



TELANGANA POLICE

STANDARD OPERATING PROCEDURES

for

NEW



CRIMINAL LAWS

Effective from 1st July 2024

Bharatiya
Nyaya Sanhita
(BNS)

Bharatiya Nagarik
Suraksha Sanhita
(BNSS)

Bharatiya Sakshya
Adhiniyam
(BSA)

CRIME INVESTIGATION DEPARTMENT, TELANGANA

P R E F A C E

The landscape of criminal law in India is undergoing a transformative phase, marked by a series of significant legislative reforms. These changes are aimed at addressing contemporary challenges, ensuring justice, and aligning the legal framework with global standards. The introduction of new criminal laws signifies a progressive step towards enhancing the efficiency and efficacy of the criminal justice system in India.

This Standard Operating Procedures (SOP) book is conceived as a comprehensive guide to navigating the complexities of the newly enacted “**Bharatiya Nagarik Suraksha Sanhita, 2023**”. It serves as a practical manual for all field level police officers, providing clear and concise instructions on the procedural application and interpretation of this law.

The need for this SOP book arises from the dynamic nature of crimes, introduction of use of audio-video means at various investigation stages, timelines, emphasis on use of technology, which necessitates a thorough understanding and meticulous application of new statute and its procedures. With the increasing demand for accountability and transparency, it is imperative to have a structured approach to implementing new criminal laws.

In compiling this book, we have drawn from a diverse range of resources, including Directorate of Prosecution, Higher Court Judgements, Field Police officers, and case studies. Each section of this book is designed to address specific areas of the new criminal laws, offering step-by-step procedures for the ease of investigation for the field level police officers.

We invite feedback from field level police officers and prosecuting officers to continuously improve this guide and ensure it remains relevant and responsive to the evolving legal landscape.

MESSAGE OF DIRECTOR GENERAL OF POLICE, TELANGANA

As the landscape of our legal system evolves, it is my honor and duty to introduce the new criminal laws – “Bharatiya Nyaya Sanhita”, “Bharatiya Nagarika Suraksha Sanhita” and “Bharatiya Sakshyam Adhinyam”. These legislative advancements represent a pivotal moment in our ongoing commitment to uphold justice, enhance public safety, and adapt to the ever-changing dynamics of our society.



Sri. Ravi Gupta, IPS

As law enforcement officers, it is our responsibility to implement these laws with precision, fairness, and integrity. To effectively enforce these new laws, we must familiarize ourselves with their provisions and implications. Comprehensive training and continuous education are essential for all members of our force. Understanding the nuances of these laws will empower us to execute our duties with confidence and uphold the principles of justice.

In this endeavour, it is with great pride and a sense of responsibility that I introduce this comprehensive Standard Operating Procedures (SOP) manual for criminal investigations. This manual represents a significant step in the implementation of the New Criminal Laws.

This SOP manual is designed to serve as an essential tool for all members of our police force, providing clear and detailed guidelines for conducting investigations. Various committees were formed for spearheading the preparation and implementation of the New Criminal Laws. It is a collective commitment and collaborative effort of ADGP, Training; ADGP, CID; ADGP, PCS; ADGP, Legal; Director of Prosecution; Joint Working Group and other officers. By adhering to these procedures, we can ensure that our investigations are thorough, impartial, and capable of withstanding judicial scrutiny.

As we implement this SOP manual, I urge each one of you to approach your investigative duties with the utmost diligence and professionalism. I am confident that this SOP manual will be a valuable resource in our collective pursuit of excellence in law enforcement.

A handwritten signature in blue ink, appearing to read 'Ravi Gupta'.

Ravi Gupta, IPS.
Director General of Police, Telangana

MESSAGE OF ADDTL. DIRECTOR GENERAL OF POLICE, CID

In light of the recent introduction of new criminal laws in India, it is my privilege to address our esteemed team about these significant changes. The enactment of these new laws is a testament to our nation's dedication to progress and reform. These new laws mark a pivotal advancement in our legal framework, providing us with enhanced tools to tackle contemporary criminal activities more effectively and uphold the principles of justice.



Ms. Shikha Goel, IPS

Understanding the intricacies of these new statutes is essential. They are designed to equip us with better mechanisms to investigate, prosecute, and prevent crimes that have evolved with technological and societal changes. Comprehensive training programs will be provided to ensure that every member of our team is well-versed in the new legal provisions and their practical applications.

The field of criminal investigation is one of the most critical aspects of law enforcement. It requires not only a deep understanding of legal principles but also a high level of skill, integrity, and dedication. In today's rapidly evolving environment, it is imperative that our investigative techniques and procedures are not only up-to-date but also rigorously standardized.

A comprehensive Standard Operating Procedure Manual with 43 SOPs and 31 proformas covering important topics have been prepared. While drafting the SOP, it has been our endeavour to ensure that investigation officers are provided with uniform procedures to be followed across the state. These SOPs are result of hard work of prosecuting officers & Joint Working Group formed in CID, Telangana. I would like to place on record my sincere appreciation for JWG members Kalmeshwar Shingenavar, IPS, Commissioner of Police, Nizamabad; Ritiraj, IPS, Jt. Director, ACB; and other members; Mrs G. Vyjayanti, Director of Prosecution and her team in preparation of these SOPs.

