



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No.02/2024

Sub: Standard Operating Procedure for Registration & Transfer of Zero FIR

The concept of 'Zero FIR' has been included in the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 under Sec. 173. This section makes it imperative upon an OIC/IIC of a Police Station to register a Zero FIR in case a cognizable offence is reported, even when the occurrence has taken place outside the jurisdiction of his police station.

1. Objective

The purpose of such legislation is to

- Ensure prompt registration of case as soon as a crime is reported
- To help citizens in hassle-free registration of cases.
- Expeditious investigation

2. Process

A. Role of Police Station Registering Zero FIR

If an OIC/IIC of a Police Station receives an information regarding commission of a cognizable offence beyond the jurisdiction of his Police Station, he shall take following actions:

- The OIC shall register Zero FIR upon receipt of such information under the appropriate sections of law as revealed from the contents of the report. A scanned copy of the complaint will be attached to the Zero FIR.
- No formal '**Annual Serial Number**' is to be allotted to such FIR. Only the number '**0**' will be mentioned at 'FIR Serial Number'.
- He shall obtain an ID proof from the complainant filing such report. Contact details of the complainant including his mobile phone no., email ID and full addresses should be included in the report.

- He shall ascertain the name of the jurisdictional Police Station either from complainant or from any other source. It is important to note that transfer of Zero FIR can only be done once and no second transfer is permissible. Therefore, OIC/IIC must ensure that the transfer is made to competent police station after proper verification.
- After registering the 'Zero FIR' he shall transfer the same to the jurisdictional PS through CCTNS forthwith, after attaching a scanned copy of the report along with ID particulars of the complainant.
- He shall retain the original complaint and send the same to the jurisdictional police station through a special messenger/registered post.
- A copy of the 'Zero FIR' shall be handed over to the complainant free of cost, under a proper acknowledgement, with an advice to visit the jurisdictional Police Station.

Primary Investigation

- After the registration of Zero FIR, as mentioned above, if necessary, primary investigation may be done by a Police Officer of non-jurisdictional PS e.g. Medical Examination of a Rape victim or injured or any other steps depending upon urgency of the situation.
- The Police Officer conducting primary Investigation based upon the 'Zero FIR' shall follow all statutory rules related to investigation.
- While collecting evidence during such primary investigation, the Police officer of non-jurisdictional PS shall not give any finding as to the merit of the case.
- Documents/ evidence collected during such primary Investigation by the Police officer of non-jurisdictional PS shall be transmitted forthwith to the Jurisdictional Police Station.

B. Role of Jurisdictional Police Station

- The OIC /IIC of the jurisdictional Police Station after receiving the 'Zero FIR' is duty bound to proceed in the matter either (i) under Sec. 173 (3) BNSS i.e. Preliminary Enquiry or (ii) under Sec. 173 (1) BNSS i.e. Registration of Formal

FIR depending upon the circumstances and will take further follow up action as the case may be.

- He will contact the complainant basing on the contact details given in the Zero FIR and take further follow up action for proper investigation of the case.
- He will contact the OIC/IIC of the non-jurisdictional police station and collect documents, reports, evidence if any available at their end.

3. Do's

- I. Entries with reference to the registration of 'Zero FIR', its mode of transfer etc. shall be made in the Station Diary of the Police Station.
- II. A separate Register in the name and style 'Registration and Transfer of Zero FIR' shall be maintained at each PS level to keep records about registration, transfer of zero FIR and its cross reference.
- III. The OIC/IIC shall send such FIR in 'Daily SITREP' to the supervising officers.

4. Don'ts

- I. Under no circumstance, multiple registration of FIR on the same incident is permissible.
- II. The non jurisdictional police station registering zero FIR is not authorized to conduct any preliminary enquiry under Sec. 173 (3) of BNSS 2023. However, the jurisdictional police station may do so if so required.
- III. No Investigating Officer shall be formally entrusted to conduct investigation in the matter arising out of a 'Zero FIR'. However, an officer may be entrusted to conduct primary investigation in emergent situation after mentioning the facts in the station diary.

Note: *This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.*


Arun Bothra IPS, 28.6.24
Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 7341 /CID-Law

Date: 29.06.2024.

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Addl. Director General of Police, 28.6.24
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ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR NO. 03/2024

**Sub: Standard Operating Procedure for
Preventive Action of Police**

Chapter-XII of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 deals with Preventive Action of Police. In this regard, special provisions under Sec. 172 has been incorporated in BNSS which provides that all persons shall be bound to conform to the lawful directions of a Police officer given in fulfilment of any of his duty under this Chapter and a Police Officer may detain or remove any person not conforming to his lawful direction.

1. Objectives

The chapter XII of BNSS has been incorporated

- To strengthen the police in maintaining public order
- To prevent breach of peace
- To prevent commission of a cognizable offence
- To prevent damage to public property

2. Relevant Provisions

- **Conformance to Lawful Directions:** All persons are bound to follow the lawful directions of a police officer given in fulfilment of their duty (Sec. 172 BNSS). A police officer may detain or remove anyone resisting or disregarding such directions and may take them before a Magistrate or release them within 24 hours in petty cases.

- **Prevent Cognizable Offences:** Every police officer shall interpose and prevent the commission of any cognizable offence to the best of their ability (Sec. 168 BNSS).
- **Information of Design to Commit Cognizable Offences:** Any police officer receiving information about a design to commit a cognizable offence must communicate this information to their superior officer and any other relevant officer (Sec. 169 BNSS).
- **Arrest to Prevent Commission of Cognizable Offences:** A police officer aware of a design to commit a cognizable offence may arrest the person involved without a warrant if it appears that the offence cannot be otherwise prevented (Sec. 170 BNSS).
- **No person arrested under section 172 BNSS,** shall be detained for more than 24 hours if he complies with the lawful direction of the police during the detention.
- **Prevention of Injury to Public Property:** A police officer may prevent any injury to public property (Sec. 171 BNSS).

3. Process

- Maintain a Detention Register separate from the Arrest Register.
- Prepare arrest memos and comply with all statutory formalities.
- Conduct medical examinations for detained persons.
- Release detained persons with a PR bond within 24 hours if they conform to lawful directions.
- Forward detainees to court within 24 hours if they do not conform to lawful directions and commit a non-petty offence.

Note: *This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.*

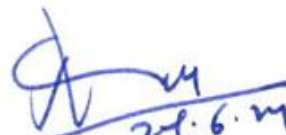

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Addl. Director General of Police,
CID Crime Branch, Odisha.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR NO.04 /2024

**Sub: Standard Operating Procedure for
Preliminary Enquiry (Sec-173 (3) BNSS 2023)**

1. Objective

Unlike the Cr.P.C, an express provision has been made in the **BHARATIYA NAGARIK SURAKSHA SANHITA, 2023** to enable the police to conduct preliminary enquiry in certain categories of cases. The objective of such provision is to prevent false and malicious prosecution.

2. Definition

A pre-investigation enquiry to ascertain whether there exists a prima facie case. Such Preliminary enquiry can be conducted in the matters where the reported cognizable offence is punishable with imprisonment of three years or more but less than seven years.

3. Process

- a. The OIC/IIC shall register a case upon receipt of any information if he is satisfied that there exists a prima facie case regarding commission of cognizable offence from the contents of the report.
- b. However, in case the OIC/IIC has doubt regarding the existence of a prima facie case he, instead of registering an FIR, may take steps to conduct a preliminary enquiry into the matter. It is important to note that such enquiry can only be conducted in cases where the alleged offence is punishable with an imprisonment of three years or more but less than seven years.
- c. In case the OIC/IIC decides to counter preliminary enquiry into the matter he will take following steps.
 - i. He shall enter the fact in Station Diary of the Police Station.

- ii. He will seek permission of the jurisdictional SDPO/ACP/DSP for initiating preliminary enquiry immediately but not exceeding 48 hours after receipt of such information.
- iii. The jurisdictional SDPO/ACP/DSP on receipt of such request may permit or decline for such preliminary enquiry as soon as possible but not exceeding 48 hours from the receipt of such request.
- iv. In case the SDPO/ACP/DSP declines to accord such permission for preliminary enquiry he shall record his reason in writing for such refusal and communicate the same to the OIC/IIC.
- v. On receipt of the permission from SDPO/ACP/DSP, the OIC/IIC may himself conduct the preliminary enquiry or cause it to be enquired by his subordinate officer of and above the rank of ASI.
- vi. OIC/IIC must ensure that the preliminary enquiry is completed within the statutory period of 14 days from the date of receipt of the information, as prescribed under section 173 (3).
- vii. It may be noted that the objective of such Preliminary Enquiry is not to ascertain the veracity of the allegation. The enquiring officer has to verify if the incident narrated in the report has actually taken place or not. The questions like who committed the offence and to what extent are not covered under the ambit of the preliminary enquiry.
- viii. The Police officer conducting the enquiry may visit the spot, examine the complainant and the persons acquainted with the facts and circumstances of the case.
- ix. The Enquiring Officer shall submit a report to the OIC/IIC of the Police Station regarding actions taken during the enquiry and his opinion about the occurrence of the alleged incident and whether there exists a prima-facie cognizable case.
- x. The result of such Preliminary Enquiry shall be entered in '**Preliminary Enquiry Register**' kept in the PS by the OIC/any officer so entrusted for the purpose. Registration or non-registration of the case will be decided on the outcome of the Preliminary Enquiry.

- xi. While registering the case after the preliminary enquiry, the original written report submitted by the complaint shall be registered as FIR.
- xii. The time consumed for the preliminary enquiry shall be duly mentioned in the FIR form as well as the case diary.
- xiii. The result of such Preliminary Enquiry and consequent steps taken by the OIC/IIC shall also be intimated to the complainant/informant under intimation to the SDPO/ACP/DSP.
- xiv. This provision is not applicable in respect of complaint cases received from the cognizance taking Magistrates.
- xv. Preliminary enquiry is not required upon registration of Zero FIRs by the non-jurisdictional Police Station registering of zero FIR. However, the jurisdictional Police station may conduct such preliminary enquiry in deserving cases.
- xvi. Where a case has already been registered by order of the Court or any authority, no further Preliminary Enquiry is necessary.
- xvii. It may be noted that as per section 18-A of the SC and SC (POA) Act no preliminary enquiry can be conducted.

4. Responsibility

- i. All SDPOs/SHOs/EO shall maintain the complete record of proceedings conducted in any preliminary enquiry.
- ii. It will be the responsibility of OIC/IIC to see that the preliminary enquiry is completed within the statutory period of 14 days from the date of receipt of the information.
- iii. SDPO/SP/DCP to review preliminary enquiries conducted in his jurisdiction during the monthly crime review meeting and take corrective measures, if any.

Note: This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.



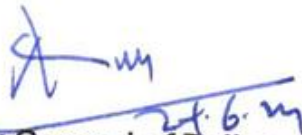
Arun Bothra IPS *29.6.24*
Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 7343 /CID-Law
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Addl. Director General of Police,
CID Crime Branch, Odisha.

ANNEXURE A**FORMAT OF SEEKING PERMISSION FOR CONDUCTING PRELIMINARY
ENQUIRY UNDER SECTION 173 (3) BNSS, 2023**

Police Station: _____

District _____

No. _____

Date _____

Information for conducting Preliminary Enquiry u/s 173(3) of BNSS

Sl. No.	Particulars	Contents
1	Nature of the information/ complaint	
2	Date and time of receipt of the information/complaint	
3	Details of the informant/ complainant	
(a)	Name	
(b)	Address	
(c)	Contact details	Mobile No: Email id:
4	Details of the person against whom information/ complaint given	
(a)	Name	
(b)	Address	
(c)	Contact details	Mobile No: Email id:
5	Whether informant/ complainant is a minor/woman/senior-citizen	
6	Time and place of occurrence of alleged offence	

No. _____

Time _____

Date _____

Officer-in-charge/SHO

Police Station _____

Reasons for approval/ denial for conducting Preliminary Enquiry u/s 173(3) BNSS:

Date:

Seal and Designation of the Officer



**ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH**

CRIME BRANCH CIRCULAR NO. 05 /2024

Sub: Standard Operating Procedure for Handcuffing

1. Introduction

- The statutory provision for handcuffing is a new concept introduced in Sec- 43 (3) of BNSS-2023. There was no specific provision for handcuffing in the Criminal Procedure Code.
- The Supreme Court in various judgements restricted use of handcuffs with directives that require Law Enforcement Agencies will seek Court's permission before handcuffing a person.

