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Criminal Investigation in Nepal: Jurisprudential and Judicial Perspective

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Abstract

Criminal investigation constitutes the foundation of the criminal justice system. It also plays a, and prevents wrongful convictions, and has a pivotal role in protecting victims' rights, and ensuring the rule of law. This article explores the jurisprudential, legal, and judicial dimensions of criminal investigation and emphasis on the principles developed by the Supreme Court of Nepal. The study examines investigative framework under the Constitution of Nepal, 2015, the National Criminal Procedure Code, 2017, and the National Penal Code, 2017, together with 28 landmark judicial decisions related to criminal investigation. The paper emphasizes the transition from traditional investigation approach toward scientific, technology, and evidence based driven investigative practices. It identifies major challenges including weak evidence collection, inadequate specialization, wrongful prosecution, procedural negligence, insufficient victim centered approaches, and delays in investigation. The study also explores judicial directives emphasizing independent and professional investigations, protection of the rights of victims, proof beyond reasonable doubt, accused persons, accountability of investigators and prosecutors, and the need for compensation in cases of wrongful prosecution. The findings show that active criminal investigation involves trained personnel, specialized institutions, technological advancement, evidentiary standards, and strict adherence to due process. The article concludes that strengthening investigative capacity and implementing the jurisprudential principles established by the Supreme Court. It is essential for ensuring fair trials, enhancing public confidence, and improving the overall administration of criminal justice in Nepal.

Keywords

Criminal investigation, Criminal justice system, Evidence based investigation, Criminal jurisprudence, technology-driven investigation methods.

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1. Introduction

The core objective of the criminal justice system is to conduct impartial investigation and fair trial of crimes, punish the offender according to the offense committed, provide justice to the victim, and protect the innocent. The administration of criminal justice is indispensable to provide peace and security in the state, guarantee the rule of law in the country, end impunity, and protect the citizens' right to live freely. The primary indicator for assessing the state of the rule of law is the implementation of criminal law itself, particularly the state of crime control and effective investigation. It is the fundamental responsibility and duty of the Nepal Police to work at the forefront to maintain peace and order through crime control and successful investigation, and to ensure the citizens' right to live peacefully as well as the crime victims' right to receive justice.

Crime prevention and investigation (Government of Nepal, 1955) is a vital professional function of the Nepal Police. Since its inception, the Nepal Police has been adopting various techniques and systems for crime prevention and investigation. To fulfill such a profound responsibility as crime investigation and control, the police force requires adequate resources and equipment. With the advancement of technology, there has been a massive shift in crime and criminal trends (Crime Pattern). New challenges are being encountered in the investigation of crimes such as economic and financial crimes, cybercrime, illicit firearms, human trafficking, illicit drugs, digital currency, insurance fraud, revenue evasion, securities fraud, online scams, money laundering, and organized crime (Adhikari, 2019). Success can only be achieved by incorporating modern technology into crime control and investigation, while timely modifying and improving certain traditional methods. By making the investigation system cutting-edge and tech-friendly, and by strengthening investigators at both individual and institutional levels, the results expected by the public can be delivered.

An analysis of past investigations reveals that they were traditionally confession-oriented, lacked scientific and tech-friendly approaches, and suffered from a deficiency in specialized services. Furthermore, there was a lack of institutional development in crime investigation, procedures were not witness - or victim-friendly, and a strategic action plan to strengthen crime investigation was absent. Currently, the Nepal Police is continuously fighting crime by executing initiatives such as capacity building and promoting the access and utilization of technology to modernize and scientific the crime control and investigation system. With the intention of bringing comprehensive reforms to the field of investigation,

the Nepal Police introduced the concept of the Three-Year Crime Investigation and Control Action Plan (Crime Action Plan) starting in the fiscal year 2015/2016 (F.Y. 2072/073 B.S.), which continues to this day. The Nepal Police implemented this Crime Action Plan upon realizing the indispensability of rejuvenating the investigation system and instilling innovative thinking, skills, and concepts at both the investigator and institutional levels. Contemporary changes are also taking place within police working methodologies, which is essential. The Three-Year Crime Control and Investigation Action Plan play a remarkable role in ending the lack of planned development in crime investigation. It studies and analyzes the legal, systemic, and practical problems and challenges inherent in crime investigation. Ultimately, it ensures service specialization and the institutional development of data- and analysis-based, technology-driven investigation methods (Adhikari, 2019).