Hence, with the collective effort these comprehensive SOPs have been developed encompassing all new and changed provisions. One of the key objectives of this SOP manual is to enhance the accountability and transparency of our investigative processes. Let this manual be your guide in navigating the complexities of criminal investigations, and let it inspire you to achieve excellence in your work.

A handwritten signature in blue ink, appearing to read 'Shikha Goel'.

Shikha Goel, IPS.

Addtl. Director General of Police, CID, Telangana

FOREWORD/ MESSAGE

An excursion to the words of a Statute to it's soul - is an exhilarating adventure. In view of the New Criminal Laws relating to the Bharatiya Nyaya Sanhitha, 2023, Bharatiya Nagarik Suraksha Sanhitha, 2023 and Bharatiya Sakshya Adhiniyam, 2023 occupying the field from the 1st day of July, 2024, the efforts of the Department



of Police, Government of Telangana are commendable. The G. VYJAYANTHI "Standard Operating Procedures" compendium is a significant step towards enhancing the efficiency and effectiveness of our law enforcement and prosecution system in Telangana.

It is always not easy to prepare a detailed comprehensive study and reflect the same in a nutshell for easy accessibility of the needy. I am always enthralled by the efforts of the Investigating Agency in its efforts to do a meticulous job in educating its forces to be keeping abreast with the latest requirements of law and procedure. I am happy that Department of Prosecutions is also part of this project. The subject is of great importance in the context of they being new legislations. The team has undertaken great care and caution in preparation of the present book and the efforts are laudable.

I encourage every police officer and prosecutor to make full use of this handbook. I am sure that this book will be received well by the Officials of the Police Department apart from those who are concerned with this branch of law.

(G. VYJAYANTHI)
DIRECTOR OF PROSECUTIONS
GOVERNMENT OF TELANGANA

<u>NEW LAWS COMMITTEE OFFICERS & MEMBERS</u>			
S.No	Name of the Officer	Designation	Field of Committee Member
<u>CID Co-ORDINATION COMMITTEE</u>			
1	Smt. Shikha Goel, IPS	ADGP CID	
2	Sri. Kalmeshwar Shingenavar, IPS	CP Nizamabad	Convener, Joint Working Committee
3	Smt. Ritiraj, IPS	JD ACB	Member
4	Smt. K. Venkata Lakshmi	SP CID	Member
5	Dr. Lavanya NJP	SP CID	Member
6	Sri. Ravinder Reddy	Retd. Addl. SP	Subject Matter Expert ISC
7	Sri. Raja Gopal	Retd. JD Forensic Science Lab	Subject Matter Expert ISC
<u>PROSECUTION COMMITTEE</u>			
1	Smt G.Vyjayanthi, B.A, B.L	Director of Prosecutions	
2	Sri A Phani Kumar	Addl. PP Gr-II, Prl.ASJ Court LB Nagar RR Dist	Member
3	Smt K.V.Beena	Addl. PP Gr-II, III Addl. ASJ Court LB Nagar RR Dist	Member
4	Sri P. Jyothi Rama Krishna	Addl. PP Gr-II ASJ Court Shadnagar, MBNR Dist	Member
5	Sri G.V Rama Krishna Rao	Add. PP Gr-II AASJ Court LB Nagar RR Dist	Member
6	Smt Komalatha Subbaiah	Addl. PP Gr-II AASJ Court, LB Nagar RR Dist	Member
7	Sri G.Daniel Kumar	APP, XV ACMM Court Hyd	Member
8	Sri P.Sandeep	APP, IV ACMM Court Hyd	Member
9	Sri G.Raghavendra	APP, VII AMM Court, Medchal	Member
10	Sri G.B Aravind Kumar	APP XVI ACMM Court Hyd	Member
11	Sri T.Vijay Kumar	APP IX AMM Court, Medchal	Member
<u>TRAINING COMMITTEE</u>			
1	Smt. Abhilasha Bisht, IPS	ADGP Training & Director TGPA,	
2	Sri. Venkateswarlu	SP DD Induction Courses, TGPA	Nodal Officer
3	Smt. Narmada	SP DD Induction Courses, TGPA	Member
<u>TECHNICAL COMMITTEE</u>			
1	Sri. V.V. Srinivas Rao, IPS	ADGP Technical Services, TGPRB	
2	Smt. Kiran Kumari Thota	SP, IT& C, PCS	Nodal Officer
3	Smt. Preeti Sudha Kondru	SI, PCS	Member
4	Smt. Harshavardhini	SI, PCS	Member

<u>FORENSIC COMMITTEE</u>			
1	Smt. Shikha Goel, IPS	Director, FSL	
2	Dr. Anita Evangellin	Addl. Director	Nodal Officer/NCL Trainers
3	Sri. V. Muralidhar	Asst. Director RSFL, MBNR	Member NCL Trainers
4	Sri. G. Nitin Chakravorthy	Scientific Officer FAV Section	Member NCL Trainers
<u>LEGAL COMMITTEE</u>			
1	Sri. Mahesh M. Bhagwat, IPS	ADGP Railways, RS FAC Legal	
2	Sri. Sateesh	SP Legal	Nodal Officer
<u>FINANCE COMMITTEE</u>			
1	Sri. Ramesh Reddy, IPS	IGP, P&L	
2	Sri. Ramana Kumar	AIG L&O	Member
<u>MISCELLANEOUS COMMITTEE</u>			
1	Sri. Chandra Shekar, IPS	IGP Multizone-II& Personnel	
2	Sri. Nagaraju	SP AIG Admin	
<u>NCL SECTION</u>			
1	Sri. Manohar	Supdt. C-Section, CO	
2	Sri. S. Chandra Shekar	Sr. Asst. SC Section CID	

