

Communication between the police and prosecutors is vital in ensuring efficient prosecution. Lack of coordination during investigation has been [cited](#) as a reason for procedural lapses and failure to collect relevant evidence. This, in turn, directly affects the quality of prosecution. To add to that, prosecutors in India are categorised on the basis of the court in which they conduct prosecution. A prosecutor is attached to a court and not to a case. This poses a significant challenge to achieving effective communication between police and prosecutors.

For example, once an accused is arrested for murder, they are presented before the magistrate to determine the issue of custody. The magistrate continues to monitor the case until the investigation is over. At this stage, the prosecution is represented by the assistant public prosecutor who practices in magisterial courts. Once the investigation is over and the magistrate forms an opinion that there is sufficient evidence to proceed with, the case is sent to the sessions court for trial. At this stage, the trial is conducted by the additional public prosecutor who practices in the sessions court. If an appeal is filed, the prosecution is conducted by a prosecutor appointed to represent the State in the high court.

Hence, when the investigation is underway, the prosecution is represented by a counsel who does not eventually conduct the trial in court. On the other hand, the prosecutor who does conduct the trial and has to prove the case against the accused by tendering sufficient evidence, plays no role when such evidence is collected during the investigation.

It is therefore necessary that prosecutors are kept in loop during the investigation and a channel is kept in place for effective interaction between the police and the prosecutors (both at the magisterial as well as the sessions courts). Reciprocally, the police should also play an active role during the trial in briefing the prosecutor about various aspects of the case.