Nevertheless, crime investigation is a specialized art and science of uncovering facts, conducted by efficient, experienced, honest, and professional investigators on the foundation of modern technology and science. In several cases investigated by the police and registered in court, the Supreme Court has issued judicial strictures (comments) drawing the attention of the investigative and prosecutorial authorities due to ineffective investigation and prosecution. Efforts are underway to inform the police of such strictures through the Office of the Attorney General and to ensure the execution of court orders. The police also appear to be actively working toward ensuring that the errors and deficiencies pointed out in the judgments are not repeated. It can be believed that landmark judgments delivered by the Supreme Court will not only strengthen the task of crime investigation but also play a vital role in reforming the overall criminal justice system. Against this backdrop, this article discusses the matter in detail by adopting a descriptive method.

2. Objectives of the Study

This study is guided by the following three principal objectives:

1. To examine the jurisprudential, constitutional, and statutory framework governing criminal investigation in Nepal and its significance in ensuring justice, fairness, due process and the rule of law.
2. To analyze the judicial development of criminal investigation principles through the jurisprudence of the Supreme Court of Nepal.
3. To assess contemporary developments and challenges in criminal investigation and to suggest reforms for strengthening investigative mechanisms in Nepal in line with constitutional, statutory and judicial standards.

3. Research Methodology

This study adopts a qualitative doctrinal legal research design. It primarily focuses on the examination and interpretation of legal norms, statutory provisions,

judicial precedents, and jurisprudential principles relating to criminal investigation in Nepal using entirely secondary sources of data like the reported decisions of the Supreme Court of Nepal relating to criminal investigation. The study also draws upon relevant statutory materials, particularly the Police Act, 1955, as well as publications of the Crime Investigation Department, the Office of the Attorney General, and other official legal sources. In addition, scholarly works, journal articles, commentaries, and jurisprudential writings on criminal investigation and criminal justice in Nepal were consulted to provide theoretical and analytical perspectives for the study.

The collected materials have been analyzed using doctrinal and analytical methods of legal research. Reported decisions of the Supreme Court of Nepal, relevant statutory provisions, official publications, and scholarly writings have been critically examined to identify the legal principles governing criminal investigation in Nepal. A jurisprudential approach has been employed to evaluate the theoretical foundations of criminal investigation, including issues of due process, evidentiary standards, accountability, and the protection of the rights of accused persons and victims. The study further utilizes case-law analysis to assess the contribution of the Supreme Court of Nepal in developing investigative standards and strengthening the administration of criminal justice through judicial interpretation and oversight.

4. The Investigative System of Nepal

Investigation is the scientific examination of any fact, incident, or circumstance, the objective of which is to uncover the truth. The state, through law, declares actions that harm or affect individuals, society, and the state as crimes, and provides for their punishment. Crime investigation is a step-by-step process conducted by an authorized agency with the objective of identifying crime, its nature, and the responsible individuals, the involved offenders. Under this process, activities such as collection, preservation, and examination of facts related to the crime are carried out. In other words, crime investigation is the act of meticulously documenting the crime scene by an authorized agency, discovering the available facts and physical evidence, collecting them, and establishing a logical connection between them (Khanal, 2082 BS). Nepalese law appears to be traditionally rooted in Hindu jurisprudence; however, Nepal currently practices a Common Law justice system. Following the promulgation of the Constitution of Nepal, 2015, the National Penal Code, 2017, the National Criminal Procedure Code, 2017, and the Criminal Offenses (Sentencing and Execution) Act, 2017 were enacted to bring comprehensive reforms to Nepal's criminal justice system. This has significantly modernized the fundamental practices within Nepal's criminal justice framework (Jha, 2025). Crime investigation is a complex task of a highly specialized nature. Utilizing available resources and technology, alongside maximizing knowledge, skills, and experience related to crime investigation, an investigating officer always remains and must remain dedicated to making the investigation evidence oriented.

