



**OFFICE OF THE
PROSECUTOR GENERAL
PUNJAB**

No. S-I&I/PGP/2023/03-10992
Dated Lahore, the 22nd December, 2023

To,

All District Public Prosecutors,
Punjab.

Subject:-

**GENERAL GUIDE LINES ISSUED UNDER SECTION 10 OF THE
PUNJAB CRIMINAL PROSECUTION SERVICE (CONSTITUTION,
FUNCTION AND POWERS) ACT, 2006, FOR CREATION OF
PROSECUTION FACILITATION CENTERS.**

Whereas the Public Prosecution Department has been established since 2006 and it was created to establish an independent, effective and efficient service for prosecution of criminal cases, to ensure prosecutorial independence, for better coordination in the criminal justice system of the Province and matters incidental thereto. However, even after a lapse of more than 17 years, there still exists a visible lack of coordination between police and prosecution specially from the registration of FIR till the submission of Challan. In order to remove this gap, the Worthy Prosecutor General Punjab has issued following guidelines to ensure the prosecutorial independence and for better coordination between the other stake holders of the criminal justice system. These guidelines shall be observed by all prosecutors and investigation officers with immediate effect. Henceforth, serious disciplinary actions shall be taken against the delinquent officers in case of non-observance of these guidelines.

Constitution of Prosecution Facilitation Center:-

1. All the District Public Prosecutors shall divide the prosecutors working under his control between two teams. The first team may be called the Pre-Trial Prosecution Team and the second team may be called Trial Prosecution Team. The first Team will be responsible the prosecutorial work from the registration of FIR till submission of challan to the Court. However, the remaining court work including bail and remand shall be dealt by the Trial Prosecution Team.

The District Public Prosecutor shall provide appropriate number of prosecutors to both teams balancing the workload on both sides.

2. The Section 12(b) of the Punjab Criminal Prosecution Service (Constitution, Function and Powers) Act, 2006, stipulates that all the officers In-charge of Police stations or Investigation Officers are duty bound to submit challan to the concerned prosecutor. Therefore, all the District Public Prosecutors shall notify the concerned prosecutors by mentioning their corresponding police stations working within in First Team. Keeping in view of lack of human resources one prosecutor may be allocated one or more police stations at the same time. In case of leave or emergency, the District Public Prosecutor may allocate the prosecutorial work to the other team member for time being arrangements.
3. The notification of concerned prosecutors within the Trial Prosecution shall be made court wise according to workload. The District Public Prosecutor may designate one or more courts to the same prosecutor if the workload can be managed by a single prosecutor. In this regard, the District Public Prosecutor shall make ensure that all prosecutors working under his control shall be given equal workload without any discrimination. In case of leave or emergency, the District Public Prosecutor may allocate the prosecutorial duties to the other member of the same team for time being arrangements. However, no prosecutor from the Pre-Trial Prosecution team can be replaced by the Trial Prosecution team after their proper notification. The both teams shall work within their independent domains, however, for better coordination they will assist each other.
4. The District Public Prosecutors shall ensure that all notifications for “concerned prosecutors” for the Pre-Trial Proceeding shall be made with prior approval from the Prosecutor General Punjab. The District Public Prosecutor shall provide a list of suitable, efficient and fair prosecutors proposing the name of police stations. The District Public Prosecutor shall provide at least two names against each vacancy. The Prosecutor General will allow the one name accordingly. After receiving approval of the Prosecutor General, a proper

notification of the concerned prosecutors of police stations shall be issued by the District Public Prosecutor. The District Public Prosecutors shall complete this process preferably within a period of fortnight from implementation of these guidelines.

5. The District Public Prosecutor shall provide a suitable place along with necessary staff for sitting of the Pre-Trial Prosecution Team members preferably within one building or under one roof so that police officers may conveniently access to them for assistance and guidance under the one roof. The District Public Prosecutor shall provide reasonable computers to the concerned prosecutors for uploading the challan in CFMS accordingly. These building or space shall be called as **“PROSECUTION FACILITATION CENTERS”**.
6. The concerned prosecutor shall not leave his place of siting without prior permission of the District Public Prosecutor, who may allow him after proper substitution. The concerned prosecutors shall remain in office during office timings so that the police officers or general public may have access to them at any time within office hours in the **“PROSECUTION FACILITATION CENTERS”**.
7. All police officers and general public are welcomed for assistance, liaison and coordination among all stakeholders of the criminal justice system. The Prosecution Facilitation Centers are open for, victims, counsels, lawyers, investigation officers, SHO and other relevant person for effective and efficient prosecution.
8. The District Public Prosecutor shall also appoint one or more Front Desk Officers at the Prosecution Facilitation Center who shall be well spoken officer and having a caring nature. The Front Desk Officer shall assist and guide the general public and police officials accordingly in friendly manners.
9. The Front Desk Officer shall provide a computerized receipt as token of receiving of challans from the police officials. The Front Desk Officer shall maintain a manual and computerized record of receiving challans from police.

