

PART C.-IDENTIFICATION PARADES.

The following instructions have been issued by the Punjab Government for the guidance of Magistrates in their conduct of identification parades (*Punjab Government circular letter No. 6091-J, 36/ 39829 (H. Judl.)*; dated *the 19th December, 1936, to all District Magistrates in the Punjab*) :-

Instructions issued by the Punjab Government re-identification parade.

(1) The Magistrate in charge of an identification parade should prepare a list of all persons, including the accused who form part of the parade. This list should contain the parentage, address and occupation of each member of the parade.

List of all persons included in the parade should be prepared.

(2) When any witness identifies a member of the parade, the Magistrate should note in what connection he is identified. A note should also be made if the witness identifies a person wrongly, in such a case it is incorrect to note that the witness identified nobody. All persons identified must be mentioned, whether the identification is right or wrong. If a witness, on being called for the purpose, states that he cannot make any identification, a note should be recorded by the Magistrate to this effect.

Note about identification by witnesses,

(3) Should the accused make any complaint or statement it should be recorded by the Magistrate. If from his personal knowledge the Magistrate is able to decide beyond doubt that the complaint is false or futile, a note to this effect should be made, but in other cases it is advisable to leave any decision as to the value to be attached to the objection to the court trying the case. The Magistrate should also record any statement made by a witness before making identification.

Objection or statement by accused or identification witnesses to be recorded and power of Magistrate to decide objections.

(4) The Magistrate should state-

Duty of Magistrates to record precautions taken and to note other points.

(a) What precautions he has taken to ensure-

(i) that the witnesses do not see the person to be identified by them before the identification proceedings commence;

- (ii) that no communication which would facilitate identification is made to any witness who is awaiting his turn to identify; and
- (iii) that after making identification the witnesses do not communicate with other witnesses who have yet to do so;
- (b) Whether the person to be identified is handcuffed or is wearing fetters; and if so, whether or not other persons taking part in the parade are handcuffed or are wearing fetters, and also whether or not they are inmates of the Jail.

Form of certificate to be appended by the Magistrate.

(5) At the end of the Magistrate Should append a certificate in the following form —

IDENTIFICATION PARADE

The State.....*VERSUS*
(F.I.R. No. OF 19 ,
Police Station.....).

Parade held on the 19 in the.....
Jail by....., Magistrate..... Class.....
District for the identification of..... on
the application of

Names of the witnesses who are expected to identify the prisoner, with their particulars : —

- 1.
- 2.
- 3.

PROCEEDINGS OF THE MAGISTRATE.

Certified that the above is a true and correct record of my proceedings.

(Sd.)

(Seal.)

Magistrate,

Class

2. The following further instructions have been issued by the Punjab Government on the subject. [*Punjab Government circular letter No. 6546-J-43/ 33844 (H. Judl.), dated the 17th December, 1943, to all District Magistrates in the Punjab*] :—

In cases where the identification of the accused is disputed and is a matter of importance, the request of an accused for an identification parade should not be refused. Such a request should not also be rejected merely because it is regarded as a measure to create delay, as it should be possible to arrange an identification parade without delay. Again a request to hold such a parade should not be refused on the ground that it is some considerable time since the witnesses last saw the accused and the accused may have changed in appearance in the meantime, and in such cases in his report on the parade the magistrate can record when the witnesses did see the accused last.

3. In districts in which the experiment of separation of judiciary from the executive is being tried, the work relating to the holding of identification parades should be done by the Judicial Magistrates.

(*Punjab Government Letter No. 16848-G-55/ 11327, dated 16th February, 1956, to all Deputy Commissioners in Punjab.*)