To address the complexities of investigation that continue to emerge with changing times, a corresponding application of updated knowledge, skills, and technology is highly required (Adhikari, 2082 BS).

The primary objectives of criminal justice are to maintain peace, security, and the rule of law in society, punish offenders while discouraging recidivism, deliver justice to victims, and prevent the recurrence of crime. In Nepal's legal framework, an adversarial (prosecutorial) system has been adopted since 1960 A.D. (2017 B.S.). Under this adversarial system, the Government of Nepal itself acts as the plaintiff, appearing before the court on behalf of the victim to demand punishment, and providing the mechanism for defense. This system is explicitly defined by the Constitution of Nepal, the National Criminal Procedure Code, 2017, and prevailing criminal laws. The adversarial model is practiced in countries following the Common Law system, where crime investigation is conducted by the police. The accused possesses the right to silence. The accused receives the benefit of the doubt. The court acts as an umpire. The accused is presumed innocent until proven guilty. The burden of proving the charge rests entirely on the plaintiff (prosecution) (Khanal, 2082 BS). Except for a few exceptions, Nepal's investigative framework is generally based on the adversarial system. The National Penal Code, 2017 section 6 to section 32 outlines the general principles of criminal justice.

5. Landmark Judgments (Precedents) Relating to Investigation and Prosecution

Some of the landmark judgments in which the Supreme Court has issued strictures (comments) concerning crime investigation and prosecution are discussed below.

5.1 Advocate Jyoti Lamsal Poudel v. Government of Nepal, Office of the Prime Minister and Council of Ministers, et al

- » The necessity of a separate, specialized police organization in Nepal is clearly visible. If the same police force is mobilized for riot control and general law and order duties while simultaneously executing crime investigations, it is practically impossible for them to conduct investigations that adhere to the recognized principles of criminal justice.
- » A crime investigator must have a thorough understanding of the recognized principles of criminal justice, the specific types of evidence admissible in a court of law, and the fundamental rights guaranteed to a suspect within the criminal justice framework.
- » Investigators must remain fully updated on the latest global developments in evidence law and the evolving arts of crime investigation.
- » Crime investigation is an extremely complex and specialized task. Investigative personnel must possess specialized knowledge, experience, and competence across all investigative arts. This includes protecting and lifting evidence from crime scenes or elsewhere, preserving it, sending it to laboratories for testing, uncovering the chain of events from the modus

operandi to the commission of the crime, interrogating suspects, and accurately interpreting laboratory reports.

- » If a separate, specialized police organization is not formed and investigations continue under the current police structure, the primary focus will inherently shift to maintaining peace, leading to unsatisfactory crime investigations. This risks the destruction of evidence and replaces crime investigation with the police's core significance. So, the current system must be transformed to establish a specialized police organization for crime investigation.
- » There is no room for negligence, deficiencies, errors, or bad faith on the part of investigators and prosecutors. If any such errors occur, the Government must take detailed responsibility.
- » Crime investigation is a distinct art that strictly demands experienced, trained, competent, and professional personnel. Besides a minimum qualification, an investigator must possess comprehensive knowledge of criminology, law, and criminal investigation techniques. (Advocate Jyoti Lamsal Poudel v. Government of Nepal, 2067 BS)

5.2 Rajendra Maharjan v. Government of Nepal

- » Without definitively verifying the identity of "Chaku Maharjan," the alternative individual, the defendant Rajendra Maharjan was indicted and labeled an offender based purely on guesswork. Failing to ascertain the exact identity of a defendant creates a severe risk where the wrong person is prosecuted and punished. In the absence of absolute certainty regarding identity, a person cannot be prosecuted or deemed an offender; hence, the defendant Rajendra Maharjan is acquitted of the charges in this case (Rajendra Maharjan v. Government of Nepal, 2007).

5.3 Rakesh Kumar Singh v. Government of Nepal

- » For protecting the life and property of citizens, arresting criminals, and conducting investigations, the police may enter citizens' homes in accordance with the law; there is no dispute about that. However, the police do not possess any authority to enter a citizen's home without cause and commit a crime themselves (Rakesh Kumar Singh v. Government of Nepal, 2007).