2. Process

- A.** The police officer may, keeping in view the nature and gravity of the offences, use handcuff for the following category of accused person.
- a. who is a habitual, repeat offender
 - b. who escaped from custody
 - c. Accused of the following offences

Sec in BNS	Nature of Offence under BNS
Sec. 71	Repeat offender
Sec. 145	Habitual offender
Sec. 253,	Escaped from custody
Sec. 111 (1) to (7)	Offence under organized crime
Sec. 113 (1) to (7)	Offence under Terrorist Acts
Sec. 123, 276, 277 & 278	Offence of drug related crime
	Illegal Possession of Arms and Ammunitions
Sec. 63, 67, 68, 69, 70	Offence of Rape
Sec. 101	Offence of murder
Sec. 124 (1) & (2)	Offence of acid attack

Offence under Chapter-X	Offence of Counterfeiting of Coins and Currency Notes
Sec. 111 (1)	Offender of human trafficking
POCSO Act	Sexual Offence against Children
Sec. 147- 157	Offence against the State

B. Handcuffing of the above categories of the accused persons is allowed only in two circumstances.

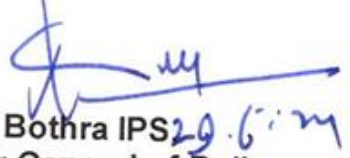
- i.** While making arrest of the person.
- ii.** While producing such person before the court.

It may be noted that in any other demanding circumstances like taking the accused for medical examination, recovery of weapon or stolen property or crime scene recreation etc. handcuffing can be done only with orders of the court.

3. Guidelines For Handcuffing

- i.** Handcuff should not be used in a routine manner.
- ii.** Handcuffs must not be used in a manner that causes unnecessary pain or injury, as this could constitute excessive force, violating the right to be free from torture and inhumane treatment.
- iii.** Prolonged handcuffing of individuals without sufficient reason must be avoided.
- iv.** Handcuffing must not be used as a form of punishment and to denigrate the dignity of the individual.
- v.** Using handcuffs may be avoided when the individual poses no threat to self or others, including police.
- vi.** Handcuffing individuals with certain medical conditions, where it poses health risks, may violate their right to health and safety and therefore should be ordinarily avoided.
- vii.** While handcuffing, it is to be ensured that the provisions of Article-21 of the Constitution of India is not violated in any manner and all decency and decorum keeping in view the human dignity should be ensured.

- viii. The provision of use of handcuff u/s-43(3) of BNSS 2023 is not mandatory but obligatory.
- ix. Whenever handcuffing of a person is required entries should be made in the Station Diary with sufficient justification and clear orders in the command certificate.

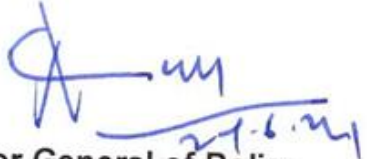

Arun Bothra IPS
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CID Crime Branch, Odisha.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 06/2024

**Sub: Standard Operating Procedure for
Recording of Confession Statement by a Magistrate**

1. Objective

Recording of confession and statement by a Magistrate was dealt with under section 164 of the Cr. PC. Almost similar provision has been made in section 183 of BNSS albeit with some significant changes. This circular analyses and interprets the changes and also elaborates the process of recording of confessions and statements by a Magistrate under Sec. 183 BNSS 2023.

2. Understanding the Law

Sec. 183 BNSS reads as follows:

‘Any Magistrate of the District in which the information about commission of any offence has been registered, may whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this chapter or under any other law for the time being in force, or at any time afterwards but before the commencement of the inquiry or trial.’

Please note that:

- i. Statements recorded under Sec. 183 BNSS may be confessions of an accused or statement of a witness or victim.
- ii. The recording of confessions and statements can be done by any judicial Magistrate of the district where the FIR has been registered. Earlier such geographical limit was

not prescribed and such recording was possible even outside the district and State also.

- iii. It is not necessary that the Magistrate has territorial jurisdiction on the case. It can be any judicial Magistrate of the district where the crime has been registered.
- iv. The word Magistrate in the section denotes a judicial Magistrate.
- v. The judicial Magistrate **may** record the statement on the prayer of a police officer. The section, thus, gives prerogative to the Magistrate to record the statement or refuse to do so. However, as later shown in this circular, there are certain sections and conditions in which the Magistrate shall record the statement without any discretion.
- vi. The confessions and statements under this section can be recorded only in cases of an investigation. It does not apply to enquiries under section 173(3).
- vii. The confession and statements can be recorded even after submission of final form by the IO but not after the commencement of the inquiry or trial.

3. Process

A. General Guidelines

- i. The Prayer should be made to the Jurisdictional Magistrate or any Judicial Magistrate in the district where the case has been registered.
- ii. However, if a confession or statement is recorded by a Judicial Magistrate other than the Jurisdictional Magistrate, the reasons must be cited in the prayer.
- iii. Copy of the statement recorded under Sec 180 BNSS must be accompanied with the prayer of the I.O. while praying for recording of statement u/s 183 BNSS. Statements from witnesses or victim should be recorded under Sec. 180 BNSS, preferably in a question and answer format.
- iv. If the accused expresses unwillingness to confess, the Magistrate shall not authorize him to further police custody.
- v. The investigating officer is entitled to a free copy of the confession/statement in a sealed cover.

- vi. If recorded by a Magistrate other than the jurisdictional Magistrate, the statement recorded under section 183 BNSS must be sent to the jurisdictional Magistrate forthwith.
- vii. Statements of physically/mentally disabled persons shall be considered in lieu of examination-in-chief and can be cross-examined.

B. Manner of Recording Statement of a Witness

- i. It should be mentioned whether the person has given clear consent for such recording and whether any next friend is available with the accused/ witness/ victim.
- ii. In case the witness is a minor, the parents/guardian or next friend of the minor should be allowed to accompany him.

C. Manner of Recording Confession

- i. The confession should be recorded immediately.
- ii. The Magistrate must explain that the accused is not bound to make any confession and that it may be used as evidence against him.
- iii. The Magistrate should ensure that the confession is made voluntarily.

D. Manner of Recording Rape Victim's Statement

- i. In cases punishable under Sections 64 to 71, 74 to 79, 124 BNS, the Magistrate shall have to record the statement of the rape victim immediately after the offense is reported to the police.
- ii. It should be recorded by a woman Magistrate or, in her absence, by a male Magistrate in the presence of a woman.

E. Manner of Recording Disabled Persons' Statement

- i. If the witness is mentally or physically disabled, deaf or dumb or not understanding local language, the Magistrate must take the assistance of an interpreter or special educator.

F. Audio-Visual Recording

- i. Any confession or statement made under Sec. 183(I) BNSS may be recorded by audio-video electronic means in the presence of the accused's advocate.
- ii. It is mandatory during the recording of statements from mentally or physically disabled persons, preferably using a mobile phone.

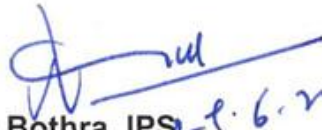
G. Timing of Recording

- i. Confessions or statements can be recorded during the investigation process but not during inquiry under Sec. 173(3).
- ii. It can also be recorded after the submission of the Final Form (Police Report) but before the commencement of the inquiry/trial.

H. Mandatory Recording in Certain Cases

- i. The statement of victims subjected to offences punishable under Sections 64 to 71, 74 to 79, 124 BNS shall have to be recorded by the Magistrate.
- ii. Similarly in cases where the offence is punishable with imprisonment for ten years or more, life imprisonment, or death, the Magistrate shall have to record the statement of a witness produced before him.

Note: This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.


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CID Crime Branch, Odisha.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 07/2024

**Sub: Standard Operating Procedure for
Medical Examination of Rape Victim**

1. Introduction

Sec. 184 of Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier 164-A Cr.P.C) imposes obligation on the part of Investigating Officer to get the victim of rape medically examined within 24 hours from the time of receiving the information relating to the commission of such crime. For this purpose, the following guidelines issued in an aid to the IOs.

- a. The medical examination of the victim shall be done within **24-Hrs** from the time of receiving such information by the OIC/Police Officer at PS.
- b. The medical examination of victim shall be conducted by a Registered Medical Practitioner employed in a hospital run by (i) Govt., (ii) local authority or (iii) in absence of both, (iii) any other Regd. Medical Practitioner.
- c. Such medical examination of the victim shall be conducted only by or under the supervision of a female Registered Medical Practitioner. [**51(2) BNS**]
- d. Medical examination of victim of rape shall be conducted
 - i. If she is above 12 years of age, with her consent.
 - ii. If she is under 12 years of age or temporarily or permanently mentally disabled, then she can be examined only after a written consent from her parents/ guardians (**Sec-27 POCSO Act**).

- e. The Medical Practitioners shall, within a period of seven days forward the report of such medical examination to the investigating officer and the said report shall form a part of the case.

2. Process

A. Before Medical Examination

- a. Whenever any information regarding rape of a victim receives by the OIC/IIC of a Police Station, it is the primary duty of the police to ensure that the victim of such crime should be dealt with honour and utmost sensitivity preferably by a women police officer of Women Help Desk of the Police Station.
- b. No indecent questions should be put to the victim. Care should be taken to secure dignity of the victim and prevent embarrassing situation for her.
- c. In case, the victim is not accompanied by any member of her family, the information of such crime should be given immediately to her family.
- d. The identity of the victim should not be made public and due care should be taken to prevent disclosure of her identity in print and electronic media.
- e. If the victim is a minor, then document in respect of her age i.e. birth certificate, educational certificate be obtained from her parents/ guardians and it should be produced before the Medical Practitioner who will conduct her medical examination **(Section 34 POCSO Act)**.

B. During Medical Examination

- a. A rape victim above 12 years of age can be examined only after her written consent.
- b. If a rape victim is under 12 years of age or temporarily or permanently mentally disabled then she can be examined only after a written consent from her parents/ guardians.
- c. In no situation victim and accused be taken for medical examination in a common vehicle. This is important to prevent their face to face contact.

- d. Similarly, in no situation victim and accused be taken for medical examination to hospital at the same time.
- e. If any victim of rape, who is major, refuses to give consent for her medical examination then, she should be counselled properly about the disadvantages of not having medical examination in such cases.
- f. She should give in writing the reason of her refusal for medical examination.
- g. If possible, she should be taken before a Medical Practitioner where she may deny for her medical examination and the same be reflected in the report as well as case diary.
- h. If any of the parents of the victim of rape, who is minor, refuse to give his/ her consent for medical examination of their child then, he/she should be counselled properly about the disadvantages of not having medical examination in such cases.

C. After Medical Examination

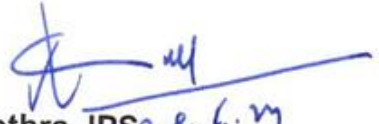
- a. The biological samples collected by the Medical Officer and the wearing apparels of the victim shall be:
 - i. seized without delay
 - ii. preserved properly after air dry and
 - iii. be sent for Chemical Examination without any delay irrespective of the fact whether the accused is arrested or not.

This is intended to avoid deterioration of the biological evidence in the seized exhibits.

- b. Chain of custody of biological samples should be carefully observed from taking the same into custody to till its deposition at Forensic Laboratory.
- c. If any medical practitioner does not furnish the medical report of the victim within seven days, as prescribed in the law, then IO should bring it to the notice of the SDPO/SP in writing without delay.

- d. In case, the MO still violates the provisions of Section 184(6) BNSS, then SP will bring it to the Director Health Department, Odisha through CAW & CW working under CID, Crime Branch, Bhubaneswar.

Note: *This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.*


Arun Bothra, IPS 29.6.24
Addl. Director General of Police,
CID Crime Branch, Odisha.

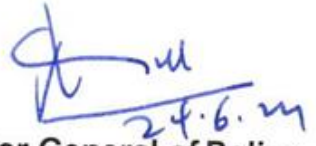
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Addl. Director General of Police,
CID Crime Branch, Odisha.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No.08/2024

**Sub: Standard Operating Procedure for
Summon to Produce Documents**

The criminal investigation involves collection of evidence both oral and documentary to testify veracity of allegation and to arrive at a logical conclusion. Wherever such document is necessary for the purpose of any investigation or inquiry, the Officer-in-Charge of the Police Station is empowered to issue summon or written order for production of those documents.

1. Definition

Document has been well defined u/s 2(d) of BSA-2023 and it includes any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing necessary for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita.

2. Guidelines

Sec. 94 BNSS empowers both the Court and the OIC/IIC of the PS to call for production of such documents required for the purpose of any investigation, inquiry, trial or other proceeding. In the light of the above, the following guidelines are to be followed.

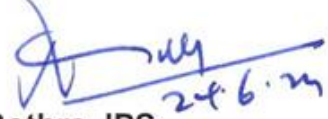
- i. The order for production of documents can only be issued to the person in whose possession or power such document or thing is believed to be.
- ii. That such order (physical or electronic form) shall bear signature of the officer issuing it and also the seal of the Police Station.
- iii. The order shall specifically mention type of documents to be produced and time and place of production.