Perused By Team of Senior Officers

1. Rohini Priyadarshini P, IPS, Commandant, 7th Battalion, TGSP
2. N.Swetha, IPS, DCP, DD, Hyderabad city
3. Apoorva Rao, IPS, Joint Director, TGRTC
4. Sindhu sharma, IPS, SP, Kamareddy
5. M.Ramana Kumar, AIG (L&O), TG
6. K.Venkata Laxmi, SP, CID
7. Satyanarayana, Addl. DCP, Balanagar
8. Jayaram, Addl.DCP, Madhapur
9. Narayana, Addtl SP, TRANSCO
10. K Rajashekar Raju, DSP, Miryalguda
11. Anjaneyulu, SHO, Gandhari PS, Kamareddy

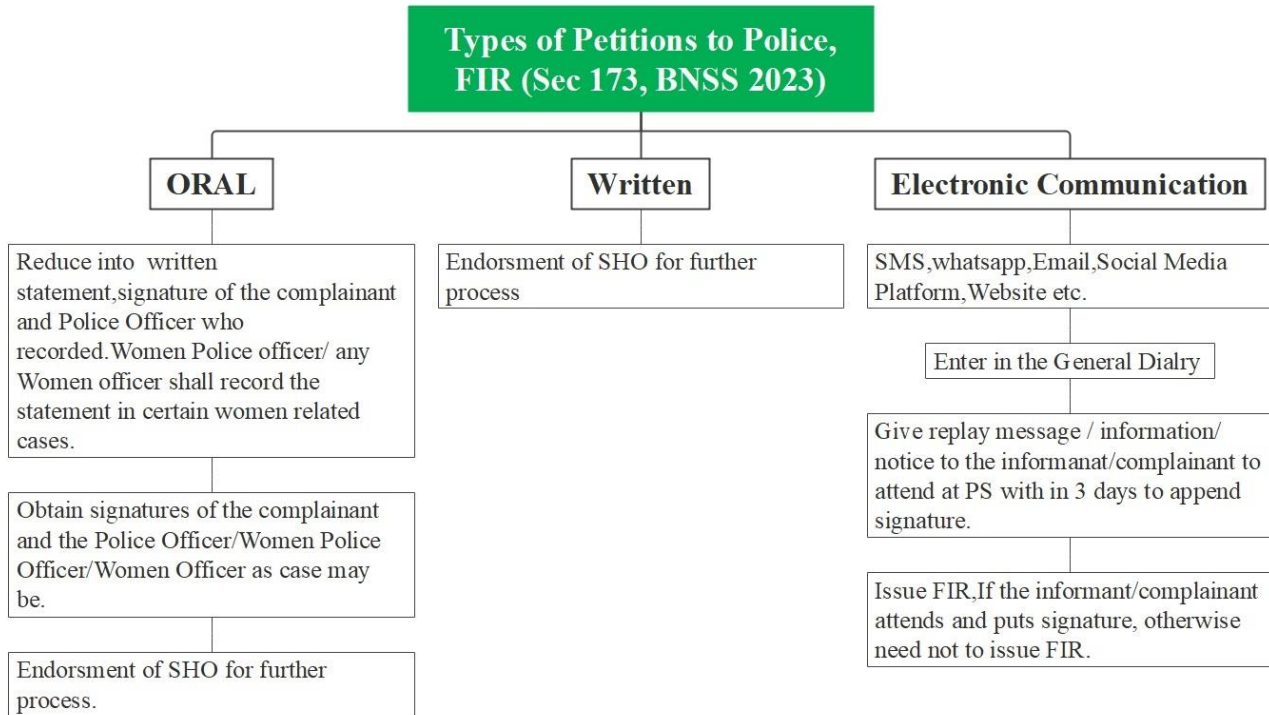
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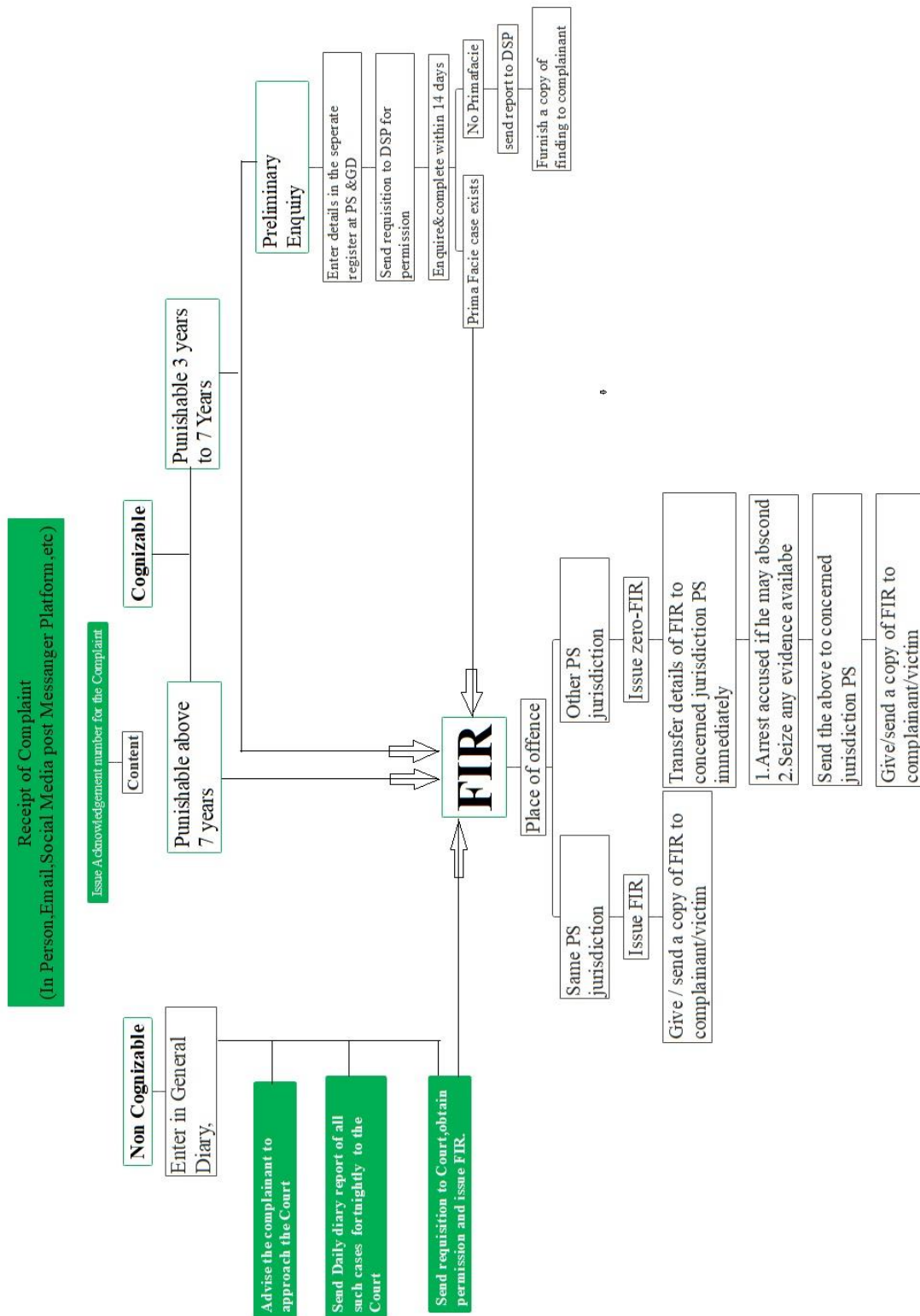
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SOP ON TYPES OF PETITION



