] 1 MLJ 426). Vague information cannot be treated as FIR. But definite information, even if it is hearsay, if the informant signs it and gives the source of his information, will be FIR (Rajasthan v. Kartan Singh, 1970 Cr LJ 1144 (SC)). Laying
down the various tests to be applied to find out which exactly is the FIR in a case, the
Madras High Court has observed in In re M. Rangarajulu Naidu (see State v. Bahjan
Lat 1992 Cr LJ 527 (SC)):

(a) The information on which a police officer is expected to act must be
authentic. In other words, the information must be capable of being traced
to a specific individual who would take the responsibility for the same, so
that, should the information subsequently turn out to be false, the
informant could be proceeded against. Under this test, telegrams and
telephonic messages have been held to be in no better position than
village gossip in respect of authenticity since any arrest based on such
unauthenticated information would be in excess of the police officer's
duties. But if the authenticity of the telegrams or the telephone message is
subsequently confirmed, they themselves may amount to authentic
information in certain circumstances and come within the purview of sec.
154 Cr. P.C.

(b) The information must be sufficiently definite and clear enough to suspect
that a cognizable offence has been committed. In other words, it will not
be sufficient if the information is not clear enough to reasonably exclude
the possibility of an accident. But what is required is a reasonable ground
to suspect and not a reasonable ground to believe. The expression “has
reasonable ground to suspect” in sec. 157(1), Cr. P. C. is a pointer. But
vague information cannot be treated as affording a reasonable ground of
suspicion.

(c) The information may be hearsay. Provided the person in possession of the
hearsay is required to subscribe his signature to it and mention the source
of his information so that the information may not amount to irresponsible
rumour.

(d) In conspiracy cases it is often necessary to make a few preliminary and
informal enquiries as to whether there is anything in the news floating
about and in the grapevine information as to render formal investigation
desirable. Premature disclosing of the investigator's hand will no doubt be
very helpful to the conspirator and help them to cover their tracks and vanish into thin air drying up the sources of information and leaving the forces of law and order high and dry. But that is not the law. In these conspiracy cases arising from shadow beginning the investigation must be held to have started from the moment when the police officer formed an opinion that there are grounds for investigating the crime. Thus, first interests then suspicion, and finally hardening into grounds for investigating the crime. That last stage is the crucial time when anything done or said subsequently must be held to have been done or said in investigation. In other words, in conspiracy cases a policeman passes through three stages; hear something of interest affecting the public security and which puts him in alert; makes discreet enquiries, takes soundings and sets up informants and is in the second stage of qui vivi or look out, and finally gathers sufficient information enabling him to bite upon something definite and that is the stage when first information is recorded and when investigation starts.

“Reasonableness” or “credibility” of the information is not a condition precedent for registration of a case (State v. Bahjan Lat). In other words the police cannot refuse to accept a police report under section 107 CPC which he thinks is unreasonable or incredible. However the informant must sign the report so as to be responsible for it, and to authenticate the information. Reduction of FIR into writing and obtaining signature of the person who gave the FIR are to fix responsibility. In respect of police coming to know of a crime in any other manner also, similar method might be adopted to find out the authentication of the information. A refusal to sign the police report is punishable as an offence under section 180 of the Penal Code (Nandamuni, In re 15 Cr LJ 622). Likewise giving false information to the police is an offence under section 182 of the Penal Code.

Section 110 CPC states that: “If from information received or otherwise a police officer … … has reason to suspect the commission of a seizable offence … ….” Hence a reasonable ground of suspicion is a prerequisite. When the police commence investigation basing on some information other than an FIR, that information should also pass the tests of FIR set out in In re M. Rangarajulu Naidu. The information must be authenticated, the informant should be held responsible should the information later
turn out to be false. The information must consist of sufficiently definite and clear details about the offence alleged. And whoever ultimately lodges the police report to facilitate an investigation must affix his signature on it.

It is under this scenario that the police sometime refuse to take any action on speculations or even news reports of crimes which could not be authenticated or are vague in nature. A general statement that the policemen are corrupted is neither definite nor clear enough. An anonymous letter cannot be authenticated. However if the anonymous complaint furnishes definite or clear enough details of the alleged offence, and the police reasonably suspect that the offence has been committed, either through preliminary enquiry or otherwise, the police themselves will have to lodge a police report basing on the complaint in order to facilitate a formal investigation. Likewise when the police come across definite and clear, or authenticated information of an offence – as in the cases of the woman duped into prostitution, and that of the radio deejay – a report will be lodged by the police themselves to commence a formal investigation. The police who lodge the report will bear the responsibility should the information turns out to be false and parties aggrieved in the course of investigation seek damages later on.

Nevertheless it is no secret that there are many criminal cases, reported or otherwise, that are not investigated by the police. These cases contribute to the so-called “dark” and “grey” figures in crime statistics.

CONCLUSION
In the matter of lodging police reports, the questions of territorial jurisdiction of police stations do not arise. It is a dereliction of duty on the part of the police to refuse acceptance of the report. The investigative powers given to the police are wide and unfettered, and they do not always need a first information report to exercise these powers. When clear and definite information about commission of seizable offences are presented to the police, albeit not in the form of an FIR, and yet they fail to act, it is also a dereliction of duty on their part. The 195th Police Day brought lots of good news for the men-in-blue. In addition to the launching of PRS, 23,000 additional police personnel will be recruited within the next five years to beef up the strength, improve efficiency and upgrade professionalism of the force. The size of police districts will also be reduced to ensure more effective policing. Also in the offing is a more attractive
remuneration package especially for those in the rank-and-file. With the availability of state-of-the-art logistical support, improved police to population ratio as well as bigger pay cheques, it is ardently hoped that much of the problems currently faced by the police can be solved in the near future. There should be no more excuse for refusing to accept police reports or giving the complainant a run-around either to lodge report or for investigation. Workloads of investigating officers will be reduced with the shrinking of police districts and increase in police strength. This would enable them to improve the quality of investigation besides providing them with more time for policing unreported crimes. The government is spending substantial amount of taxpayers’ money to improve the working condition and welfare of the police. We would thus expect higher expectation from the government and the public. Naturally everyone demands an improvement in police service that would commensurate with the improvement of logistical support and remuneration. We must be prepared to face harsher criticism in future from all quarters, in particular the media, should we fail to meet their expectation. Better logistics and salaries do not necessarily ensure better services. What are more important are the commitment and dedication of the service providers. Hence there is a dire need for a change in the attitude and mind-set of the policemen, in particular those on the front line like the traffic policemen, personnel in the enquiry offices and investigating officers. A little more empathy and courtesy go a long way in making the public feel more at home with the guardians of the law. In conclusion, with a better deal in store, morale of police personnel should be boosted to provide better and more efficient service to the public in line with the mesra rakyat concept.

ENDNOTES

3 Mimi Kamariah Majid, 1987, Criminal Procedure in Malaysia p.58
4 N.1 supra, p.489-490
5 Teo Say Eng, A Practical Guide to Prosecution in the Subordinate Courts
6 Act No.2 of 1974 India
7 N. 2 supra
9 Francis Ng Aik Guan (2000) Criminal Procedure. P.87
10 N. 2 supra
11 N. 2 supra