- iv. The person to whom such order is issued may
 - a. produce the document physically, or
 - b. caused its production through his agent duly authorized by him unless there is specific order/ direction issued for his physical presence and examination.
- v. The OIC/IIC shall acknowledge a receipt of such documents produced before him with proper seal and signature of the office. If the documents are seized, then a copy of the seizure list shall be handed over to the person concerned under proper acknowledgement. In such cases, all formalities of seizure as per provision under sec. 105 of BNSS shall be observed.
- vi. When the person so ordered to produce the document at the specified date, time and place fails to produce or cause to be produced the document without any intimation, the investigating officer/ OIC may conduct search the premises in accordance with Sec. 96, 103, 104, 185 & 186 of BNSS.
- vii. Chain of Custody of all such seized documents including electronic documents and devices are to be mentioned in the case diary and will be duly proved in the court during trial.

However, the OIC/IIC of the Police Station have no power to issue order for production of the document mentioned below.

- i. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit. (Sec. 129 of BSA).
- ii. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure. (Sec-130 of BSA).
- iii. Letter, postcard or other document or any parcel or thing in the custody of Postal Department. In case the document is required for the purpose of investigation, then the OIC/IO shall pray to the Court for cause production of such document.

Note: This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.



**Arun Bothra, IPS,
Addl. Director General of Police,
CID Crime Branch, Odisha.**

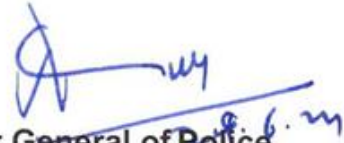
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Cuttack, ADGP Railways & Coastal Security
- IGP Training, IGP CAW & CW, IGP EOW, IGP STF
- All Range IsGP / DIsGP

for information and necessary action.



**Addl. Director General of Police,
CID Crime Branch, Odisha.**

NOTICE UNDER SECTION 94 BNSS 2023

Notice No:

Date:

Police Station:

To

Name
Address

Whereas (Police Station Case Refere with Sections of law) has been registered and the undersigned is investigating into the case.

Whereas it is believed that the below mentioned documents are available with you and production of those document is necessary and desirable for the purpose of investigation of the above-mentioned case.

Therefore, you are hereby directed through this order to produce/ cause production of the documents as per list below before the undersigned on (date) at (Place) between (Time) and to answer the questions in connection with the case.

Failure on your part to comply or attend the same will render you liable for legal action U/s 210 Bharatiya Nyaya Sanhita 2023.

Issued this day of

Name:

Designation:

Seal



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No.09/2024

**Sub: Standard Operating Procedure on
Registration of e-FIR under BNSS, 2023**

1. Introduction

Facility to send an FIR to police by electronic mode was available to citizens earlier also. However, E-FIR could be lodged only in crimes like MV theft etc. Further, such E-FIR could be lodged only on official citizens portal. These limitations have been removed in the BNSS, 2023. Now, citizens can lodge an FIR related to any crime by electronic mode and such report can be submitted by any electronic means such as email, WhatsApp etc.

Section 173(1)(ii) of *Bharatiya Nagarik Suraksha Sanhita, 2023* deals with the information received through electronic communication and its further follow up action by the OIC/IIC of Police Station.

The law has also defined electronic communication as under.

Section 2(1)(i) of BNSS: *"electronic communication" means the communication of any written, verbal, pictorial information or video content transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-video player and camera or any other electronic device or electronic form as may be specified by notification, by the Central Government.*

2. Objectives

The mandate of the legislation is to ensure citizen centric reporting of complaints pertaining to commission of cognizable offence without physically visiting the Police Station. The section aims at:

- (I) Free and prompt reporting of cases

- (II) To ensure that police officers register all the cases brought before them
- (III) To ensure that no time is lost in the investigation process and legal proceeding when a crime is reported
- (IV) Simplifying the procedure of crime reporting and reducing the chances of intimidation by the offender
- (V) To avoid lacunae of delayed registration of FIR
- (VI) To prevent further addition/alteration in the information as an outcome of the afterthought.

3. Guidelines for Registration of e-FIR

To ensure timely and proper registration of 'E-FIR' following instructions are issued.

- (i) Superintendent of Police of the district shall notify the official/registered CUG mobile number with WhatsApp and Govt. e-mail address of every PS under his jurisdiction.
- (ii) The OIC/IIC of the PS shall display the registered mobile number (CUG) with WhatsApp and Govt. e-mail ID of the Police Station outside the police station.
- (iii) Any information about a crime may be received through the official mobile number (CUG) and Govt. e-mail ID of the Police Station or citizen's portal on police website.
- (iv) The message so received electronically may be downloaded and kept in a computer in the police station. The electronic information relating to the commission of a cognizable offence may be entered in the E-Fir register as per Appendix- A.
- (v) The OIC/IIC shall ask the complainant through available mobile phone or mail-ID or personal contact to come to the Police Station within three days of the receipt of the E-FIR for signature on the complaint.
- (vi) On arrival of the complainant at the Police Station, the OIC/IIC or any Police Officer shall obtain his signature on the hardcopy of the report. The information sent through electronic communication shall only be registered as FIR if the complainant is signed by the complainant within three days.
- (vii) In case the information received through any electronic mode reveals commission of a grave and heinous crime or possibility of a crime being committed or an incident that can lead to law-and-order situation, the OIC/IIC will immediately act on his own volition without waiting for the arrival of the complainant.
- (viii) It may be noted that failure to record any information revealing a cognizable offence under Section Sec. 64, 65, 66, 67, 68, 70, 71, 74, 76, 77, 79, 124, 143

and 144 of *Bharatiya Nyaya Sanhita, 2023* is punishable under Section 199 (c) of the said *Sanhita*.

- (ix) If any information reveals occurrence of a grave crime or serious threat to life etc. or if from the information it is revealed that the informant is too old or infirm to come to Police Station to sign the report, the OIC/IIC may forthwith depute one officer to get the report signed by the informant/victim.
- (x) The procedure as prescribed under Sec. 173(1)(a), (b) & (c) shall be followed in cases of information received under Sec. 64 to 71, 74-79 & 124 BNSS.
- (xi) After obtaining signature of the informant, the OIC can proceed either under Sec. 173(3) i.e. Preliminary Enquiry or under Sec. 173(1) BNSS i.e. Registration of FIR as the case may be.
- (xii) If the informant/complainant fails to appear in the Police Station within three days for signing the information, the OIC/IIC shall make an entry in the Station Diary in this regard.

Note: This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.


Arun Bothra, IPS, 30.6.24
Addl. Director General of Police,
CID-Crime Branch, Odisha.

Memo No. 7382 /CID-Law

Date: 30.06.2024

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Arun Bothra, IPS, 30/6/24
Addl. Director General of Police,
CID-Crime Branch, Odisha.

APPENDIX-A

FORMAT OF e-FIR REGISTER

Police

Station_____

1.	Serial Number	
2.	Date and time of receipt of information	
3.	How Received/Mode of Receipt	
4.	E-mail/ phone of the informant /victim	
5.	Name and address of the informant	
6.	Address & ID Proof of informant/complainant (Aadhar /PAN/Passport)	Yes/No
7.	Brief of the information with offences that it reveals	
8.	Nature of offence reported	Cog/ Non-cog
9.	Date, Time and mode of intimation to the informant/ complainant to appear at PS for signature.	
10.	Action taken by the OIC after obtaining signature	
	(a) Preliminary Enquiry	
	(b) Regn of FIR with cross reference	
	(c) Any other action taken with GD reference	
11.	Station Diary reference with date in case the informant fails appear or sign the report.	



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No.10/2024

**Sub: Standard Operating Procedure on
Audio-Visual Recording**

The concept of “audio-video electronic means” has been defined under section 2(a) of Bharatiya Nagarika Suraksha Sanhita, 2023 which reads as follows:

“audio-video electronic means” shall include use of any communication device for the purposes of video conferencing, recording of processes of identification, search and seizure or evidence, transmission of electronic communication and for such other purposes and by such other means as the State Government may, by rules provide”;

Objective

- To bring fairness in investigation process and improve its credibility
- Scientific evidence collection and use of technology in the criminal justice system
- To ensure evidencebased justice
- Speedy and fair trial
- To increase conviction rate for prevention of crime
- To aid ease of justice through consistent, transparent, and accountable criminal justice procedures

Applicability

The Bharatiya Nagarika Suraksha Sanhita (BNSS), 2023 mandates and provides for audio-video recording of processes of search u/s 105 BNSS, recording of statement u/s 180, search and seizure u/s 185, procedure of investigation u/s 176. The relevant sections are reproduced hereunder.

Section 105-Recording of search and seizure through audio-video electronic means.

Under this section

- The process of conducting search of a place.
- Taking possession of any property, article or thing
- Preparation of the list of all things seized in the course of such search and seizure and
- Signing of such list by witnesses

shall be recorded through audio-video electronic means preferably a mobile phone and the police officer shall without delay forward such recording to the District Magistrate, Sub-divisional Magistrate or Judicial Magistrate of the first class.

Section 176- Procedure for investigation.

(b) in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or at the place of her choice and as far as practicable by a woman police officer.....and such statement may also be recorded through any *audio-video electronic means including mobile phone*.

Section 180-Examination of witnesses by police

(3) The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records.

Provided that statement made under this sub-section may also be recorded by *audio-video electronic means*.

Section 185- Search by police officer

(1) Whenever an officer in charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purpose of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief in the case-diary and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.

Provided that the search conducted under this section shall be recorded through *audio-video electronic means preferably by mobile phone*.

It may be noted that an App named E-Sakhsya has been developed by the Ministry of Home Affairs, Govt. of India for implementation of above sections of newly enacted criminal laws. The proposed App will provide a holistic solution for recording and preservation of data as well as its production in the court of law. However, as the App is yet to be made fully functional, it is essential that mobile phones are used for necessary legal compliance. Once E-Sakhsya App is available another SOP will be issued about its functionality. Meanwhile, the following protocol may be followed for audio-visual recording of the statements by witnesses and search and seizures by electronic devices, preferably smartphones.

Procedure to be adopted

During audio-video recording the following procedure is to be followed.

- 1 There should be dedicated Mobile phone(s) with sufficient memory capacity and extra memory slot.
- 2 Such dedicated mobile phone should be authenticated by making a station diary entry containing make, model, IMEI nos etc of the mobile phone.
- 3 The mobile phone should be kept in the custody of Officer-in-charge of the concerned Police station.

- 4 However, till the time provision is made for such dedicated mobile phones at police station level, for the time being, Officer In-Charge/ Investigating Officer/ Police Officer can use their personal mobile phone for the purpose of audio-video recording.
- 5 Investigating Officers should be issued with the dedicated mobile phone as and when required for investigation process with proper acknowledgment, signature, date & time and corresponding entry in the station diary as well as case dairy.
- 6 Whenever IO is proceeding for audio visual recording means he/she should keep in mind the following points
 - a. Phone should be functional and fully charged.
 - b. No SIM card is inserted in the phone.
 - c. Apart from the phone memory there should be another memory card.
 - d. IO should carry one power bank to avoid low battery situation.
 - e. IO should be careful in handling the phone in different weather conditions.
 - f. IO should ensure that proper lighting arrangements are there for proper recording.
7. Before starting the audio-visual recording, IO should introduce himself/herself with case reference in presence of two witnesses whose name, address and purpose of their presence will be mentioned by the IO while looking towards the camera.
 (E.g:- I Sri/Smt....., designation, Investigating office of the case No.starting search/recording of statement in presence of witnesses. Sri/Smt....., (complete address) is/are present as witnesses for search/recording of statement.
8. IO should examine at least two witnesses relating to search and seizure/ recording of statement of accused/victim.
9. IO should request the witnesses to look into the camera and make a declaration that the search/recording of statement was done in their presence.
 (e.g. I Sri/Smt.....(complete address) is present as witnesses in connection..... for search/recording of statement in case no.....

10. After completion of search and audio-video recording IO should finish it with the closure statement in presence of witnesses.

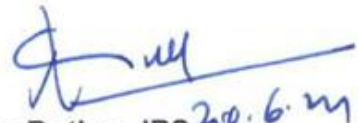
(E.g:- I Sri/Smt....., designation, Investigating Officer of the case no.ending search/recording of statement in presence of witnesses.

11. The recording should be done uninterruptedly from the beginning to end.
12. During the process of search/seizure/recording of statement (victim/accused) other available phones should be in silent mode so that the audio recording is done without disturbance.
13. After completion of search and seizure operation, the IO will bring the audio-video electronic device which was used for recording, to the police station.
14. At the police station, the audio-video recording will be transferred to the local designated desktop either directly through device insertion or via cable or Bluetooth. This will be clearly mentioned in the case diary.
15. The officer In-charge of the concerned police station should purchase blank/new pendrives DVDs, CDs, Hard disk from PS fund.
16. After completion of the data transfer process IO should keep the recording in his/her safe custody with at least three copies in external storage device (Pen drive/DVD/CD/Memory card/Hard disk).
17. IO should keep the external storage media where the recordings are available in a sealed cover taking signature of both witnesses, concerned person (accused/victim) and IO himself/herself.
18. After completion of the search proceedings, the IO shall deposit the sealed items/documents/properties/material objects into the Malkhana by making proper entry in Malkhana Register to maintain the chain of custody.
19. IO should immediately send the electronic means of recorded copies to the concerned court with record chalan within 48 hours.
20. IO should mention the mobile phone details and hash value in the case diary through which the recording was prepared.
21. IO should ensure to keep certificate under section 63 BSA to substantiate the electronic means of recording.
22. IO should maintain records of the handling, packaging, and transportation of seized items meticulously. He should diligently document the chain of custody,

including the identity of individuals handling evidence, dates and times of transfers, and any changes in custody.