SOP ON RECEIPT OF COMPLAINT



**SOP ON SECTION 174 BNSS INFORMATION AS TO NON-
COGNIZABLE CASES & FORWARDING FORTNIGHTLY
REPORT TO THE MAGISTRATE**

1. If the victim or informant approaches the police officer to report a non-cognizable offence.
2. The police officer shall make entry in the book specified for entering Non Cognizable cases.
3. The police officer should refer the informant to magistrate for according permission.
4. The Police Officer should forward daily diary report (General Diary) of the case, every (Fort Night) i.e., 15 days.
5. After according permission from the Concerned Magistrate the Police Officer should register FIR.
6. After registering FIR the case should be investigated (except Arrest).
7. To arrest the person accused of such non cognizable case the police officer should obtain arrest warrant from jurisdictional magistrate.
8. Where report relates to two or more offences of which at least one is cognizable, the case should be dealt as a cognizable case.

SOP ON SECTION 173: INFORMATION IN COGNIZABLE CASES BY ELECTRONIC COMMUNICATION

Section 173(1)(ii) BNSS, (ii) by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it.

- Electronic communication should preferably be to official e-mail address or official mobile number of SHO for accountability, monitoring and ease of communication.
- Reply/communication through same mode informing/requiring the applicant (or someone on his/her behalf) to appear before SHO and sign on the complaint
- SHO can call if contact details are provided or he can proceed or depute someone if address provided is within his jurisdiction, on case-to-case basis.
- Distress call: If the complaint suggests distress or discloses circumstances which may make it difficult to come to the P.S., either due to intimidation/ fear/wrongful confinement/restraint or complaint is one of offence against women or is grievous in nature, SHO must take steps to rescue and provide necessary help as per circumstances. If address is out of his jurisdiction, he must immediately inform the SHO concerned.
- The SHO even taking all the measures stated above, if the SHO is unable to get the signature of the complainant and if the complaint discloses a Cognizable offence, liberty is given to the SHO to take the alternative complaint from the relatives of the complainant or any other person known about the commission of the offence and commence the investigation since the offence committed not only against the complainant/ victim it is against the State.