The computer-generated slip shall also mention the date, time and other necessary details. Soon after receiving of the challans from the police officers the Front Desk Officer shall immediately transmit all record to the concerned prosecutor as designated above for further proceedings.

10. The concerned prosecutor shall within statutory period of three days take his prosecutorial decision in accordance with the provisions of the Code of Conduct issued by this office. If he finds the challan fit for trial he shall file it in the court and inform in writing to the police officer. If he finds it as defective, he shall prepare a report under section 9(5) of the Punjab Criminal Prosecution Service (Constitution, Function and Powers) Act, 2006, and return the challan to the concerned officer in writing without any delay. The concerned officer shall also be informed through computer generated SMS mentioning that the police officer may collect the files from the Prosecution Facilitation Centers.

Powers, Duties and Functions of Prosecution Facilitation Centers:

11. The Section 12(a) of the Punjab Criminal Prosecution Service (Constitution, Function and Powers) Act, 2006, stipulates that all the officers In-charge of Police stations or Investigation Officers are duty bound to send a hard copy of FIR to the District Public Prosecutor immediate after its registration. In addition to it, an e-copy (soft copy) of the FIR are also being sent in CFMS and it may also be examined by the prosecution on computer.
12. The duty of the prosecution starts right from receiving of the FIR from the Police or receiving e-copy on CFMS. The prosecutor shall not remain a silent spectator of the criminal proceedings which may latter on adversely effect his prosecution case. Therefore, in order to exert a pro-active role in the criminal justice system and to conduct fair prosecution, it is incumbent upon the prosecution to take necessary steps right from initiation of criminal proceedings. After receiving the hard copy or e-copy of a FIR, the District Public Prosecutor shall transmit the FIR to the concerned prosecutor for further proceedings along with necessary directions.

The Prosecution File:

13. The concerned prosecutor after receiving the FIR from District Public Prosecutor or through CFMS, shall make an independent prosecution file of each case for its further reference. The file shall be called the prosecution file, it shall be confidential document. No person shall have access to this file, neither any copy shall be provided to anyone except with special permission of the Prosecutor General Punjab. The prosecutor shall maintain a separate noting sheet mentioning all actions taken or proceedings conducted by or through him. The concerned prosecutor, at the time of submission of challan in the court, shall hand over the prosecution file and other relevant record to the concerned court prosecutor, who shall next custodian of the prosecution file and he shall continue the file thereafter. The concerned trial prosecutor shall maintain a separate noting sheet mentioning all actions taken or proceedings conducted by or through him. The Trial prosecutor shall add in the file the following documents including charge sheet, evidences, exhibits, judgement and other necessary documents. After the conclusion of the trial, the prosecution file shall be handed over to appeal committee for further proceedings. The prosecution file shall be consigned to record after the conclusion of final appeal or revision. The prosecution file may also be used at bail stage before Session Court, High Court and Supreme Court.

Call for report and record/ Actions after receiving FIR:

14. The prosecution is fully authorized and competent under Sections 10(3)(b) and 10(3)(c) of the Punjab Criminal Prosecution Service (Constitution, Function and Powers) Act, 2006, to call for any record or report from any department in connection with investigation of a case. In addition to it, the office of Prosecutor General has already issued the Code of Conduct, all prosecutors are directed to read and enforce it specially the Sections 4.14 to 4.18 of the Code of Conduct.
15. Immediate after the receiving of FIR, the concerned prosecutor of the Prosecution Facilitation Center, shall right a letter to the concerned IO to produce a progress report of the investigation as soon as possible preferably

within three days from the registration of FIR. The police officials are lawfully bound to provide them such reports and record accordingly. The concerned prosecutor may also issue necessary directions as envisaged in the Sections 4.14 to 4.18 of the Code of Conduct.

16. After receiving the first progress report from the IO, the concerned prosecutor shall call for final progress report within a period of 14 days. If the IO remains fail to submit final progress report as asked by the concerned prosecutor. The concerned prosecutor immediately report the matter to the District Public Prosecutor who shall brought the matter before the concerned DPO and District Session Judge for necessary actions. If it is not resolved at district level, the matter shall be brought in the knowledge of the Prosecutor General for further actions.
17. The concerned prosecutor shall also direct the IO as the case may be to complete the investigation within stipulated time. In case the investigation cannot be completed within stipulated time at least he shall prepare the Interim Report as mentioned in Section 173 of the Criminal Procedure Code, 1898. Non compliance of any direction shall be reported to the District Public Prosecutor who shall take necessary actions against the responsible persons.
18. The concerned prosecutor shall make ensure during his meetings with the IO that first inspection note, statements of witnesses, recovery memo have been completed in accordance with the Police Rules, 1934, and no violation has been committed by them. The concerned prosecutor is fully empowered to ask for rectification accordingly. The concerned prosecutor shall make ensure at least two meetings with investigation officer prior to completion of challan so that investigation could be conducted smoothly because if an error is not rectified timely it may endanger the further prosecution of the case. For fair and just prosecution it is necessary to take decision in time before it too late to rectify.
19. The concerned prosecutor shall ensure a timely conclusion of the every case. In case, if the investigation is not concluded within stipulated time, the concerned

prosecutor shall call for Interim Challan Report and make his prosecutorial decision thereon. The concerned prosecutor shall decide whether a trial be commenced on that report or not. As speedy trial is right of every accused. Frivolous reasons for delay of trial shall be discouraged.