23. All the above guidelines regarding transfer and preservation of data will also be followed in cases where a device other than mobile phone, such as video camera is used for the audio visual recording.

Note: This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.



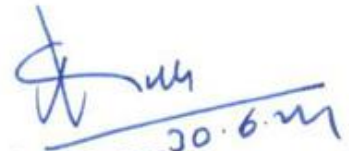
Arun Bothra, IPS, 30.6.24
Addl. Director General of Police,
CID-Crime Branch, Odisha.

Memo No. 7383/CID-Law

Date: 30.06.2024

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Arun Bothra, IPS, 30.6.24
Addl. Director General of Police,
CID-Crime Branch, Odisha.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No.11/2024

**Sub: Standard Operating Procedure for Admissibility
of Evidence of Successor of Public Servants**

1. Introduction

In the Cr.PC the trial was often delayed due to non-availability or non-attendance of Investigating Officers and other Public Servants such as:

- (a) Police Officer
- (b) Medical Officers
- (c) Scientific Officers
- (d) Handwriting/Fingerprint experts
- (e) Other Public Servants

However, in the new law special provisions have been made that successor of such officer can also depose in the court in case a document or report is to be proved. Other than that, in order to have faster trials, provisions have been made for examination of officers through audio-video mode.

2. Process

A. Examination of Police Officer or public servant through audio-video electronic means

It is provided under Sec. 254 of BNSS-2023, to record deposition of Police officers and other public servants through audio-video electronics means. For the

purpose of deposition, the Police Officer or Public Servant will attend the trial proceeding at the nearest video conference point in co-ordination with the concerned court during a pre-scheduled time slot on the appointed date.

The witness will have the opportunity to peruse the relevant documents which will be supplied to him in scanned copies at the remote point. Examination-in-chief, cross examination, re-examination and further cross examination of the witnesses will be recorded through audio-video electronic means.

B. Examination of successor of Public Servant/ Police Officer/ Experts during trial

- a) When any report/document submitted by public servant, police officer, medical officer, and scientific experts are not disputed by any of the parties, such public servant or officer shall not be called to appear before the court to depose the evidence.
- b) If the report/document is disputed by any of the parties, the report can be admitted into evidence by examination of the public servant in the court either physically or through audio-video electronic means.
- c) 'Successor Officer' means whoever is holding that post at the time of deposition of such officer supposed to depose.
- d) Substituted evidence of the successors will be allowed in the following situations
 - (i) If such public servant, police officer, medical officer, and scientific experts or officer is either transferred, retired or dead.
 - (ii) If such public servant, police officer, medical officer, and scientific experts cannot be found or is incapable of giving the evidence
 - (iii) If presence of public servant, police officer, medical officer, and scientific experts cannot be secured without an amount of delay.
- e) Deposition of successors can be recorded through audio-video electronic means.
- f) The report submitted by of public servant, police officer, medical officer, and scientific experts can be admitted in the evidence through evidence of successor.

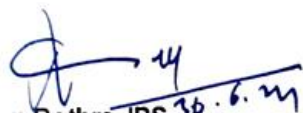
- g) In case of any ambiguity as to the successor of Police Officer/men, the head of the establishment/IIC/OIC will determine and communicate the name of the officer/men for examination as successor u/s 336 BNSS-2023.

C. When no successor [Sec. 41 of BSA-2023]

When no successor of a Police Officer is found, any police officer can be examined as a witness to prove the document/report of erstwhile Police Officer, if he satisfies the following points:

- a) He is acquainted with the handwriting/signature of the person by whom the report is written
- b) He has seen writing and preparation of document which was so written or prepared in his presence
- c) He being in the position of an authority received the said document or report in answer to documents written by him
- d) In ordinary course of business received the documents or reports being habitually submitted to him by maker of the document

The concept of 'Zero FIR' has been included in the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 under Sec. 173. This section makes it imperative upon an OIC/IIC of a Police Station to register a Zero FIR in case a cognizable offence is reported, even when the occurrence has taken place outside the jurisdiction of his police station.


Arun Bothra, IPS, 36.6.24
Addl. Director General of Police,
CID Crime Branch, Odisha.

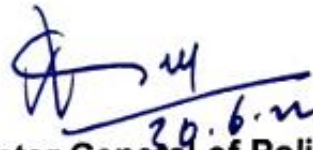
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Addl. Director General of Police,
CID Crime Branch, Odisha.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No.12/2024

**Sub: STANDARD OPERATING PROCEDURE IN
DEALING WITH THE NEW LAWS IN TRANSITION PHASE**

1. The New Criminal major Laws viz. Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023 and Bharatiya Sakshya Adhiniyam 2023 will be implemented in the State of Odisha w.e.f. 01.07.2024.

2. In this connection, in view of the ambiguity during the transition phase, with regard to date of occurrence of the offence and date of registration of crime w.e.f. 01.07.2024, a table highlighting the steps to be taken for registration of cases and procedural action during investigation is given here underneath.

Date of Occurrence of Crime	Date of Registration of Case	Penal law to be applied	Procedural Law to be followed
Prior to 1 st July, 2024	Prior to 1 st July, 2024	IPC	CrPC
Prior to 1 st July, 2024	After 1 st July, 2024	IPC	BNSS
On or After 1 st July, 2024	On or After 1 st July, 2024	BNS	BNSS

Arun Bothra, IPS,
Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 7384 /CID-Law

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for information and necessary action.


30.6.24

Addl. Director General of Police,
CID Crime Branch, Odisha.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 13/2024

Sub: Standard Operating Procedure on Arrest

1. Objective

The arrest of the accused is a major step in the criminal justice delivery system. The process of arrest is detailed in Chapter V of BNSS 2023, from Sec. 35 to Sec. 62, which outlines the power and procedure of arrest, the use of handcuffs, and the duties and responsibilities of a police officer making an arrest. This enables the Investigating Officer (IO) or Police Officer to obtain clues and evidence to reach a logical conclusion. The seizure of articles from the possession of the accused and materials collected leading by means of discovery have always been proved to be immensely useful in investigation of a criminal case.

The Hon'ble Supreme Court has also issued important guidelines in respect of arrest in landmark Judgements such as DK Basu vs. State of West Bengal and Arnesh Kumar vs. State of Bihar etc.

Police should not arrest a person simply because they have the power to do so. Rather, they should focus on the justification of the arrest. Police cannot arrest a person arbitrarily without following due process of law and justification.

2. Process

A. What is Arrest (Sec. 43 BNSS):

Though there is no specific definition of 'Arrest' in any provision, the term generally means the actual seizure of one's physical movement or liberty. It is done by touching or confining the body of the person to be arrested unless the person voluntarily submits to the custody of the police officer.

- i. It is a legal process that takes away one's personal liberty.
- ii. It is a mode of formally taking a person into police custody.

B. When police may arrest without warrant (Sec. 35 BNSS):

A police officer can arrest any person falling under the following categories:

- i. Who commits a cognizable offence in the presence of a police officer.
- ii. A proclaimed offender.
- iii. Someone in possession of anything suspected to be stolen property, having committed an offence concerning such property.
- iv. Someone who obstructs a police officer in the execution of their duty or escapes or attempts to escape from lawful custody.
- v. A deserter from the Armed Forces.
- vi. Someone against whom an order of extradition or other detainment has been issued.
- vii. A released convict who breaches any rule.
- viii. Someone against whom a requisition for arrest has been received from other police officers.

C. Requisition of arrest Section 55. (1) BNSS:

- i. Requisition of arrest can be issued by a police officer investigating into a criminal case.
- ii. It can be issued to a subordinate police officer of the same police station.
- iii. In the requisition the detail of person to be arrested and the offence for which the arrest is to be made will be mentioned.
- iv. Before effecting arrest the officer holding requisition of arrest will notify the substance of the order/requisition to the person to be arrested.

D. Arrest during investigation:

In the matter of arrest during investigation it is pertinent to mention that there are three categories of accused/suspect persons as mentioned below:

- i. **Accused /suspect committing offence which is punishable less than or equal to seven years.**

- a. When the punishment provided for cognizable offence is less than seven years the arresting police officer while effecting the arrest shall record his satisfaction regarding commission of offence by the accused/suspect and the requirement for arrest.
- b. While arresting the accused, the IO will submit a Check List annexed herewith as Annexure- 1, incorporating one or more grounds provided in Section 35 (1)(b)(ii) of BNSS which is quoted hereunder for reference.
 - 1. "To prevent the person from committing any further offence.
 - 2. For proper investigation of the offence.
 - 3. To prevent the person from causing evidence to disappear or tampering with it.
 - 4. To prevent the person from making any inducement, threat, or promise to any person acquainted with the facts of the case to dissuade them from disclosing such facts to the court or police officer.
 - 5. To ensure the person's presence in court whenever required".
- c. If the IO decides not to arrest the accused and serves notice U/s 35(3) of BNSS, the notice will be served in the form attached herein after as **Annexure- 2.**
- d. The IO can put terms and conditions in the notice to be complied by the noticee. If the person noticed does not comply with terms and conditions of notice, the IO can arrest him. A model format bearing terms and conditions is attached hereinafter as **Annexure- 2 A.**
- e. The person noticed should be asked to submit a written acknowledgement to the police officer after receiving notice. A model acknowledgement form is annexed herewith as **Annexure- 2 B.**
- f. The decision of the Police Officer not to arrest an accused shall be forwarded to SDPO/ACP within two weeks from the date of institution of the case for the reasons to be recorded in writing.
- g. When the suspect/accused appears before the police officer in compliance to notice under Annexure-2 A, the police officer shall issue a written acknowledgement to him, if he/she requests for. A model acknowledgement to be issued by the police officer is annexed herewith as **Annexure 2-C.**

- h. If the accused/suspect fails to appear before IO, then he/she may be given another short date for his appearance provided he intimates in writing to the IO well in time showing his reasons for non-appearance.
- i. The Police Officer may permit such rescheduling only for justifiable cause to be recorded in the case diary. Should the Investigating officer believe such extension is being sought to cause delay to the investigation or the suspect or accused person is being evasive by seeking time, he may deny such request.
- j. A copy of the Notice should be retained by the I.O in his/her case diary, which can be shown to the concerned Magistrate as and when required.
- k. Failure on the part of the I.O to comply with the mandate of the provisions of the Arrest laid down in BNSS and the above procedure shall render him liable to appropriate disciplinary proceedings under the applicable rules and regulations.

Register of Persons to Whom Notice issued

A Register of notice issued U/s 35 (3) BNSS shall be maintained at Police station for keeping record of accused/suspect persons as per ***Proforma mentioned in Annexure- 3.***

ii. Offence in which punishment is more than seven years of imprisonment.

When the punishment of cognizable offence is more than seven years, while effecting the arrest the police officer shall record the satisfaction that the accused has committed the offence.

iii. Offence is punishable for less than three years and accused/suspect is an infirm person or a person above sixty years of age.

- a. The police officer can also arrest such person after obtaining prior permission of the jurisdictional DySP/SDPO/ACP or any other police officer superior to them.
- b. While dealing with such category of persons, the IO will collect relevant documents with regard to infirmity and age of the persons.

Noteworthy to mention that U/s 35(3) of BNSS, the police officer can issue notice to accused persons in all cognizable cases where the arrest of the person is not required.

E. Rights of the Arrested person:

- i. Person arrested to be informed about the grounds of arrest and right to bail.
- ii. The incident of arrest will be intimated to the relation/friend of the arrested person as per his choice.
- iii. Person arrested not to be detained more than twenty-four hours.
- iv. Health and safety of the arrested person shall be ensured.
- v. The arrested person is entitled to meet an Advocate of his choice during interrogation, though not throughout.
- vi. Person arrested to be produced before the Magistrate having jurisdiction.
- vii. Arrest to be made strictly according to BNSS 2023.
- viii. The District Control Room and State Control Room shall be duly intimated about the fact of arrest.

F. How Arrest is Made (Sec. 43 BNSS):

Actual arrest can be effected by the following means:

- i. By using words, actions, touching, or confining the body of the person to be arrested to take them into custody.
- ii. In other words, it is a legal process that circumscribes the liberty of an individual and prevents them from moving beyond without the permission of the police officer or court.
- iii. A police officer may use all necessary means to effect the arrest if the person forcibly resists or attempts to evade arrest (Sec. 43 (2) BNSS).