SOP ON REGISTRATION OF FIR

1. The nature of the offence must be cognizable.
2. The information can be provided in writing. If the information is conveyed orally, it must be transcribed, read aloud to the informant, signed by the informant, and registered as per section 173. If the information received through electronic means, the Police officer has to follow the procedure as discussed above.
3. A copy of the FIR is provided to the informant free of cost.
4. Pursuant to Section 173(1) of the BNSS 2023 if the information relating to offences under Sec. 64 to 71 and 74 to 79 and 124 of BNS 2023, and is reported by a woman, it must be recorded by a female police officer or any female officer.
5. If the information relates to the aforementioned sections and is provided by an individual who is temporarily or physically disabled, the police officer shall record the information at a suitable location in the presence of an interpreter or special educator.
6. The recording of such information shall be videographed.

SOP ON REGISTRATION OF ZERO FIR

Eligibility to Register a Zero FIR:

A Zero FIR can be reported by the victim, a family member, a relative, or any other individual with knowledge of the facts relating to the incident on behalf of the victim.

Obligation to Register a Zero FIR:

FIRs are typically filed at the police station. However, FIRs may also be filed via email, telephone, or online in certain instances. Unlike a regular FIR, a Zero FIR ensures that the police register the FIR irrespective of jurisdiction, facilitating a more expedited investigation. The process for registering a Zero FIR mirrors that of a standard FIR. The police officer records the statement and all necessary information, providing a duplicate copy to the informant at no cost.

Prior to registration of Zero First Information Report (ZFIR), it is essential to determine whether the offence is cognizable or non-cognizable.

1. A Zero FIR can be registered only in cases of cognizable offences.
2. In case of non-cognizable offences, the complainant should be advised to approach the Magistrate having Jurisdiction or Police Station where the offence has taken place.
3. The police shall enter the substance of the information in a ledger referred to as the 'General Diary'.
4. If the information is received through electronic communication, it shall be taken on record by him on being signed within three days by the person giving it.
5. Section 173(2) of BNSS mandates that if report received through electronic communication, it shall be taken on record by him on being

signed within three days by the person giving it, failure to sign the stipulated period, what steps have to be taken by the police officer was not specified under section 173 of BNSS.

6. If the informant did not turn up within 3 days, the information discloses cognizable offence, after ascertaining truthfulness of the incident alleged in report will be transferred to the jurisdictional Police Station for action, as a matter of fact, crime is not only against victim but it is against whole society as well. The accused cannot go scot-free for not turning up to sign for obvious reasons subsequently happened.

Conclusion:

A Zero FIR provides a straight forward method for registering a report/complaint at a police station, even if the crime occurred outside the jurisdiction of the police station which enables the police to secure incriminating evidence from the scene without any delay. Advancements in technology have enabled the filing of FIRs online, and the status of FIRs can be monitored virtually.

Therefore, an FIR should be registered promptly after the commission of an offence to preserve facts and evidence.

SOP ON SECTION 173(4) – IF COMPLAINT NOT TAKEN AT PS AND SP OFFICE, CAN COMPLAIN TO MAGISTRATE

- Sub-section (4) of section 173 of BNSS, 2023 provides an opportunity to the informant to approach the Magistrate, when his report is not registered either by the officer in charge of the Police Station or Superintendent of Police.
- Once, the informant approaches the court under the above section, he has to make an application along with a complaint under section 210 of BNSS, 2023.
- When an application is filed under Section 173 (4) of BNSS, 2023, the procedure to be followed for ordering investigation is provided under Section 175 (3).
- According to Section 175 (3), the Magistrate firstly, has to verify whether it is supported by an affidavit of complainant .
- Upon that the Magistrate has given a discretion to make an inquiry into the matter, as the provision says that inquiry may be conducted if he thinks necessary.
- The inquiry provided under sub-section (3) of Section 175 of BNSS, 2023 is equivalent to the inquiry as envisaged under sub-section (1) of Section 225 of BNSS, 2023, which is to find out whether a *prima facie* is made out or not. Therefore, he is not supposed to conduct a detailed inquiry, so as to the sufficiency of the material for securing conviction.
- In case the Magistrate conducts an inquiry, he shall call for a report from the police officer. Further, if he thinks necessary, he may seek personal appearance of the police officer to make his submissions about the circumstances which resulted in not registering the case.

- After considering the submissions made by the Police Officer and his own inquiry into the matter, the Magistrate is at liberty to either order for investigation or not.

SOP ON COMPLAINT AGAINST A PUBLIC SERVANT AND MAGISTRATE'S POWER TO ORDER INVESTIGATION

Sub-section (4) of section 175 BNSS, 2023 is an addition to the corresponding provision of Section 156 Cr.P.C. 1973, and is as follows: -

(4) Any Magistrate empowered under section 210, may, upon receiving a complaint against a public servant arising in course of the discharge of his official duties, order investigation, subject to—

(a) receiving a report containing facts and circumstances of the incident from the officer superior to him; and

(b) after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged.

This provision provides for the procedure for investigation, when a Magistrate receives a complaint under Section 210 of BNSS, 2023 against a Public Servant. For ordering investigation under sub-section (4) of Section 175 of BNSS, 2023, the Magistrate has to comply with certain requirements –

- The Magistrate shall seek a report from the superior officer of the public servant against whom a complaint has been made.
- After receiving the above said report, from the Superior Officer, the Magistrate shall give an opportunity of hearing the Public Servant against whom the complaint is filed.
- During this hearing, the Magistrate shall ascertain the facts that led to the incident so alleged.
- In support of the assertions the Public Servant may produce evidence including documents, if any, which lead to that incident.
- After considering the material on record, the Magistrate may order for investigation, upon satisfaction of the following grounds -
- The incident alleged was in connection with discharge of the official duties of the Public Servant.