Framing of Initial Charge:

20. At any stage of Pre-Trial Prosecution, If the concerned prosecutor is of the opinion that the SHO or the IO has inserted wrong sections in the FIR which is not applicable according to the circumstances of the case and evidences available. According to his legal opinion, the initial charge is not correctly made by the police. He shall prepare his assessment report for adding, deleting or modifying the initial charge in the FIR and submit it to the District Public Prosecutor. The District Public Prosecutor is fully authorized to amend and correct the initial charge which is wrongly made by the police (Reliance is made on 2013 P.Cr.LJ 411, 2012 P.Cr.LJ 1823, PLD 2015 Lahore 84, 2021 P.Cr.LJ 293). The District Public Prosecutor shall give his decision in writing in this regard. However, the aggrieved party may file a representation within reasonable time to the Prosecutor General Punjab whose decision shall be final in this regard.

Timely Return of Defective Challans:

21. If the concerned prosecutor finds a challan report defective, he shall return the file within three days from its receiving. No delay shall be tolerated in this regard and strict disciplinary action shall be taken against delinquent officers. The report under section 9(5) of the Act must be conclusive and exhaustive. If there are such defects which may be rectified and curable lawfully. The police officer shall correct these defects according to the advise of the prosecutor.

Decision not to prosecute:

22. However, if the defects are incurable and cannot rectified lawfully or there is deficient of evidence or the investigation officer remained fail to collect necessary evidence which was necessary for trial. Then the concerned prosecutor may ask the police official to file a cancellation report accordingly.

If the directions of the concerned prosecutor are not complied with, he may take decision not to prosecute and file a negative report under section 9(7) accordingly mentioning the circumstances of the case. If as per his assessment, no charge is made out or case of no evidence then he shall request the court not to charge the accused through this report under section 9(7) of the Act. If the trial court does not agree with the report under section 9(7) of the Act provided by the concerned prosecutor, the trial prosecutor may withdraw from the prosecution with the prior approval of the District Public Prosecutor (in case of offence upto 3 years imprisonment), Prosecutor General (in case of offenses upto 7 year imprisonment) or the Government (all other offenses). The Section 10(c) of the Act provides that the prosecution has right to withdraw from prosecution. The earlier issued Code of Conduct has also provided permission for these actions read Section 4.1 to 4.14 of the Code of Conduct.

Decision to prosecute:

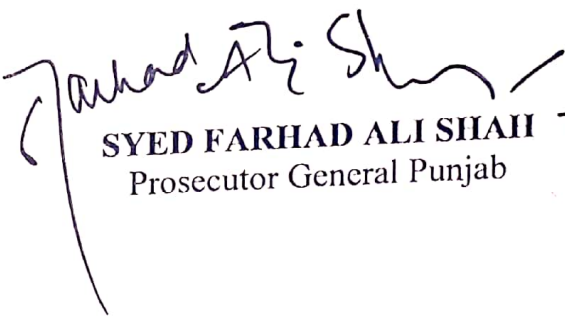
23. The concerned prosecutors finds that the Final Report is fit for trial and it is conclusive, logical and exhaustive then he shall file it in the court of competent jurisdiction. Thereafter, the prosecutorial role shall be conducted by court prosecutor. However, the report under section 9(7) must be complete and thorough. It must state the distinguish role of each accused and evidences collected against him. The concerned prosecutor shall also propose individual charges against the accused according to their role. If the split of trial is possible and advisable then the concerned prosecutor should also mention it in his assessment for split of trials so that Fair Prosecution can be achieved. As the Sughran Bibi Case PLD 2018 SC 595 more than one trial are lawfully permitted in one FIR, so law has provided facilitation in case of need.

Training, Monitoring & Assessment of Prosecution Facilitation Centers:

24. The monitoring teams already constituted by the District Public Prosecutors and Prosecutor General Office shall regularly check the work and performance of the Prosecution Facilitation Centers. A forensic audit of the challan scrutiny

shall be conducted by the District Monitoring Teams as well as by the Prosecutor General Office. In this regard, a weekly report shall be presented to the Prosecutor General showing the number of challan received and actions taken thereon. Serious disciplinary action shall be taken against responsible officers and staff.

25. The Prosecutor General shall time to time issue general guidelines for the Prosecution Facilitation Center for scrutiny of murder, rape, hurt, robbery, narcotics, electricity theft and other cases. The guidelines shall be circulated from time to time.
26. Short training courses shall also be arranged as the CPD for the professional development of the concerned prosecutors.


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Prosecutor General Punjab