G. General Exceptions to Arrest:

- i. As per Sec. 43 of BNSS, the following exceptions apply while arresting a woman:
 - a) A woman can only be arrested by a female police officer.

- b) A male police officer shall not touch the body of a woman to make her arrest.
 - c) No woman shall be arrested after sunset and before sunrise. In exceptional circumstances, a woman can be arrested by a Woman Police Officer after obtaining an order from the court within whose local jurisdiction the offence is committed or the arrest is to be made (**Sec. 43 (5) BNSS**).
- ii. No member of the Armed Forces of the Union shall be arrested for anything done in the discharge of official duties (**Sec. 42 BNSS**). However, the member of the Armed Forces can be arrested after obtaining consent /order of the Central Government.
 - iii. A Child in Conflict with Law (CCL) shall, under no circumstances, be arrested by the police.
 - iv. If there is interim protection or a stay has been granted by the courts, no
 - v. Arrest shall be made.
 - vi. If the accused discloses that they have been granted 'Anticipatory Bail' by the court but no such order has been received by the investigating officer, the IO shall verify the authenticity of the accused's version and proceed accordingly.

H. Procedure of Arrest and Duties of a Police Officer Making an Arrest (Sec. 36 BNSS):

The police officer, while arresting, shall follow the guidelines issued by the Hon'ble Supreme Court of India in D K Basu vs. State of West Bengal. Additionally, the instructions under Section 36 of BNSS should be strictly followed:

- i. Shall bear an accurate, visible, and clear identification of their name.
- ii. Prepare a Memorandum of Arrest (as per the prescribed form) which shall be:
 - a) Attested by at least one witness, either belonging to the arrested person or a respectable member of the locality where the arrest is made.
 - b) Countersigned by the person arrested.
 - c) If the Memorandum of Arrest is not signed by family members, the police officer shall inform the arrestee of their right to have a relative,

friend, or any other person named by them informed of their arrest.

I. Procedure After Arrest:

The police officer making the arrest:

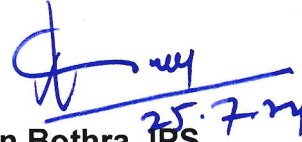
- i. Can enter any place to arrest a person (Sec 44 BNSS).
- ii. Not subject the arrestee to more restraint than necessary to prevent escape (Sec. 46 of BNSS).
- iii. Immediately search the arrestee and seize all articles found upon them, placing them in safe custody (Sec. 49(1) of BNSS).
 - a) Provide a receipt of seized articles to the arrestee (Sec. 49(1) of BNSS).
 - b) Ensure a female arrestee is searched by another female with strict regard to decency (Sec. 49(2) of BNSS).
 - c) Take weapons from the arrestee and deliver them to the court (Sec. 50 BNSS).

J. Control Room & Designated Police Officer (Section 37 BNSS):

- i. The arrest details will be displayed in the Police Station Control Room and will also be intimated to the District Control Room and State Control Room for public display.
- ii. Section 37 of BNSS mandates Government to issue notification designating certain police officers to maintain information about arrested persons at the police station, district and state control rooms. An officer not below the rank of ASI shall be in charge.
- iii. The control room shall maintain detailed information about arrested persons, including names, addresses and nature of the offence.

- iv. Section 82 (2) of BNSS requires that a police officer arresting a person on the strength of a warrant must immediately inform a designated police officer in the district and another district where the arrested person normally resides.

Note: ***This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units.***



**Arun Bothra, IPS,
Addl. Director General of Police,
CID Crime Branch, Odisha.**

Memo No. 8447 /CID-Law

Date: 25.07.2024.

Copy forwarded to:

- All Dist. SsP including DCsP, Bhubaneswar / Cuttack, SsRP Cuttack/ Rourkela, SsP HRPC/ CAW & CW/ EOW/ STF
- IGP Training, IGP CAW & CW, IGP EOW, IGP STF
- All Range IsGP / DisGP
for information and necessary action.



**Addl. Director General of Police,
CID Crime Branch, Odisha.**

Memo No. 8448 /CID-Law

Date: 25.07.2024.

Copy forwarded to Spl. D.G of Police, HRPC/ Director SCRB/ Commissioner of Police, Bhubaneswar- Cuttack, ADGP Railways & Coastal Security for kind information and necessary action.



**Addl. Director General of Police,
CID Crime Branch, Odisha.**

ANNEXURE-1**CHECK LIST**

1.	Name of Police District	
2.	Name of PS with Case Ref & Sec. of Law	
3.	Name and Designation of Arresting Officer	
4.	Detail of Accused/Arrested person Name with parentage Complete Address Mobile Number, email Id, Any other	
5.	Offence under which arrest is made	
6.	Maximum punishment prescribed for the offence	
7.	Whether Notice u/s 35 (3) BNSS served?	
8.	Whether the accused appeared with reference to the issue of notice u/s 35(3) BNSS?	
9.	Which of the following reasons satisfied the arresting officer to effect arrest of the accused	
(i)	To prevent such person from committing any further offence.	
(ii)	For proper investigation of the offence.	
(iii)	To prevent such person from causing the evidence of the offence to disappear or tampering	
(iv)	To prevent such person from making any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the police officer.	
(v)	As unless such person is arrested his presence in the Court whenever required cannot be ensured	
(vi)	Fails to comply with the terms of the notice or is unwilling to identify himself.	
10.	The reasons of arrest, the brief fact of the case and the materials justifying the arrest	
11.	Signature of the arresting officer	

ANNEXURE-2

THE SECOND SCHEDULE

(See section 522)

Form No. 1

NOTICE FOR APPEARANCE BY THE POLICE

[See section 35(3) BNSS]

Serial No:

Police

Station.....

To

.....
[Name of the Accused/Notice]

.....
[Last known Address]

.....
[Phone No./Email ID (if any)]

In pursuance of sub-section (3) of section 35 of the Bharatiya Nagarik Suraksha Sanita, 2023, I hereby inform you that during the investigation of FIR/Case No..... dated..... u/s..... registered at Police Station, it is revealed that there are reasonable grounds to examine you to ascertain facts and circumstances from you to which you are believed to be acquainted with subject matter of the present investigation. Hence you are directed to appear before me atAM/PM on at at.

Police Station
Name and Designation of the Officer In charge
(Seal)

ANNEXURE-2 A

TERMS AND CONDITIONS OF NOTICE FOR COMPLIANCE

[See section 35(3) & 35(6) BNSS]

Serial No:

Police Station.....

To

.....

[Name of the Accused/Notice]

.....

[Last known Address]

.....

[Phone No./Email ID (if any)]

1. You will appear before the Court as and when required/directed.
2. You will appear before the Investigating Officer as and when required and will cooperate in the investigation.
3. You will disclose all the facts truthfully without concealing any part relevant for the purpose of investigation to reach the right conclusion of the case.
4. You will produce all relevant documents/material required for the purpose of investigation.
5. You will not allow in any manner destruction of any evidence relevant for the purpose of investigation/ trial of the case.
6. You will not make any threat, inducement or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing, such facts to the court or to the police officer.

Failure to attend/comply with the terms of this Notice can render you liable for legal action.

Police Station
Name and Designation of the Officer In charge
(Seal)

ANNEXURE-2 B

ACKNOWLEDGEMENT OF THE NOTICEE

_____ Police Station Case Ref _____
Offence _____

I _____ S/W/D of _____ Village _____, _____ Post,
Police Station _____ District _____ do herewith sign the written
acknowledgement after receiving the notice issued by the Police Officer Shri
_____ of _____ Police Station, District _____ and undertake to
appear before the Police Officer on the date and time fixed to produce the require
document and to disclose the fact on my acquaintance and perception and
cooperate in the investigation of the case. If I fail to comply the above noted
conditions, I shall be liable under Law.

Signature of the Noticee

Date:

ANNEXURE-2 C

ACKNOWLEDGEMENT

In compliance with the above-mentioned notice datedissued under section 35(3) BNSS, the Noticee has appeared on..... from.....to..... That the noticee's presence has been recorded in the register maintained in the Police Station.

This acknowledgement is being issued in compliance with section 35(3) BNSS. The documents produced by the notice have duly been seized vide seizure memo/production Memo (copy enclosed).

The noticee undertakes to continue to comply with any further notices that she/he may receive during the course of the ongoing investigation.

Signature of accused

Investigating officer

Signature of independent witness

ANNEXURE- 3

PROFORMA
REGISTER OF PERSONS TO WHOM NOTICE ISSUED
(SEC 35 (3) BNSS)

Sl. No.	Case Ref. No	Name & Parentage of the Accused/ Suspect to whom notice issued	Address with Mobile No./ email/ Aadhar	Date & Time of Appearance	Date & Time of Departure	Sign of Accused/ Suspect	Sign of IO	Sign of OIC
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
15.								
16.								
17.								
18.								
19.								
20.								



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No.14/2024

Sub: SOP on Collection of Signature, Handwriting, Voice Sample etc.

1. Introduction

Under sec. 311-A of Cr.P.C, the Court had power to direct the arrested accused person to give specimen signature or handwriting. Under BNSS, 2023. This power of court has been widened in the interest scientific investigation.

Section 349 of BNSS, 2023 reads as follows:

“If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Sanhita, it is expedient to direct any person, including an accused person, to give specimen signatures or finger impressions or handwriting or voice sample, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or finger impressions or handwriting or voice sample.

Provided that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding.

Provided further that the Magistrate may, for the reasons to be recorded in writing, order any person to give such specimen or sample without him being arrested.”

It may be noted that under this section:



- a. Other than specimen signature or handwriting, now voice sample and thumb impression have also been added to make the investigation comprehensive.
- b. The court can order such collection of specimen signature or handwriting, voice sample and thumb impression from any person, arrested, released after arrest or not arrested in the case.
- c. The order can be passed at any stage of investigation or even during trial of the case.

2. Process

A. Collection from Scene of Crime

- (i) Photographs of footprints and fingerprints, latent or otherwise, found on any object at the scene of crime will be collected by a qualified police photographer accompanying the police officer with the help of forensic team. In absence of the photographer, the forensic team can also collect the finger prints and foot prints.
- (ii) If any piece of paper with handwriting, signature and thumb impression is available on the scene of crime, and the said document has any apparent link to the crime, it will be seized by the investigating officer forthwith from the scene of crime itself.
- (iii) When any handwriting, signature and thumb impression of any person is found on any document:
 - (a) The IO shall seize the said document containing the disputed handwriting, signature or thumb impression.
 - (b) The IO shall seize the admitted handwriting, signature and thumb impression of the person concerned.
 - (c) Specimen signature, handwriting or thumb impression, should be collected on the same or similar type and size of paper as that of the questioned document.
 - (d) Collection of specimen signature, handwriting or thumb impression shall be done in presence of two independent witnesses.

- (e) A memo/certificate to that effect shall be prepared by the IO and countersigned by the witnesses present.
- (f) The person giving such impression shall be allowed to sit comfortably. Once a specimen signature, handwriting or thumb impression is obtained on one sheet, it should be removed immediately before taking next specimen or impression.
- (g) The IO shall, preferably, collect 6 sets of such specimen signature, handwriting or thumb impression and mark each set distinctly.
- (iv) If any seized handwriting, signature, thumb impression belongs to a dead person, his admitted handwriting, signature and thumb impression if available on any document will be seized for comparison to prove veracity/ authenticity of the questioned document.

B. Collection of Voice Sample

- (i) If any recorded voice in any electronic device such as mobile phone, computer etc. is found incriminating or linked with any crime under investigation, it will be collected / seized by the investigating officer in accordance with the procedure of seizure u/s 105 BNSS.
- (ii) If the seized voice recording belongs to any living person, a sample voice of that person will be collected by the investigating officer in presence of the witnesses.
- (iii) Before taking the sample voice, the investigating officer will prepare a transcript of the recorded voice with a certificate that the transcript is truly and accurately prepared from the recorded voice.
- (iv) The investigating officer will also prepare a model script containing maximum words used in the seized voice recording of the accused/suspect.
- (v) The accused / suspect will be given the prepared script to read it out, which will be recorded by the investigating officer or in the presence of investigating officer, if it is recorded by some other person.
- (vi) The device containing the recording of the sample voice will be seized by the investigating officer at the time of investigation / further investigation. Chain of custody of the seized device shall be maintained properly.