- The assertions made by the Public Servant for the alleged incident is not satisfactory.
- The report given by the Superior officer is in tune with the allegations made in the complaint.
- a *prima facie* case is made out.
- In case, the Magistrate comes to the conclusion that above grounds mentioned are not fulfilled, he may not order for investigation.

SOP ON EXAMINATION OF WITNESSES BY POLICE **(180 BNSS) / 161 CrPC)**

- The Investigating officer is empowered to summon any person in writing, except male person under the age of 15 years, or above the age of 60 years or mentally or physically disabled person or Acute illness person or woman, who is acquainted with the facts of the case of his Jurisdiction or neighbouring station for examination and record the statement and such person shall attend (179 (1) of BNNS)
- If the above exempted persons are willing to attend at the police station, such person **may** be permitted
- The police officer making Investigation **may** examine orally any person acquainted with the facts and circumstance of the case (180 (1) BNNS)
- The person so examined is **bound to** answer truly all questions relating to the case (180 (2))
- The investigating officer **may** reduce into writing any statement / may also record by audio – video electronic means made to him and **shall** make a separate and true record of the statement of each witness separately
- No statements shall be signed by the witnesses (Sec. 181 BNSS)
- The Investigating officer may examine number of witnesses in a case, but reduce the statements into writing of important witnesses who support the prosecution case. However, the IO has to mention the names of the witnesses examined in Part-I CD
- Invariably, the Woman Police officer should record the statements of victim women in cases of offences U/Sec. 64 to 71, Sec. 74 to 79 of BNS Act

SOP ON SECTION 184 BNSS TIME BOUND MEDICAL EXAMINATION OF VICTIM OF RAPE

- Any woman who is a victim of Rape should be examined by a registered medical Practitioner within 24 hours from the time of receiving the information relating to commission of offence.
- The medical examination shall be conducted by a registered medical practitioner employed in:-
 - a) A hospital Run by Government.
 - b) Local Authority.
 - c) In the absence of such practitioner by any other registered medical practitioner.
- Medical Practitioner should take consent of such women.
- In case of women concerned is unable to give consent, then consent should be obtained from any person who is competent to give consent (Parents, Blood Relatives, Guardians)
- The Registered Medical Practitioner should examine the women without delay.
- He Should prepare a report of his examination by giving:-
 - a) Name and address of the Women.
 - b) Name and address of the person by whom she was brought.
 - c) Age of the Women.
 - d) Description of material taken from the person of the women for DNA profiling (Swab, Slides etc.,)
 - e) Marks of Injury on the person of the women.
 - f) General mental condition of the women.
 - g) Other material particulars in reasonable details.
- The reason for every conclusion arrived at should be stated in the report.

- The fact that consent of women or competent person has been obtained should be mentioned in the report.
- The exact time of commencement and completion of the examination should be noted in the report.
- The medical practitioner should send the report to the IO within 7 days from the date of examination.
- The IO in turn should forward the medical report to the concerned magistrate.
- If consent of the women or competent person is not obtained, then any medical examination done on the victim women is unlawful

SEARCH AND SEIZURE PROTOCOL

(TECHNICAL – FORENSIC PERSPECTIVE)

VIDEOGRAPHY RECORDING OF CRIME SCENE

- BNSS sec 176(3) - mandatory related to an offence which is made punishable for 7yrs or more.
- Videography of the process on mobile phone or other electronic device.

RECORDING OF SEARCH AND SEIZURE:

- BNSS sec 105 – mandatory recording of search and seizure through audio–video electronic means.

ADMISSABILITY OF ELECTRONIC RECORDS:

- Sections 57 & 63 of BSA
- Audio-Video recordings as part of:
 - i. Procedural compliance
 - ii. Investigative compliance
 - iii. Each seizure of relevant digital evidence.
- The above three instances need certification by handler and by a Forensic Expert under PART A & Part B (63(4)(c) of BSA). **Digital Forensic Expert – It is pertinent here to highlight sec 329 of BNSS which is captioned as “Reports of certain Government Scientific Experts”, certified by notification by the state or central government.**

Procedural compliance:

- i. Only the digital repository created through audio video recording of procedure of search, seizure and statement etc. produced to the trial

court in proper Chain of Custody (either in e-Case diary or ICJS enabled app e-sakshya).

Investigative compliance:

- i. The evidence already available which is to be searched and seized.
- ii. The digital evidences created through audio video recording of procedure of search, seizure, statement, etc & produced in proper Chain of Custody (either in e-Case diary or ICJS enabled app e-sakshya) to the trial court.

