

PART E –CUSTODY OF PROPERTY SENT IN BY THE
POLICE

[1] 1. (Property sent in by the Police is usually of three kinds:-

- (i) Articles including (a) counterfeit coins, together with implements for their manufacture, such as dyes, moulds etc., and (b) implements such as dyes, moulds etc. used in the forgery of currency notes, transmitted to the Magistrate under section 170 of the Code of Criminal Procedure, with the Police report in cases sent up for trial.
- (ii) Property seized by the Police as stolen property or upon suspicion, and ordered by the Magistrate, under section 451 of the Code of Criminal Procedure, to be forwarded to headquarters.
- (iii) Property taken charge of by the Police under section 25 of the Police Act (Act V of 1861) and ordered by the Magistrate of the districts to be forwarded to headquarters.

Kinds of property.

2. (a) With regard to property referred to in rule(1) (i) above, other than articles enumerated in (a) and (b) the Police Department will hand over the charge to the Court during the trial of case, when the case is decided, the property, if not returned to the owner, will be disposed of as directed by the Magistrate.

Custody and disposal of the property.

(b) Articles enumerated in 1 (i) (a) above will remain in the custody of the Court pending the disposal of the case. At the end of the case not till after the appeal or revision, if any, the Court shall send them to the Treasury or Sub-Treasury together with a short description of the case; and

(c) Articles enumerated 1 (i) (b) above, produced in and confiscated by a Court shall remain in the custody of the Authority, the Court may make such orders as it thinks fit for the proper custody of such things. At the end of case and not till after the appeal or revision, if any, the Court shall make the

articles over the Police Department for their destruction or for such other action as it may be found suitable in accordance with the rules of that department.

Custody and disposal of the property.

3. Property of second kind, when sent in to headquarters, will remain in the custody of the Court as provided in Section 451 of the Code of Criminal Procedure and will be further dealt with under the provisions of this section.)

Custody and disposal of the property.

4. Property of the third kind should on arrival at head-quarters be made over atonce to the Nazir by the Police Department.

5. In any individual case where the property consists of bullion, coins, currency notes, valuable securities or jewels, and is of great value, say, above one thousand rupees, it should instead of being made over under the preceding rules to the Nazir, be made over to the Treasury Officer; coin or currency notes (other than counterfeit coin and notes) will be treated as regular deposits under the rules in Chapter 12, Civil Account Code, Volume 1, bullion at its estimated value in cash; and securities, irrespective of their face value, and jewels will be deposited for safe custody, and an entry made not in the ordinary register, but in a special register which should be countersigned every month by the Deputy Commissioner. The orders of the Deputy Commissioner should first be obtained by the Police before placing bullion or jewellery, etc., for safe custody at the Treasury.

Responsibility of police for safe custody.

6. Until the property is, under the preceding rules, made over to the Nazir or the Treasury, the Police Department will continue to be responsible for its safe custody. When so made over, the responsibility for its safe custody will rest with the Nazir and Treasurer, as the case may be.

7. See also Volume IV, Chapter 10—"Forfeited and Unclaimed Property."