C. On Refusal by Accused/Suspect to Give Samples

In case where an accused or suspect or any other person relating to a crime refuse or unwilling to give his specimen signature, handwriting, thumb impression or voice sample, the following procedure shall be observed:

- (i) The investigating officer shall make a prayer in the concerned Court with cogent grounds for permission to collect such samples.
- (ii) On the day of hearing of the prayer, the investigating officer will remain present and brief the Court regarding necessity of collection of such samples.
- (iii) After ensuring production of accused / suspect or such person, if the Court directs him to give specimen signature, handwriting, thumb impression or voice sample, the investigating officer will collect the required apparatus and device and collect specimen in accordance with the guidelines mentioned above.
- (iv) After collection of specimen handwriting, signature, thumb impression or voice sample, the investigating officer will pack and seal the exhibits and send the same along with the questioned/incriminating materials to the forensic laboratory for examination and opinion.
- (v) The same procedure will be adopted by the investigating officer if the incriminating material is in the form of handwriting, signature, thumb impression or voice recording from a public office and legal interception unit.

Note: *The Standard Operating Procedure is subject to modification based on feedback from field units.*

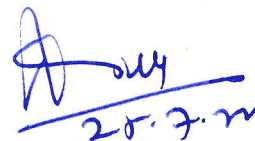

Arun Bothra, IPS
Addl. Director General of Police
CID, Crime Branch, Odisha

Memo No. 8476 /CID-Law

Date: 25.07.2024.

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 - IGP Training, IGP CAW & CW, IGP EOW, IGP STF
 - All Range IsGP / DisGP
- for information and necessary action.



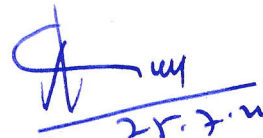
25.7.24

Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 8477 /CID-Law

Date: 25.07.2024.

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25.7.24

Addl. Director General of Police,
CID Crime Branch, Odisha.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 15/2024

Sub: Standard Operating Procedure on Attempt to Commit Suicide to Compel or Restrain Exercise of Lawful Power by Public Servant

1. Introduction

There have been instances when people have tried to compel or restrain public servants from discharge of their official duty by attempting to commit suicide. There was no provision in the Indian Penal Code to deal with such people. However, a new provision has been introduced in section 226 of Bharatiya Nyaya Sanhita-2023 for this purpose.

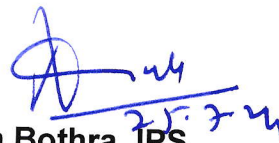
2. Guidelines

In view of the above changes, the following procedural guidelines are issued:

- a) If an information of commission, preparation or likelihood of an offence u/s226 BNS is received by any means, the IIC/OIC shall enter or cause it to be entered in the Station Diary.
- b) He would take all possible steps to prevent the person who is attempting or likely to attempt to commit suicide from doing so.
- c) If an offence has already been committed under section 226, the OIC/IIC of the police station shall enquire into the matter himself or entrust one officer to enquire into it.
- d) The police officer during enquiry shall:
 - i. Visit the spot at once.
 - ii. Examine the witnesses.

- iii. Collect material evidence including the CCTV footage, any audio or video of the incident, any news in print or electronic media or any relevant information from any person.
 - iv. Collect any combustible substances including information about its source from the spot/offender.
 - v. Collect the posting order, joining report etc. of the public servant.
 - vi. Ascertain that the duty of the public servant is linked with the issue raised by the offender while attempting to commit suicide.
- e) After enquiry, if prima facie case is made out, a PR shall be submitted against the offender.

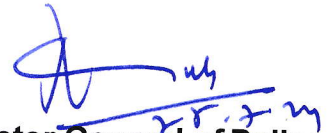
Note: *The Standard Operating Procedure (SOP) is subject to modification based on feedback from field units.*


Arun Bothra, IPS
Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 8478 /CID-Law
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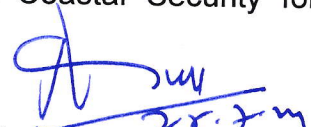
- All Dist. SsP including DCsP, Bhubaneswar / Cuttack, SsRP Cuttack/ Rourkela, SsP HRPC/ CAW & CW/ EOW/ STF
 - IGP Training, IGP CAW & CW, IGP EOW, IGP STF
 - All Range IsGP / DIsGP
- for information and necessary action.


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CID Crime Branch, Odisha.

Memo No. 8479 /CID-Law

Date: 25.07.2024.

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Addl. Director General of Police,
CID Crime Branch, Odisha.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 16/2024

Sub: Standard Operating Procedure on Proclaimed Offenders

1. Objective

In the BNSS, under section 84 and 85, new provisions have been added about proclaimed offenders and the identification, attachment and forfeiture of their property situated even outside India. The BNSS also has the procedure for in - absentia trial of proclaimed offenders u/s 356 BNSS. Now the process of trial will not be halted waiting for the proclaimed offender to join the trial process.

2. Process for Issue of Proclamation Order

- a) The I.O. investigating into a cognizable offence shall take steps for arrest of the accused.
- b) If the accused evades arrest and does not cooperate with the investigation or conceals his presence, the I.O. shall pray the court to issue a Non-Bailable Warrant (NBW) against him.
- c) After making the prayer the I.O. shall personally appear in the court and brief the Magistrate explaining for justification of the issuance of NBW.
- d) The I.O. should preferably pray for an open ended NBW.
- e) After obtaining the NBW the I.O. may endorse the same to any other Police Officer for execution.
- f) The I.O. will mention in the case diary the detailed steps taken for execution of the NBW.
- g) If NBW remains unexecuted for more than a month (30 days) despite sincere efforts of the I.O., he will make a prayer before the judicial Magistrate for issuance of proclamation.

- h) The notice of proclamation issued by the court requiring appearance of the accused shall be served by the I.O.

3. Service of Court Notice:

The notice may be served in one of the following manners:

- a) By personal service.
- b) By service on one of the adult members of the family of the accused person.
- c) By affixture on the outer entrance gate of the accused person's house and in other conspicuous places like the court building, Panchayat Office etc. in presence of at least two independent witnesses.
- d) The notice may also be published in a daily newspaper circulating in the place in which, such person ordinarily resides.
- e) If notice is served on the accused persons or on his family members, due acknowledgement shall be taken.
- f) Despite service of notice in any of the aforesaid manner if the accused fails to appear, the I.O. will pray for proclamation orders in the court.
- g) While praying for proclamation order, documents and case diary pertaining to notice service shall be filed in the court.
- h) If the court is satisfied, it will pass a proclamation order against the accused.
- i) If the proclamation order is passed against an accused involved in commission of offence punishable for more than 10 years imprisonment, he shall be proclaimed as a "Proclaimed Offender".
- j) IO will obtain the order declaring the accused as "Proclaimed Offender" from the court and shall serve the same in the same manner as mentioned above about the proclamation notice.
- k) The compliance of service of proclamation shall be submitted by the I.O.
- l) When the proclamation order is notified, and the accused fails to appear in the court on the date fixed the offence u/s 209 will be added against the accused in the charge sheet if the investigation is continuing.
- m) If the investigation is complete, the I.O. shall draw a plain paper FIR and register a fresh case u/s 209 BNS, 2023 against the accused person.

4. Process for Attachment of the Property (Section 85 of BNSS)

- a) Proclamation order or property attachment order can be issued simultaneously, or it can be issued one after another.
- b) Simultaneous prayers for Proclamation order/Attachment of property should be made with justification i.e. anticipation of quick disposal of any property by the accused.
- c) The property may be movable or immovable or both.
- d) Court can issue Attachment Order after getting the report from the Investigating Officer/OIC.
- e) Before prayer IO should identify the movable and immovable properties exclusively belonging to the accused person and submit a detailed list thereof in the court.
- f) The court may authorize attachment of any property belonging to such person within or outside the district.
- g) In case of property is situated outside the district an endorsement of the District Magistrate of that district is necessary prior to attachment.

A. Procedure of seizure of movable property

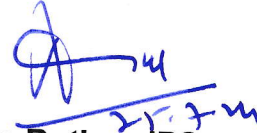
- i. If the property is a debt or other movable property it can be seized by the IO.
- ii. Court may appoint a receiver for the said properties.
- iii. Court may prohibit delivery of such property to the proclaimed offender or to any person on his behalf.

B. Procedure of seizure of immovable properties

- i. If it is an immovable property, the attachment will be made through Collector of the district in which the land is situated.
- ii. And in all other cases :-
 - a. by taking possession or
 - b. by appointment of receiver or
 - c. by order in writing prohibiting any proceeds like rent etc., to go to proclaimed person or
 - d. by all or any of the above two methods.

- iii. If the property consisting of livestock or is of perishable nature immediate sale can be made after obtaining order from the court. The sale proceeds shall be deposited in the court immediately.
- iv. The attached property will be disposed of by order of the court on conclusion of trial.

Note: *This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units.*



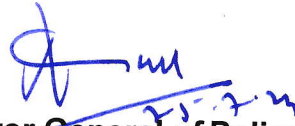
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CID Crime Branch, Odisha.

Memo No. 8480 /CID-Law

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Addl. Director General of Police,
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Memo No. 8481 /CID-Law

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Addl. Director General of Police,
CID Crime Branch, Odisha.

Annexure-I

PROFORMA ON PROCLAIMED OFFENDER

Whereas, a complaint has been made before me that
(name, description and address) has committed (or is suspected to have committed)
the offence of (mention the offence concisely) and a warrant has
been issued to compel the attendance of (name, description and
address of the witness) before this Court to be examined, relating the matter of the
said complaint; and whereas, it has been returned, the said person proclaimed
..... cannot be served, and it has been shown to my satisfaction that,
he has absconded (or is concealing himself to avoid the service of the said warrant);
Proclamation is hereby made that the said
(name) is required to appear at Court
..... on the day
of..... examined touching the offence
complained of.

Dated, this..... Day of, 20.....

(Signature)

(Seal of the Court)



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 17/2024

Sub: Standard Operating Procedure on Prosecution of Judges and Public Servants

1. Introduction

The BNSS, 2023 aims at providing immunity to public servant including the Judges against motivated, malicious, frivolous and vexatious litigation against their actions taken while discharging their lawful duty. Sec. 218 of BNSS-2023 provides that sanction of the concerned government is a must before the court takes cognizance of a chargesheet submitted after any investigation against them.

2. Procedure

- a) The protection under BNSS, 2023 is not available to all public servants. He must be covered under the following category. He should be:
 - A public servant as defined u/s Sec 2(28) of BNS or
 - A Judge as defined u/s 2(16) of BNS.
 - Not removable from office without order of the Govt.
- b) The acts or purported actions must have been done while he was or is discharging his official duty as public servant.
- c) Sanction shall be accorded by the Union Govt., in case where the person was or is an employee of Union Govt.
- d) Sanction shall be accorded by the State Govt., in case where the person was or is an employee of the State Govt.

- e) When an investigation/ inquiry is pending against a public servant before the Lokpal and Lokayukta by or under the Lokpal or Lokayuktas Act-2013, the State Govt. or Central Govt. has no power to grant sanction for prosecution. Only the Lokpal and Lokayukta have the power to grant sanction for prosecution under Sec. 20(7)(a) of the Lokpal or Lokayuktas Act-2013.

3. Sanction where not required

If the act in question is not done in discharging of his official duty as public servants such sanction would not be required. The protection of law is only for the acts done in official capacity and that too while discharging official duty. Further, sanction against Public Servant is not required if such public servant is alleged to have committed offence under sec. 64, 65, 66, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79, 143, 199 and 200 of the Bharatiya Nyaya Sanhita, 2023.

4. How to move proposal for sanction

- (a) The investigating officer shall ascertain that the public servant concerned was or is in govt. service at the relevant time of commission of offence.
- (b) He shall obtain/seize (attested/original):
- Copy of appointment letter or the first page of service book
 - Copy of posting order and joining report at the relevant post at the time of offence
 - Copy of current posting order and joining report
 - Date of birth, date of Superannuation
 - Copy of any document to prove entrustment / assignment of such duty.
- (c) The investigating officer shall forward the proposal for sanction through the district Superintendent of Police with the following documents:
- Copy of the FIR
 - Copy of the Supervision Note, if any
 - A self-contained report on findings of investigation describing the issues/prima facie case against the public servant
 - Copy of statement of major witnesses

- Copy of seizure lists and important documents of the case
- Draft sanction order
- Legal Opinion of Law officer/ PP/Addl. PP (original).

(d) The District Superintendent of Police shall forward all such proposals to CID-Crime Branch, Odisha, the nodal office in this regard, for necessary scrutiny and vetting and forwarding the same to the Competent Authority in the Govt.

(e) Role of the Nodal Office:

- The Nodal Office may direct an enquiry in the matter and call for a report from the Superior Officer of the public servant.
- The public servant concerned may be asked to submit his representation in the matter with regard to the alleged incident.
- After receiving the enquiry report and representation as mentioned above, opinion of law officer of the Nodal Officer will be sought for.
- On considering enquiry report of the Superior Officer, representation of the accused public servant and legal opinion of law officer, if the Nodal Office is satisfied proposal for sanction may be recommended to the competent authority.
- The competent authority on receipt of such proposal shall examine the matter after considering all relevant material.