5.4 Government of Nepal v. Magare Khan, et al.

- » Solid and beyond-reasonable-doubt evidence must be collected against an individual in a criminal offense. Only then can the State file an indictment and initiate prosecution. If the State indicts someone for a criminal offense without evidence and the accused is subsequently acquitted, the Attorney General must not file an appeal solely to harass the accused.
- » No matter how grave the crime, how strong the suspicion, how bad the character and conduct, or how suspicious the activities may be, these factors can never take the place of legal proof.
- » In criminal offenses, the plaintiff (prosecution) must first prove the fact that a crime has been committed, namely, the Corpus Delicti and only after

establishing that fact must they prove that the indicted individual is the one who committed the offense (Government of Nepal v. Magare Khan, 2009).

5.5 Suntali Dhami v. Office of the Prime Minister and Council of Ministers, et al.

- » Under our system, a victim cannot initiate a criminal prosecution on their own. The victim must entirely depend on the state-administered crime investigation, police and public prosecutors.
- » When a victim files a complaint with the police detailing their victimization along with the available evidence, and the police and public prosecutors decide not to pursue or prosecute the case, the victim is completely deprived of their fundamental right to receive justice (Suntali Dhami v. Office of the Prime Minister and Council of Ministers, 2009).

5.6 Government of Nepal v. Kedar Chand Khanal

- » Holding the defendants guilty in the absence of evidence beyond a reasonable doubt would run entirely contrary to the universally recognized principles of criminal justice (Government of Nepal v. Kedar Chand Khanal, 2006).

5.7 Government of Nepal v. Kalawati Subedi

- » In a criminal case, the plaintiff must first prove beyond a reasonable doubt that an offense has been committed. Only after the commission of the crime is established beyond a reasonable doubt can a case be initiated and charges filed against an individual, and subsequently, the charge against the indicted person must also be proven beyond a reasonable doubt.
- » The State must not indict and prosecute an individual based solely on mere suspicion, hearsay evidence, or evidence that is legally inadmissible in a court of law (Government of Nepal v. Kalawati Subedi, 2006).

5.8 Government of Nepal v. Dhaula Devi Bista

- » Simply arresting a person, keeping them in detention under a criminal charge, and recording their statements does not make an investigation reliable or credible. Once an accusation is made, its veracity must be thoroughly verified through active testing during the investigation (Government of Nepal v. Dhaula Devi Bista, 2009).

5.9 Nanda Devi Joshi v. Government of Nepal

- » A First Information Report (FIR) is merely a medium of notification given regarding an incident. It can play a supportive role in evidence collection, but it does not possess conclusive significance on its own. It is not incontrovertible or independent evidence (Nanda Devi Joshi v. Government of Nepal, 2009).

5.10 Government of Nepal v. Yagya Bahadur Thapa

- » Unless a First Information Report (FIR) is verified considering other collected evidence or corroborated by independent proof, the FIR cannot be accepted as independent evidence on its own. Until it is corroborated by other evidence, an FIR serves merely as a supportive tool during a crime

investigation. Therefore, before accepting an FIR as evidence against any accused individual, its judicial examination is essential.

- » Unless a defendant's self-incriminating confession made during an investigation is independently corroborated by other evidence, it is not justifiable for a court to convict them based solely on that confession (Government of Nepal v. Yagya Bahadur Thapa, 2009).

5.11 Sita Kaini v. District Police Office, Tanahun

- » The mere fact that the individuals named in the First Information Report (FIR) are employed in the Nepali Army cannot be treated as a normal justification for failing to conduct an effective investigation into the subject matter of the complaint for an extended period (Sita Kaini v. District Police Office, Tanahun, 2009).

5.12 Bikram Maharjan v. Government of Nepal

- » In a situation where the plaintiff (prosecution) has failed to present any factual, solid, or corroborative evidence to prove that the Bikram Maharjan mentioned in the charge sheet is the exact same appellant Bikram Maharjan who was arrested and brought in, it is impossible to assert solely on the basis of the informant's First Information Report (FIR) that this appellant was involved in killing the deceased under a serious criminal charge such as homicide, without any substantive grounds or proof (Bikram Maharjan v. Government of Nepal, 2009).