Overview of Audio-Video recording:

- Ensure the safety of all individuals at the crime scene.
- Protect the integrity of evidence.
- Use personnel protective equipment to prevent contamination, Disposable device and gloves should be used for collection of evidence.
- Evaluate the scene and formulate a search plan.
- Identify potential evidence
- Secure the scene of crime and prepare for audio-video recordings
- Follow the standard methods of crime scene search (search and seizure authorisation, warrant issue-date and time, minimum officers, panchas and technical team).
- Pre-search conditions of a crime scene need to be photographed and video-graphed in a 360⁰ view (special attention need to be made by ensuring close-up pictures of front and back side of all equipment in connection to configuration details).
- The starting and ending shot of crime scene recorded need to be mentioned specifically (by clearly announcing the commencement and also end of search and seizure operation).

- Precautions to be taken at every stage to avoid critical failures (Technical issues, procedural faults etc.,)

Technical Considerations:

- Types of devices – Mobile phones or Audio-video recorder.
- Ecosystem – secure the crime scene, preliminary survey, sketching of crime scene and contamination control.
- Device management:
 - Mobile phone and Audio-video recorder – Devices authorized and issued by the department should only be used for recording crime scene.
 - Only authorized, skilled personnel to be deployed to handle audio-video recording.
 - A new/empty external SD/memory card should be used with capacity not less than 128GB (surveillance/industrial grade) along with spare memory cards handy.
 - Ensure proper working condition of the device, date and time should be set to the IST and ensure that date and time, location (with latitude and longitude) to be displayed on image/video recorded by adjusting the settings.
 - Availability, retainability of device for continuous use by ensuring the charging or extra batteries/power banks to be ensured.
 - Use light/flash, noise cancellation and maintain silence for better quality image/video based on the crime scene conditions.
 - Camera settings should be set to normal mode (no filters should be applied).

- Stability of camera, use a tripod or stabilizer to prevent shaky footage (avoid zooming/panning), use of safe route while capturing without disturbing the scene is advised.
- Continuity of video recording of the scene to be maintained (avoid pausing).
- Images captured should be with 90⁰ evidence rulers i.e., vertical and horizontal planes (Grid view) – can be used for close-up photographs/videos of injured.
- Capture close-ups of the seized items showing their condition, identifying marks and labels by clearly narrating the discovery of seized items.
- Video graph the victim's injury, witnesses and the scene, preparation and signing of seizure list by panchas.
- End the video recording with the announcement of summary, search and seizure operation in the recording.
- Enable certification by handler and by a Forensic Expert under Part A& PART B (63(4)(c) of BSA). ***Digital Forensic Expert –sec 329 of BNSS which is captioned as “Reports of certain Government Scientific Experts”, certified by notification by the state or central government.**
- 63(4)(c) certification does not require the owner of device but the person who actually manages the device regularly at the relevant time.

Post recording:

- Review the recording for accuracy and completeness.
- Storing the evidence as permanent record in order to ensure authenticity and prevent manipulation.

- Production and admissibility of evidence to be ensured through chain of custody.
- All the video files recorded should be stored to memory card but not internal memory of the mobile phone.
- Video shall not be viewed with any device that would enable editing of the digital images, such as a memory card reader or a computer.
- Default generated file names of the video files /recordings should not be altered or renamed. Retain the same file name through the proceedings
- The officer at the scene should not delete any digital images which are photographically faulty. Digital images that are relevant for investigative or trial purposes can be printed at a later time.
- Label the recording with date, time, location, case details and brief description of the recording by placing the memory card in an evidence envelope (anti-static bag) along with identifying case information tag and sealed.
- The sealed memory card to be delivered to the authorised, designated evidence specialist of the investigation team along with chain of custody form.
- Download the unaltered images into a computer file which has limited access. The writing software approved by the department should not permit re-writing or alteration of recorded images.
- The evidence specialist, or the designated officer, will copy, without opening, the digital images/ Video onto a Hard Disk or Pen drive or storage devices which will become the “master negative.”(However, the pendrive or Hard disk should be Write-once-read-many times-WORM enabled). This master negative disk is the permanent record and to be stored in secured location.

- A working record(Duplicate copy or mirror image) on a separate pendrive or hard disk is to be made from the master negative disk by copying the files without opening them.
- The audio-video recording will be scanned for any virus.
- Hashing should be done at this stage, to validate and verify the integrity of the video files and their secure transfer from mobile phone/audio-video recorder of primary, master negative and mirror image using dedicated hardware and software to establish chain of custody.
- However, When seizing digital evidence hashing should be done through write blocking devices to make it alter proof or any accidental data tampering due to mishandling.
- Hash values are to be documented and Transfers should be depicted in chain of custody forms with responder & evidence specialist (trained *Head Mohrir*) signatures.
- Hash value of the individual image/ video footage to be mentioned in the panchnama, case diary, seizure memo.
- Hence the evidence specialist or data manager or trained Head Mohrir (crime record Munshi as is known in certain PS) will transfer the mirror image in pen drive or storage device to the designated desktop of Magistrate along with memos and chain of custody forms.
- Hash verification i.e., giving matching hash value of original record as proof of evidence shall be admissible as secondary evidence. Importance is given to the integrity of a specific file and not to the entire storage medium.
- The audio-video recording will then be deleted from the police officer's smartphone or audio-video recorder, making space for more recordings to be made in the future.

- The issue of transport and production will be resolved once the app based uploading and retrieving of audio-video records will start on applications via e-Sakshya.