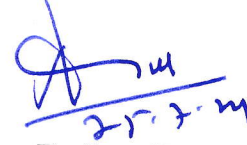
(f) The competent authority on receipt of such proposal shall examine the matter after considering all relevant materials.

(g) The competent authority may call the investigating officer for a discussion of his findings.

(h) After due application of judicial mind, the competent authority shall pass an order within a period of 120 days from the date of receipt of request for sanction.

(i) In the order the competent authority may allow or reject the sanction proposal.

- (j) If no order is passed by the competent authority within a period of 120 days, it shall be a deemed sanction of the competent authority for the purpose of filing charge sheet and taking cognizance against public servant.



Arun Bothra IPS
Addl. Director General of Police,
CID Crime Branch, Odisha.

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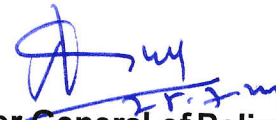


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CID Crime Branch, Odisha.

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Addl. Director General of Police,
CID Crime Branch, Odisha.



**ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH**

CRIME BRANCH CIRCULAR No.18/2024

**Sub: Standard Operating Procedure for Registration of
Cognizable Offences (Sec. 173 BNSS)**

- (i) Every complaint written, oral or by electronics communication revealing cognizable offence irrespective of the area where the offence has been committed shall be registered by the OIC/IIC.[Sec. 173(1) BNSS]
- (ii) If information is given orally, it shall be reduced to writing under the direction of IIC/OIC and will be read over to the informant. The informant will put his signature on the written complaint. [Sec. 173(1)(i) BNSS]
- (iii) If information is received through electronic means, the same shall be printed. The complainant will be contacted and asked to visit police station within three days for his signature on the complaint. The complaint will be taken on record after being signed by the complainant within three days. [Sec. 173(1)(ii) BNSS].

In this case the SoP on e-FIR shall be followed.

- (iv) If the information relates to commission of cognizable offence beyond the jurisdiction of the Police Station, the same shall be registered and transferred to concerned jurisdictional Police Station. [Sec. 173(1) BNSS]

In this case the SoP on Zero FIR shall be followed.

- (v) The copy of the FIR will be supplied to the informant or victim forthwith free of cost on proper acknowledgement for verification by the Superior Officers.
- (vi) Action taken by the OIC/IIC or any other police officer in respect of registration of FIR, examination of informant/victim, medical examination of victim, examination of witnesses, search and seizure etc. shall be entered in the case diary.

- (vii) In case an information relating to an offences u/s. 64 to 71 and Sec. 74 to 79 BNS-2023 and Sec. 124 of BNS-2023 is reported by the victim, such information shall be recorded by a Women Police Officer or any Woman Officer, if no woman officer is available. [Provision under Sec. 173(1)].
- (viii) If the victim woman, is temporarily or permanently disabled the information shall be recorded at her residence or at any convenient place of her choice by a Women Police officer in presence of an interpreter or a special educator as the case may be [Sec. 173(1)(ii)(a)].
- (ix) The police officer shall video graph the recording of information by any electronic device, preferably by the mobile handset [Sec. 173(1)(ii)(b)].
- (x) The Police officer shall get the statement of the victim recorded before the Magistrate as soon as possible preferably by a woman Magistrate or in her absence by a male Magistrate in presence of a woman. [Sec. 183(6)(a) BNSS] In this case SoP on recording of statement and confession shall be followed.
- (xi) In case of cognizable offence punishable for 03 years or more but less than 7 years the OIC/IIC with the permission of the DySP/SDPO may conduct a Preliminary Enquiry to ascertain *prima facie* existence of the case. [Sec. 173(3)(i) BNSS].
In this case the SOP on Preliminary Enquiry shall be followed.
- (xii) If the preliminary enquiry reveals that on *prima facie*, no case is made out, then the OIC/IIC of the Police Station shall intimate the informant in writing by quickest possible means like personal contact or by post or electronically like e-mail etc.
- (xiii) If the preliminary enquiry reveals existence of a *prima facie* case, the OIC/IIC shall register the case based on the earlier information of the complaint as per sec. 173(1) BNSS and proceed with the investigation.
- (xiv) If the OIC/IIC of police station refuses to register FIR, the aggrieved person may approach to the Superintendent of Police by sending the substance of information in writing to redress his grievance. [Sec. 173(4) BNSS].
- (xv) If no action is taken on such report, the aggrieved person may make an application to the Magistrate.

Note: *The Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of new Criminal Laws*


28.7.24

Arun Bothra, IPS
Addl. Director General of Police
CID, Crime Branch, Odisha

Memo No. 8484 /CID-Law

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28.7.24

Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 8485 /CID-Law

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28.7.24

Addl. Director General of Police,
CID Crime Branch, Odisha.

Address: Buxibazar, Cuttack – 753 001, Tel: 0671-2339622
email: law.cidcb@odishapolice.gov.in



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No.19/2024

**Sub: Summoning Of Witnesses & Their Examination
Under Section 179 & 180 BNSS-2023**

Section 179 and 180 BNSS-2023 empowers a Police Officer to summon and examine any person in course of investigation of a case. However, the law imposes certain limitations as far as summoning of a person to the police station is concerned. Considering this, the following general guidelines are formulated to be followed by Investigating Officers while summoning and recording statement of witnesses under Sec. 179 and 180 BNSS-2023.

1. Summon for examination

- (a) The investigating officer (IO) may issue summon, in writing, to any person acquainted with the facts and circumstances of the case to appear before him so as to examine him and record his statement.
- (b) But the IO cannot summon the following persons to Police Station for examination:
- Any woman
 - A male person under the age of 15 years
 - A male person above the age of 60 years
 - A mentally or physically disabled person
 - A person with acute illness

These persons can be examined at the place where such person resides. However, if any person from the above categories is willing to attend at the police station, such person may be permitted so to do so.

- (c) Further, a person not residing within the jurisdiction of the Police Station or adjoining Police Stations cannot be called for examination. However, such person can be called personally to Police Station for production of a document required during the investigation and examination related to the document.

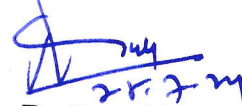
2. Manner of Examination and Recording of Statement

- (a) The IO may examine any person acquainted with the facts and circumstances of the case.
- (b) The person so examined is bound to truly answer all questions relating to the case.
- (c) The IO may reduce into writing any statement either in question answer form or in a narrative form.
- (d) The statement will be recorded verbatim as stated by the witness and without any literary improvisation
- (e) Before examining the witness, he should be properly counselled to make him comfortable.
- (f) The witness shall not be compelled to make self incriminating statement.
- (g) The statement may also be recorded by audio-video electronic means.
- (h) Signature/thumb Impression of witnesses must not be taken on the statement.
- (i) Statement of victim of offences u/s 64 to 71 and 74 to 79 and 124 of BNS and Sec. 4, 6, 8 and 10 of POCSO Act shall only be recorded by a woman Police Officer and it may also be recorded by audio-video electronic means.
- (j) While recording statement of witnesses in audio-visual means, the IO shall ensure presence of independent witnesses.
- (k) After recording statement of a witness, the IO should read over the content of the statement to him. In case, on such reading, the witness wants any modification in his statement the same should be allowed.

(l) The IO may examine as many as witnesses. But he should record statement of important witnesses having substantial acquaintance with the subject matter.

(m) It is not mandatory to cite all examined witnesses in the charge sheet.

Note: *The Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of new Criminal Laws.*



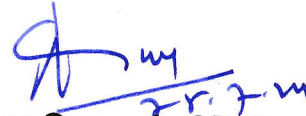
(Arun Bothra, IPS)
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CID, Crime Branch, Odisha

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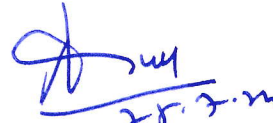


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ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 20 /2024

**Sub: Standard Operating Procedure on
Admissibility of Digital and Electronic Record**

1. Objective

The objective of the SOP is to provide clear and comprehensive guidelines about the admissibility of digital and electronic records in accordance with the Bharatiya Sakshya Adhiniyam (BSA), 2023. This is intended to give an overall idea to the Investigating Officer (IO) about the digital or electronic evidence, its collection, preservation and presentation before the court. The prime objective is to facilitate the acceptance of electronic records or digital evidence in judicial proceedings. **Sections 57, 58, 61, 62, 63 of Bharatiya Sakshya Adhiniyam 2023** deal with documentary evidence, electronic records and their admissibility.

2. Overview of Electronic or Digital Evidence and its Collection

- a) Electronic records or digital evidence is a form of documentary evidence.
- b) These are computer system generated outputs, either printed on papers or written on a CD/ D-VD or stored in a pen drive, disk, memory card etc.
- c) The 'computer output' includes various types of digital data, such as:
 - i. E-mails
 - ii. Server logs
 - iii. Documents
 - iv. Messages
 - v. Websites
 - vi. Locational evidence
 - vii. Voice mail messages
 - viii. Images and videos etc.

It also includes information stored, recorded, or copied in semiconductor memory or any other electronic form, produced by a computer, communication device, or otherwise.

- d) These evidences have to be collected by the IO with due care and caution with strict adherence to legal procedures.
- e) These can be collected either by (i) **search and seizure (Sec. 185,106 BNSS, Sec. 23 BSA)** or by (ii) **production through summons (Sec. 94 BNSS)**.
- f) While doing seizure the 'Hash value' of the electronic record must be calculated and noted in the case diary to ensure preservation of integrity of the data.
- g) It is noteworthy to mention that calculation of 'Hash value' of the electronic record was not a condition in the old law.
- h) When the original computer-generated output is collected and produced before the court, it is called primary evidence (**Sec. 57 BSA**) e.g. DVR/NVR machine itself which was connected to the CCTV camera.
- i) When a copy of the computer output or a part of it is collected and produced before the court, it is called **secondary evidence (Sec. 58 BSA)** e. g. a CCTV footage, present in the DVR/ NVR machine, is copied on a CD/DVD or a pen drive or hard disk.
- j) When any secondary evidence is presented before the court, a certificate **U/S 63 BSA** is also to be submitted to support the admissibility of the digital evidence.
- k) Safeguard measures such as using of bubble wrap, anti-static bags, Faraday bags etc. can be used by the IO to prevent tampering/ damage to electronic records.

A. Evidentiary Value of Digital and Electronic Records

According to The BSA, the electronic or digital records will be treated with the same legal effect, validity, and enforceability as any other document, as long as they comply with section 63 BSA.

B. Admissibility of Digital and Electronic Records (Section 61 (1), (2), BSA):

Any information from an electronic record that is printed on paper, stored, recorded, or copied on optical (CD/DVD) or magnetic media (Hard Disk, Pen drive, memory card), semiconductor memory (RAM, ROM), or any electronic form (called the computer output) will also be considered as document. It can be used as evidence in any proceedings without insisting upon production of original or further proof as long as it meets the following conditions.

- a) It was created by the computer or device regularly used for activities by the person in lawful control during the relevant time.
- b) During this time, similar information was regularly supplied into the computer or device as part of normal activities.
- c) The computer or device was working properly during this time, and nothing affected the electronic record and its accuracy.
- d) The information in the electronic record comes from the information regularly entered into the computer or device during normal activities.

C. Incase of use of multiple computers (Sec 63(3) BSA):

If multiple computers or communication devices were used to create, store, or process information for an ongoing activity, they are treated as one big system. This applies whether they worked independently on a network, or through an intermediary. All of them will be considered as a single unit under this rule.

D. Input and Output (Sec 63(5) BSA):

Information can be supplied to a computer in various forms (text, data etc.), directly or indirectly (with or without human intervention), using appropriate equipment. It does not matter if computer output was generated directly or through appropriate equipment.

E. Certificate U/S63 (4) (C) BSA:

- a) In legal proceedings, if someone wants to present an electronic record as evidence, he needs to submit a certificate along with the records.

- b) The certificate must be signed by a person/party in charge of the computer or communication device or the person in charge of the management of the relevant activities (whichever is appropriate) in the form attached herewith in Annexure-I.
- c) The certificate must be signed by an expert in the form attached herewith in Annexure-II.
- d) The above certificates U/S 63 (4) (c) BSA is a corresponding provision of Sec 65-B of Indian Evidence Act with certain modifications. The comparative chart below clarifies difference between the old and the new law relating to admissibility of electronic records or digital evidences.

F. Comparative Chart of Sec 65-B, IEA and Sec 63, BSA

I. Scope of 'Computer Output':

- The IEA defined "computer output" as information printed on paper, stored, recorded, or copied in optical or magnetic media produced by a computer.
- The BSA expands this definition to include information stored, recorded, or copied in semiconductor memory or any other electronic form, produced by a computer, communication device, or otherwise.

II. Conditions for Admissibility:

- The IEA refers to "computer output containing the information produced by the computer."
- The BSA extends this to include "communication devices" and the "creation" of information, not just storage or processing.

III. Computer Operation and Period:

- The IEA mentions the computer operating properly during the material part of the period.
- The BSA adds "communication devices" and ensures that these devices were also operating properly during the relevant period.