5.13 Jhalanath Neupane v. Government of Nepal

- » A state-prosecuted criminal case is not the sole concern of the plaintiff, the Government of Nepal; rather, it is inextricably linked to the victim, the entire society, the courts, and the overall justice system of the country.
- » Simply because the plaintiff exhibits negligence in an investigation with the intent to show favoritism toward a defendant, the direct consequence of each such instance of negligence cannot automatically result in the acquittal of the defendant (Jhalanath Neupane v. Government of Nepal, 2012).

5.14 Bhim Bahadur Basnet v. Government of Nepal

- » The investigator plays an exceptionally vital role in the administration of justice. It is the primary responsibility of the prosecution to independently investigate and analyze facts and evidence, fulfill every legal procedural requirement, and gather incontrovertible circumstantial evidence that forms an unbreakable chain of facts (Bhim Bahadur Basnet v. Government of Nepal, 2019).

5.15 Government of Nepal v. Safiur Rahman Musalman

- » A First Information Report (FIR) acquires probative or evidentiary value only when the witness' testimony and evidence connected to the circumstances of the incident corroborate the details stated in the FIR (Government of Nepal v. Safiur Rahman Musalman, 2020).

5-16 Tejindra Neupane v. Jhapa District Court

- » No official entrusted with the legal responsibility of investigation or prosecution shall maliciously investigate or bring an indictment with the intention of falsely implicating an innocent person or shielding an actual offender (Tejindra Neupane v. Jhapa District Court, 2021).

5-17 Govinda Upadhyay v. Government of Nepal

- » Where an investigation is initially launched into a specific offense but, in the course of the inquiry, indications of a different offense emerge, prevailing Nepalese law does not prohibit the prosecution from filing an indictment for the newly uncovered offense, provided the suspect is given an opportunity for defense and additional evidence is collected as required (Govinda Upadhyay v. Government of Nepal, 2021).

5-18 Bhim Bahadur Tamang v. Sindhupalchok District Court

- » The prosecution must collect the necessary evidence and clarify the identity of the accused based on that evidence before filing a case. It is the legal obligation of the investigator and the prosecutor to present concrete evidence showing that the person arrested later is indeed the accused person, according to the facts and circumstances. Accusing and arresting someone is not merely a matter of fulfilling a formality. Without official proof, it is not in accordance with the law to casually claim that two individuals are the same person when the father's name and address of the accused are completely different (Bhim Bahadur Tamang v. Government of Nepal, 2021).

5-19 Ram Kumar Karki vs. Government of Nepal

- » A directive order shall be issued to take the necessary action toward drafting appropriate legislation and providing just and humane compensation, in accordance with the prior orders of this Court. This process must involve studying and reflecting upon the legal frameworks of other international democratic nations, as well as consulting with legal and judicial experts and relevant subject matter specialists regarding individuals who were detained due to flawed investigations and wrongful prosecutions but were ultimately acquitted upon final judgment of the case (Ram Kumar Karki v. Government of Nepal, 2021).

5-20 Government of Nepal vs. Sakwa Sah Teli

- » In criminal offenses, the claims made against an accused individual must be substantiated by other independent evidence; a charge against the accused cannot be established solely on the ground that the defendant is absconding. If a charge were to be proven merely based on being absconding, the essence of justice would be shattered, and it would cause a severe adverse impact on the investigation process itself (Government of Nepal v. Sakwa Sah Teli, 2021).

5-21 Government of Nepal vs. Bishal Gharti Magar

- » Since an accused possesses both the right to remain silent and the right to defend against the charges with basis and reasons, finding them guilty solely

on the ground of non-cooperation with the judicial process would result in a decision contrary to the essence of justice and the prevailing legal system (Government of Nepal v. Bishal Gharti Magar, 2021).

