Vigilance and Anti-Corruption Bureau  
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Dated 24..07..2017.

No.P.520/2017

CIRCULAR NO.14/2017

Sub:- Factual Report-II – Legal opinion in cases and enquiries – reg.

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The in-house Law Officers like ALAs and LA play a crucial role not only during trial of cases but also during the investigation. It is always desirable to take their assistance during investigation to ensure that evidence is collected following due procedure and only relevant and admissible evidence are collected which will speed up investigation.

After the completion of investigation a Factual Report is prepared by the Investigating Officer in a particular format. This gives a total view of the investigation conducted, the evidence collected etc. along with the recommendation of the Investigating officer. After that the Law Officer i.e. ALA gives the comment which is called legal opinion in VACB. This legal opinion is written in various forms and formats. The basic intention of such a report is to evaluate the evidence so far collected by the IO and opinion given as to whether prosecutable
case is made out against the accused persons or not. In order to streamline the process and to bring uniformity a **format** has been designed which is annexed. Hence forth this format will be used by the ALA and LA in giving their opinions in cases. **This will be called Factual Report No.II.** Whereas the Factual Report submitted by the IO will be **Factual Report No.1.**

This format also will be used in case of QVs/PEs also.

There should be clear recommendations by the Law Officers relating to each of the accused persons. The FR-I and II shall be submitted to Unit Head/SP to offer his/her clear remarks. Similarly FR-I, II, SP’s remarks should be sent to ADGP concerned who will record his remarks and send that to Director. Director may take the opinion of ADP before passing the final orders which will be binding on all below.

This practice will come into force with immediate effect.

LOKNATH BEHERA IPS  
**Director**

Copy to:- All Unit Heads  
All Officers in the Directorate  
Manager/Accounts Officer/Administrative Assistant  
CAs to Director/ADGP-I/ADGP-II/SP(Int.)/ADP(V)/EE  
Stock File
FACTUAL REPORT – PART -II

1. Case No. and Date of Registration

2. Section(s) of Law

3. Name of the Law Officer and Designation (if any)

4. Date of Receiving FR-I

5. Date of completing the FR-II

6. Name of the suspects/accused:

7. Detailed Analysis
   
   (1) Allegations
   
   (2) Analysis in matrix format:

Accused ‘A’

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Section(s) of Law and Act</th>
<th>Ingredients</th>
<th>Admissible and Relevant Evidence Collected</th>
<th>Analysis</th>
<th>Views</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Oral</td>
<td>Documentary</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>XYZ of ABC Act</td>
<td>a.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>b.</td>
<td></td>
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<td></td>
<td></td>
<td>c.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2</td>
<td>123 of FGH Act</td>
<td>a.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>b.</td>
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<td></td>
<td>c.</td>
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</tbody>
</table>

(iii) Probable defence of accused and arguments to rebut it

8. Difficulties (i) General
   (ii) Legal

9. Suggestions :

10. Final Recommendation :

   Signature of Law Officer

   Name:..............................

   Designation:..........................

NB: This format to be used for all VC's and in Pes/QVs this should be pattern.