IV. Single Computer Definition:

- The IEA considers all computers used for a purpose over a period as a single computer, detailing different combinations.
- The BSA introduces concepts like "standalone mode," "computer system," "computer network," "computer resource," and "intermediary" as part of the definition.

V. Certificate for Evidence:

- U/s 65-B IEA certificate was to be signed by a person:
 - (i) Occupying responsible official position in relation to the operation of the relevant device, or
 - (ii) Management of the relevant activities (whichever will be appropriate).
- But u/s 63 BSA certificate will be signed by
 - (i) The certificate must be signed by a person/party in charge of the computer or communication device or the person in charge of the management of the relevant activities (whichever is appropriate). Or
 - (ii) The certificate must be signed by an expert.

VI. Information Supply and Output Production:

- The IEA states that information supplied to a computer, directly or indirectly, should be in an appropriate form.
- The BSA adds "communication device" to this definition and includes the production of computer output by electronic means, referring to sub-section (3) clauses (a) to (e).

VII. Additional Clarifications:

- The BSA includes an explanation at the end of sub-section (3), stating that all computers used during the period should be treated as a single computer.
- The BSA also specifies that the certificate must be submitted with the electronic record each time it is submitted for admission.

Note: This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.

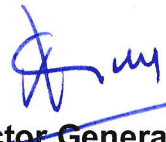

31.7.24

**Arun Bothra IPS,
Addl. Director General of Police,
CID Crime Branch, Odisha.**

Memo No. 8825 /CID-Law
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31.7.24

**Addl. Director General of Police,
CID Crime Branch, Odisha.**

Memo No. 8826 /CID-Law

Date: 31 .07.2024.

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31.7.24

**Addl. Director General of Police,
CID Crime Branch, Odisha.**

ANNEXURE – I

Certificate U/S 63 (4) (c) BSA to be filled by the Party, 2023.

THE SCHEDULE

CERTIFICATE

[See Section 63(4)]

PART A

(To be filled by the Party)

1. I, _____ (name), Son/daughter/
spouse of _____ residing _____
employed at _____

do hereby solemnly affirm and sincerely state and submit as follows:—

2. I state that I have produced the output of the digital record taken from the following device
or the source (tick mark):

Computer / Storage Media ☐ DVR ☐ Mobile ☐

Flash Drive ☐ CD/DVD ☐ Server ☐

Cloud ☐ Other ☐

Other:

(specify)

Make & Model: _____ Color: _____

Serial Number: _____

IMEI/UIN/UID/MAC/Cloud ID _____ (as applicable)

and any other relevant information, if any, about the device or the
source _____.

3. The device or the source was in such a state wherein digital record could be retrieved.

The digital device is:

Owned ☐ Maintained ☐ Managed ☐

Operated ☐

by me (select as applicable).

ANNEXURE – II

Certificate U/S 63 (4) (c) BSA to be filled by the Expert, 2023.

PART B

(To be filled by the Expert)

1. I, _____ (name), Son/daughter/
spouse of _____ residing _____/
employed at _____

do hereby solemnly affirm and sincerely state and submit as follows:—

2. I state that I have produced the output of the digital record taken from the following device
or the source (tick mark):

Computer / Storage Media ☐ DVR ☐ Mobile ☐

Flash Drive ☐ CD/DVD ☐ Server ☐

Cloud ☐ Other ☐

Other:

(specify)

Make & Model: _____ Color: _____

Serial Number: _____

IMEI/UID/UID/MAC/Cloud ID _____ (as applicable)

and any other relevant information, if any, about the device or the
source _____.

3. The device or the source was in such a state wherein digital record could be retrieved.

The digital device is:

Owned ☐ Maintained ☐ Managed ☐

Operated ☐

by me (select as applicable).

4. I state that while taking the digital record/output of the digital record the device was
operating properly without affecting the contents of the electronic record or its accuracy or
its contents and the hash value of the digital record is reproduced below in a sealed or
packed cover in storage media as below:

Make and Model: _____

Serial Number: _____

Hash Value:

Hashing Algorithm:

☐ SHA1:

☐ SHA256:

☐ MD5:

☐ Other: _____ (Legally applicable standard)

Date (DD/MM/YYYY) : _____

Time (IST): _____ hours (In 24 hours format)

Place: _____

(Hash report to be enclosed with the certificate)

Seal:

(Name, Designation, Signature)

Place:

Date:

Note :

1. Box to be ticked mark ☐ if applicable or crossed if not applicable ☐.
2. IMEI : International Mobile Equipment Identity can be found from any mobile device using Dial *#06#
3. UIN: Unique Identification Number issued by the Directorate General of Civil Aviation, Government of India (Only applicable in the case of Drone).
4. UID: Unique Identification numbers - This could be Serial number of Mobile, Computer, Laptop, Storage Media, CCTV, Flash Drive or any Hardware.



**ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH**

CRIME BRANCH CIRCULAR No. 21 /2024

**Sub: Standard Operating Procedure on Enquiry into
 UD and Suicide Cases**

Sections 194, 195 and 196 of the BNSS, 2023 deal with inquiry of cases of suicide and accidental deaths etc. Powers of Police Officer and Magistrate have been distinctly enjoined for inquiry into such cases of death.

1. Process

A. Inquiry by police (Section 194)

- a) The OIC of PS or any other Police Officer specially empowered by the State Govt. in that behalf can initiate investigation/inquiry into cases of following types of death:
 - i. A person has committed suicide, or
 - ii. Has been killed by an unknown person, or
 - iii. By an animal, or
 - iv. By machinery, or
 - v. By accident, or
 - vi. Died under circumstances raising suspicion that some other person has committed the offence.
- b) The Police Officer upon receipt of such information of death shall immediately give information to the nearest Executive Magistrate empowered to hold inquest.
- c) The Police Officer shall without delay proceed to the place where dead body of the deceased is available.
- d) The Police Officer shall make an inquiry into the death in presence of two or more inhabitants of the neighbourhood.

- e) The Police Officer shall draw up a report of the apparent cause of death describing wounds, fractures, bruises and other marks of injuries, if any, found on the body (Inquest Report).
- f) The Police Officer shall mention in the report as to in what manner or what weapons or instruments, such wound/marks appear to have been inflicted.
- g) The reports shall be signed by the Police Officer conducting investigation/ inquiry and witnesses present at the spot.
- h) The report shall be forwarded to the DM/SDM having jurisdiction within 24 Hrs of the preparation of the report.
- i) The dead body may be forwarded to the nearest Civil Surgeon or any other qualified medical persons appointed in this behalf by the State Govt., with a view to examine the same.
- j) If the state of the weather and the distance is such that it would render such examination useless due to putrefaction on the road, the examination of the dead body may be done at the spot by procuring the attendance of the medical officer under proper requisition.
- k) The Police Officer shall forward the dead body to Civil Surgeon or any other qualified medical persons appointed in this behalf by the State Govt., if the death
 - i. Involves suicide by a woman within 7 years of her marriage, or
 - ii. Involves death of a woman within 7 years of her marriage in a circumstance giving rise reasonable suspicion that some other person committed an offence in relation to such woman, or
 - iii. Involves death of a woman within 7 years of her marriage and any relatives (parents, children, spouse, brother, sister) made a request in this behalf, or
 - iv. There is doubt regarding the cause of death, or
 - v. The Police Officer for any other reasons consider it expedient to do so.

If, the circumstance so demand, the inquest proceedings may be conducted after sunset and before sunrise provided sufficient lighting arrangement is made by the concerned Police officer with due intimation to the SP. The same shall be mentioned in the inquiry diary/case diary by the Police Officer conducting inquiry/investigation.

B. Power of Police Officer to Summon Persons (Sec-195 BNSS)

- a) The Police officer while proceeding under Sec. 194 BNSS may, by order in writing,
- i. Summon two or more persons as aforesaid for the purpose of the said investigation, and
 - ii. Any other person who appears to be acquainted with the facts of the case and
 - iii. Every person so summoned shall be bound to attend and to answer truly all questions
 - iv. No person so appeared shall be compelled to answer any questions having tendency to expose him to criminal charges or to a penalty or forfeiture.
- b) In no circumstances the Police officer shall issue summon to a (i) male person under the age of 15 years or above the age of 60 years or (ii) a woman or (iii) a mentally or physically disabled person or (iv) a person with acute illness for their appearance before such Police officer for examination purpose. In case it is required, they shall be examined at the place where such person resides.
- c) If any persons of the exempted category, as mentioned above, is voluntarily willing to attend and answer at PS, such persons may be permitted to do so subject to a written memorandum submitted by him/her which will form part of the record of the Police officer.
- d) The Inquest report, being the first document relating to declaration of death of a person, especially in a non-institutional and non-domiciliary event of death, a copy of inquest report will be handed over by the Police Officer to the family members/ relatives/ next of the kin of the deceased person so as to get the death registered and to obtain death certificate of the deceased from the Registering Authority.
- e) Simultaneously, the Police officers shall give or cause to be given the information of death to the Registering Authority within 5 days, barring in exceptional cases, as provided under Rule- 6(2) of the Odisha Registration of Births and Deaths Rules-2001 and under Sec. 8(1) of the Registration of Births and Deaths Act-1969.
- f) Non-compliance of the above legal mandate is subject to penal provision under Sec. 23 of Registration of Births and Deaths Act-1969.

- g) The Police Officer shall intimate the concerned SsP/DCP justifying the exceptional circumstances / reasons for not sharing the inquest report within the stipulated time frame.

C. Inquiry by Magistrate (Sec-196 (1) BNSS)

- a) The nearest Magistrate empowered to hold inquests shall hold an inquiry into the cause of death either instead of, or in addition, to the investigation held by the Police Officer in the following types of cases [Sec-194(3)(i) & (ii)]
- i. When death involves suicide by a woman within 7 years of her marriage, or
 - ii. When death involves death of a woman within 7 years of her marriage in a circumstance giving rise reasonable suspicion that some other person committed an offence in relation to such woman, or
- b) Any Magistrate empowered to hold inquest shall hold an inquiry into the cause of death either instead of, or in addition, to the investigation held by the Police Officer in the following types of cases [Sec-194(1)]
- i. A person has committed suicide, or
 - ii. Has been killed by an unknown person, or
 - iii. By an animal, or
 - iv. By machinery, or
 - v. By accident, or
 - vi. Had died under circumstances raising suspicion that some other person has committed the offence.

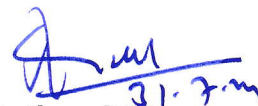
D. Inquiry By Judicial Magistrate (Sec-196 (2) BNSS)

- a) Where, any person while in custody of the Police or in any other custody authorized by the Magistrate or the Court dies or disappears, the Judicial Magistrate within whose local jurisdiction such incident has taken place, shall conduct an inquiry irrespective of the Police inquiry / investigation.
- b) Similarly, if it is alleged that rape has been committed on a woman while in custody of the Police or in any other custody authorized by the Magistrate or the Court, the Judicial Magistrate within whose local jurisdiction such offence

has been committed shall conduct an inquiry irrespective of the Police inquiry / investigation.

- c) The Magistrate holding such an inquiry shall record the evidence taken by him.
- d) Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, the Magistrate may cause the body to be disinterred and examined in order to discover the cause of his death.
- e) Where an inquiry is to be held as stated above, the Magistrate shall, wherever practicable, inform the relatives of the deceased whose names and addresses are known, and shall allow them to remain present during the inquiry.
- f) The Judicial Magistrate or the Executive Magistrate or the Police officer holding an inquiry or investigation shall, within 24 hours of the death of a person, forward the body with a view to its being examined to the nearest Civil Surgeon or any other qualified medical person appointed in this behalf by the State Government, unless it is not possible to do so for reasons to be recorded in writing.

Note: This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.


31.7.24

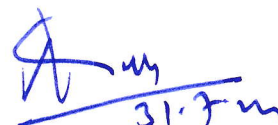
Arun Bothra, IPS
Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 8827 /CID-Law

Date: 31 .07.2024.

Copy forwarded to:

- All Dist. SsP including DCsP, Bhubaneswar / Cuttack, SsRP Cuttack/ Rourkela, SsP HRPC/ CAW & CW/ EOW/ STF
- IGP Training, IGP CAW & CW, IGP EOW, IGP STF
- All Range IsGP / DIsGP
for information and necessary action.

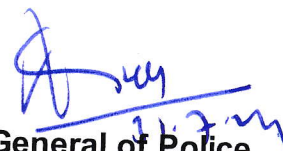

31.7.24

Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 8828 /CID-Law

Date: 31 .07.2024.

Copy forwarded to Spl. D.G of Police, HRPC, Commissioner of Police, Bhubaneswar-Cuttack, ADGP Railways & Coastal Security for kind information and necessary action.



**Addl. Director General of Police,
CID Crime Branch, Odisha.**

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