5.22 Ramesh Sah vs. Government of Nepal

- » During an investigation, factual and authentic evidence must be collected against a suspected person. Fabricated evidence must not be created. A prosecution and proceedings initiated by creating fabricated evidence render an individual's right to a fair trial ineffective. In fact, even if the prosecution or the State wins a case through an indictment based on fabricated evidence, the criminal justice system ultimately loses. Conversely, in a case initiated by adhering to a fair process, whether success is achieved against the accused or not, the justice system never suffers a defeat. Under the criminal justice system we have adopted, one cannot even contemplate an unexpected scenario where a case is won but justice itself must be lost.
- » To take necessary initiatives to ensure a condition where no false cases can be fabricated and prosecuted against innocent individuals in the future, and where defendants who fall victim to false prosecution shall receive compensation if such an event does occur (Ramesh Sah v. Government of Nepal, 2022).

5.23 Nandakali Budha Magar et al. vs. Chief District Officer Madhav Prasad Ojha, District Administration Office Kanchanpur et al.

- » If an investigation is left uncompleted indefinitely or if a prosecution is not initiated under the pretext of an investigation even when a human murder has occurred, the preservation and respect for constitutionally guaranteed human rights will be rendered meaningless. In a situation where people are victimized after losing members of their family, if the state fails to investigate to identify and take action against the perpetrators despite a complaint being lodged, or if it conducts a weak and flimsy investigation, or causes long delays in investigation, or exhibits negligence, or harbors an intention to completely avoid prosecution in the name of investigating, people's faith and trust in the rule of law may falter. In a country governed by a constitution and laws, such actions cannot be acceptable (Nandakali Budha Magar et al. v. Chief District Officer Madhav Prasad Ojha, 2016).

5.24 Advocate Amrit Prasad Shrestha vs. Office of the Prime Minister and Council of Ministers et al.

- » A directive order is hereby issued directing to enact a law that includes provisions for just compensation by the State for the period spent in detention, in cases where an accused individual has been forced to remain in detention due to a faulty investigation and wrongful prosecution but is ultimately acquitted upon the final disposal of the case (Advocate Amrit Prasad Shrestha v. Office of the Prime Minister and Council of Ministers, 2018).

5-25 Government of Nepal vs. Shafiq Mohammad Khan et al.

- » Since a flimsy investigation creates the risk of raising questions regarding faith and trust in the judicial system, the prosecution side must always remain vigilant (Government of Nepal v. Shafiq Mohammad Khan, 2018).

5-26 Government of Nepal vs. Sabuddin Miya

- » To draw the attention of the Office of the Attorney General, directing the supervisory office to pay special attention to preventing errors of this nature where a single prosecution was brought instead of filing cases through separate indictments and to emphasize the effectiveness of prosecution (Government of Nepal v. Sabuddin Miya, 2016).

5-27 Khadga Bahadur Gurung alias Bishal vs. District Police Office Nawalparasi

- » To write and send letters to the Police Head Quarters, the Office of the Attorney General, the Supreme Court Administration, the Judicial Council, and the Judicial Service Commission to initiate departmental disciplinary action against the officers and decision-makers who acted contrary to the law by disregarding the mandatory legal provisions requiring that the identity of children must be kept confidential, that children and adults must be prosecuted and tried separately, and that cases involving children must be heard exclusively by a Juvenile Bench (Khadga Bahadur Gurung alias Bishal v. District Police Office Nawalparasi, 2022).

5-28 Khul Bahadur Kunwar vs. District Police Special Court Kathmandu et al.

- » In an unfortunate event where an individual is needlessly forced to spend time in prison because of the indifferent acts and proceedings of state agencies despite being innocent. So, the state must provide compensation to the petitioner (Khul Bahadur Kunwar v. District Police Special Court Kathmandu, 2016).

6. Jurisprudential Principles Established by the Supreme Court

A critical and in-depth review of the judgments delivered in the 28 cases identified above explains that the Supreme Court has developed a clear jurisprudence relating to criminal investigation and prosecution. The court has explained the powers, legal duties, and limitations of investigative and prosecutorial authorities. It has established important principles aimed at ensuring effective, impartial, and legally compliant criminal justice processes. The principal jurisprudential doctrines emerging from these judgments are summarized below:

- » Investigators must be experienced, trained, professional, and knowledgeable in criminology, law, and investigative techniques.
- » Crime investigation requires a specialized and separate investigative police organization.

