



'CORRUPTION, A CRIME AGAINST NATION'

Vigilance & Anti-Corruption Bureau,

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No. P-01 /2017

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Sub:- FIR against unknown persons – procedure to be followed –

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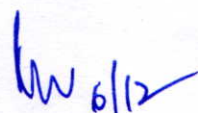
01. A Preliminary Enquiry conducted may not reveal the names or role of offenders but many disclose commission of cognizable offences by some unknown persons warranting registration of an FIR. It is a usual procedure in the CBI to register an FIR against unknown officials of various departments, unknown private persons / companies and others. Instance of registration of FIR against unknown officials and unknown private persons can be drawn from the 2G Spectrum Cases registered and charge sheeted by CBI in Patiala House Court. However, in VACB this practice is not followed.

02. It is noticed that FIRs registered, immediately after the decision of Hon'ble Supreme Court in Lalitha Kumari's case, in the Bureau have only named persons as accused merely on the allegation(s) of the informant in spite of lack of materials to connect the offenders with the crime in the Preliminary Enquiry conducted. It must be remembered FIR can be registered against unknown persons.

03. It is improper to array some persons as accused in the FIR, solely on the information lodged by the informant, particularly when a Preliminary Enquiry is conducted on such allegations and the role of the offenders named by the informant are not revealed in the Preliminary Enquiry (but

cognizable offences are revealed). For only filling up "Accused Column" in FIR, names should not be mentioned. During investigation against unknown persons their names can be revealed as being done in normal "blind" cases.

04. The Criminal Procedure Code, 1973 approves registration of FIR against unknown persons as well. FIRs can be registered against unknown officials of various departments, unknown private persons / companies and others for the offences punishable under Section 120 B IPC r/w Section 13(2) r/w 13(1)(i) of Prevention of Corruption Act, 1988, on allegations of criminal conspiracy and criminal misconduct in respect of allotment of licenses / contract etc. Likewise, where allegation of misappropriation of funds are alleged, FIRs can be registered against unknown officials responsible for such misappropriation of such funds. After the registration of a case against unknown official(s), the investigation to be conducted to find out the real offender / offenders and his / their role can be subjected to thorough probe and after collecting materials to pin point the role of the offenders, charge sheet u/s 173(2) Cr.PC can be filed before the Hon'ble Special Judge and where the offenders couldn't be identified or materials collected are not adequate against any person for trial, a refer report as FAD can be filed.


Loknath Behera IPS
Director

To

All Unit Heads

Copy to : ADGP, SP(Int.)
ADP (Vigilance) / LA / ALAs
Manager / AO / AA
CA to Director / ADGP / SP (Int.) / ADP (Vigilance)