

Format of Report submitted u/s 108 CrPC

Tahsildars and Executive Magistrates,

-----Taluk, to

MAG No. -----/20

Applicant:

against

Opponent· 1)

Age.....Year.....Occupation..... .

2)

3)

4)

Application seeking action under Section 108 of the Code of Criminal Procedure

The applicant----- hereby submits the application as below

- 1) Opponent is a permanent resident of the village----- . He has enough movable and immovable assets and is financially strong. **(Descriptions of immovable assets of the opponent desirable to be given).**
- 2) Opponent being the resident of the village-----, **his recent behaviour has revealed that he is indulging in activities of inciting hatredness among communities / inciting hatredness related to place of worship/ making statemetns prejudicial to national integrity./insulting religious beliefs of any class with hatredness or intimidating and defaming the judges related to their official work or deliberately attempts to propagate or misrepresents propaganda or is found to defame and is involved in sale of obscene books etc and through this he may bring disturbance to public peace and harmony.(In this paragraph, the acts which may be committed by the opponent which disturb the public peace and harmony to be mentioned in detail)**
- 3) The **Beat Constable** -----of this village/ city area has given his report regarding possible disturbance of public peace & harmony that may be caused by the opponent. Also as per the information collected by the Special Branch constable **(Intelligence gathering staff of the Police Station)**----- in this regard has also relvealed that there is high possibility of the opponent using whatsapp and facebook to spread hate messages against communities or may get involved in selling obscene books etc and by this he may disturb public peace and harmony.
- 4) When checked whether there are any **cases registered** against the opponent in this station? The following cases are found to be registered **(Particularly to consider those cases registered u/s 153A, 153B, 295A and 292IPC)**

Sr.No	FIRno.	CC no.	Sections under which the cases are registered	Remarks(Conviction/acquittal details)

5] When checked whether there are any entry/cases registered in **VCH PART-4** against the opponent in this station? The following entry/cases are found to be registered

Sr.No	Date of Entry	Details	Remarks

6) When checked whether there are any entry/cases registered in **Station House Diary(SHD)** against the opponent in this station? The following entry/cases are found to be registered

Sr.No	Date of Entry	Details	Remarks

7) When checked whether there is any report from **Beat/SB/Crime constables** against the opponent in this station ? The following cases are recorded.

Cr.No	Date on which the report was made	Details	Note/Opinion

In this background, trial was done in the court on the above cases against the opponent and the following cases are convicted/the above cases were acquitted as the opponent turned the witnesses hostile by intimidating them as per the statement given by the **Court PC**-----
(This shows that the opponent is of the nature of intimidating people and knows the tricks of the court to escape from the punishment)

(Applicant should clearly mention the above details in their application as per the above points/table. If there are no details in any of the points/table above it should be deleted but should never be left blank)

Opponent through his bad behaviour may indulge in making accusations which are prejudicial to national integrity, creating hatredness among communities through his hateful messages or dissemination of obscene books, circulation, sale etc. As there is possibility of such threat from him, there is an urgent need to take appropriate action against him under preventive measure, hence the need to register this petition.

8) Jurisdiction:

The opponent being the resident of,Taluk....Village, by his misconduct, as there is a possibility of threat to public peace and harmony in -----Taluk/ District/ City limits, this Court has jurisdiction to hear this application and take appropriate action.

9) Prayer:

For the reasons cited above, the applicant prays as below-

It is submitted to accept the application, and get a bond signed by the opponent for the period from -----to----- (or one year) for not causing any disturbance by inciting hatredness among communities, causing enmity between religions etc, and for maintaining good behaviour during this period. Also it is submitted to take self bond of Rs ----- along with two sureties for the same amount and accordingly pass the order under Criminal Procedure code 117.

Date:

Signature of the applicant Place:

LIST OF DOCUMENTS SUBMITTED ALONG WITH THE ABOVE APPLCATION:

- 1) FIR/ other necessary documents.
- 2) Statements of SB, PC and Beat PCs.
- 3) Petition Inquiry Documents.
- 4) Civil court records.

- As the offence u/s 153A, 153B, 295A and 292 IPC are cognizable offence, the applicant police officer u/s108 CrPC can arrest the respondent as a preventive measure under Section 151.
- If it is not possible to carry out preventive arrest, after first filing an application against the opponent, by obtaining a warrant from the Executive Magistrate against the opponent under Section 113 he may be arrested.