- » There should be no negligence, bad faith, misconduct, or procedural deficiencies in investigation and prosecution.
- » Technology should be integrated into crime investigation, and investigative agencies must be technologically empowered.
- » Disciplinary action should be taken against officials who act contrary to law.
- » Government must bear responsibility for investigative and prosecutorial failures.
- » Investigators must not frame innocent people, fabricate evidence, or protect actual offenders.
- » Criminal charges must be supported by corroborative, credible, and admissible evidence.
- » Weak investigations undermine the court's ability to identify the actual offender.
- » Mere suspicion, hearsay, and legally inadmissible evidence cannot justify prosecution.
- » Guilt must be established beyond a reasonable doubt.
- » The identity of the accused must be clearly established through reliable evidence.
- » The accused has the right to silence and the right to defense.
- » The problem of proof lies upon the prosecution.
- » Non-cooperation by the accused cannot, by itself, justify conviction.
- » Courts must decide cases based on evidence presented and must not create evidence on their own.
- » An FIR alone is insufficient to establish guilt without independent corroborative evidence.
- » It serves only a supportive role in investigation and evidence collection.
- » A FIR is primarily an informational document and not substantive evidence.
- » Failure of police and prosecutors to pursue a legitimate complaint deprives victims of their fundamental right to justice.
- » Delayed, incomplete, or intentionally weak investigations undermine victims' rights and public confidence in the justice system.
- » Individuals wrongfully detained or prosecuted due to faulty investigations should receive fair and humane compensation.
- » Victims of false prosecution based on fabricated evidence must be compensated by the State.
- » Effective, timely, and lawful investigation is essential for the protection of constitutional rights and the rule of law.
- » Weak investigations erode public trust and confidence in the criminal justice system.
- » Investigation and prosecution must be conducted with utmost diligence to maintain the integrity of justice.

7. Conclusion

Investigation is the backbone of criminal justice. The investigation of an offense is the foundational basis for prosecution, and prosecution serves as the gateway to the adjudication of justice. Prosecution becomes robust only when the investigation is strong and scientific. The police are not merely the initial investigators but are also decision-makers. Therefore, it is imperative to conduct accurate and error-free investigations. When the prosecution is strong, justice is properly dispensed, ensuring that the victim receives justice and the accused receives punishment, thereby establishing the rule of law. In this regard, it must be understood that the State's investment in this mechanism is fundamentally for the preservation of the rule of law. Enacted with the expectation of bringing significant reforms to crime investigation and prosecution, new statutes including the National Penal (Code) Act, 2017 (2074 BS) and the National Criminal Procedure (Code) Act, 2017 (2074 BS) explicitly point toward a scientific and objective framework for investigation and prosecution. This is expected to reform the overall criminal justice administration of Nepal. If crimes are not properly investigated and prosecuted, then no matter how excellent the laws are, or how independent and competent the judiciary is, the ultimate objective of the criminal justice administration cannot be fulfilled. The investigative phase is extremely serious in criminal justice administration. It is imperative to enhance the equipment of the agencies, digital technology, and physical infrastructure for investigating and prosecuting offenses. Furthermore, the professional competence and capacity of the personnel working within those agencies. It is imperative to manage with intensified institutional vigilance to prevent the relapse of the deficiencies, errors, and shortcomings stressed by the Supreme Court in crime investigation and prosecution. The Nepal Police has recently revealed its three-year Strategic Plan (2026-2028), standing citizen friendly and people centric law enforcement services and a technology friendly institutional transformation in operational priorities. This strategic plan puts forward agendas such as providing efficient and prompt services to the people through legal reform, policy, and utilization of modern technology. Similarly, specialization in crime investigation, personnel services, and enhancing effectiveness in crime prevention. It also emphasizes developing motivated, skillful and ethical human resources, conducting tech-driven crime investigations, reinforcement physical infrastructure and the working environment preparing a skilled workforce with high morale, reinforcing physical infrastructure and resources. It also deploys information technology and Artificial Intelligence. If this strategic plan is effectively implemented, it is believed that it will lead to effective crime investigations in Nepal. It will strengthen the overall criminal justice system in the country.

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