HASH function: The HASH function or summary function is used to verify the integrity of a data set. In other words, it is about obtaining its “fingerprint”. A mathematical algorithm is applied on data to generate an alpha-numeric string of fixed characters. Hashing is a fingerprinting of any digital data present in non-volatile medium and it may be done with respect to any file, folder or complete media which contains data. It will remain the same for the same data but any slightest change in data will change the hashing value entirely which can be easily noticed on comparison.

This procedure is applied here when making copies of the original data, so that, once the HASH value of the origin and destination has been calculated, they must be identical. This process is known as verification.

- Different hashing algorithms are as follows:

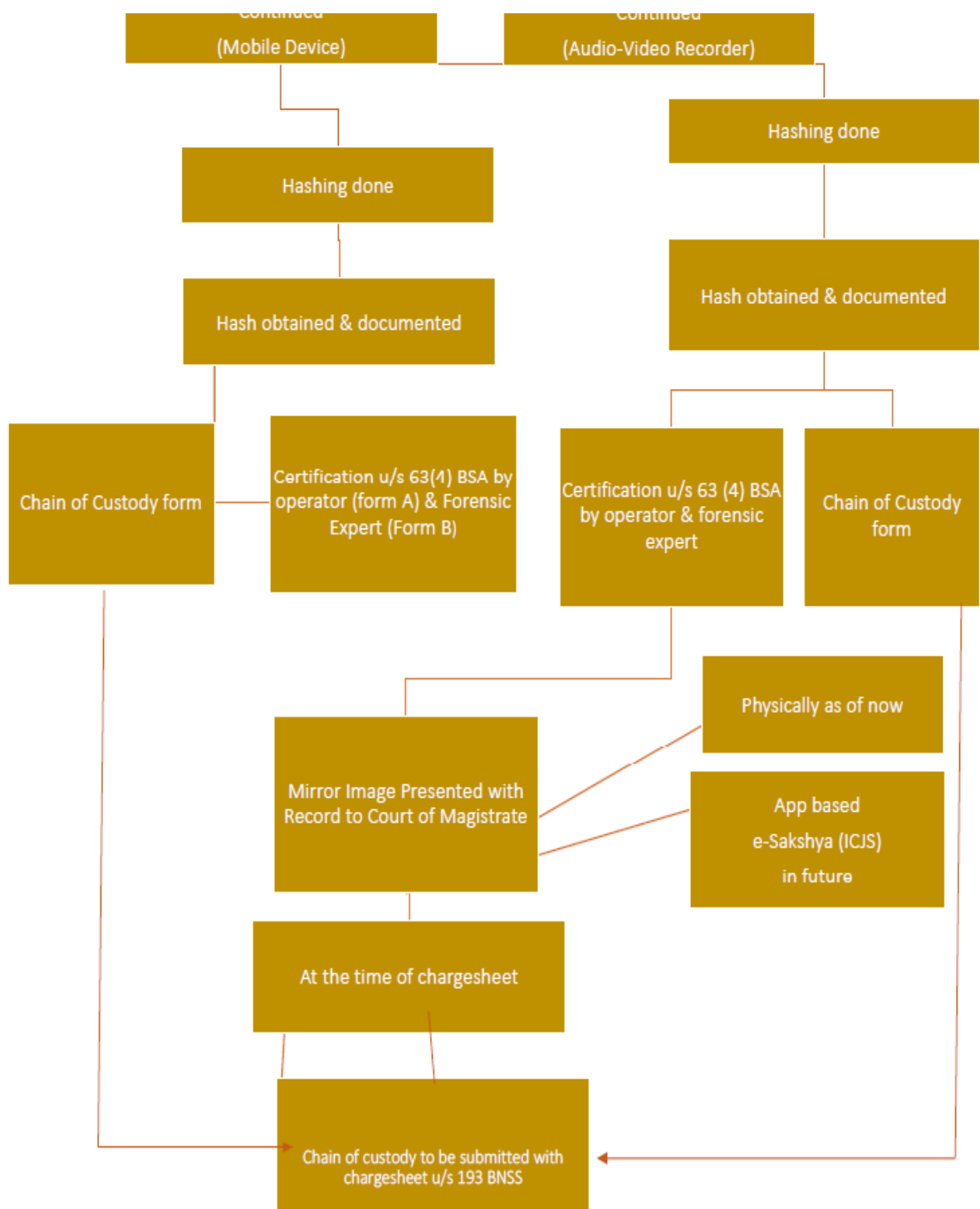
- MD5 (Message Digest 5)
- SHA-1 (Secure Hash Algorithm 1)
- SHA-2 family (SHA-256, SHA-384, SHA-512)
- SHA-3 (Secure Hash Algorithm 3)

- Following tools are available for hashing:

- Hash Check.
- Hash Cal
- Hash Tab
- Hash My Files
- MD5 Hash Generator
- SHA-256 Online
- Cyber Chef

SOP-FLPOWCHART:





SOP ON SEARCH AND SEIZURE OF DIGITAL EVIDENCE

1: Evidence Preservation: Crime Scene

Purpose:

The purpose of this procedure is to secure digital evidence located at a non-laboratory location to preserve its integrity for further forensic processing.

Scope:

This SOP describes procedures to follow when providing digital forensics assistance at non-laboratory locations.

Equipment:

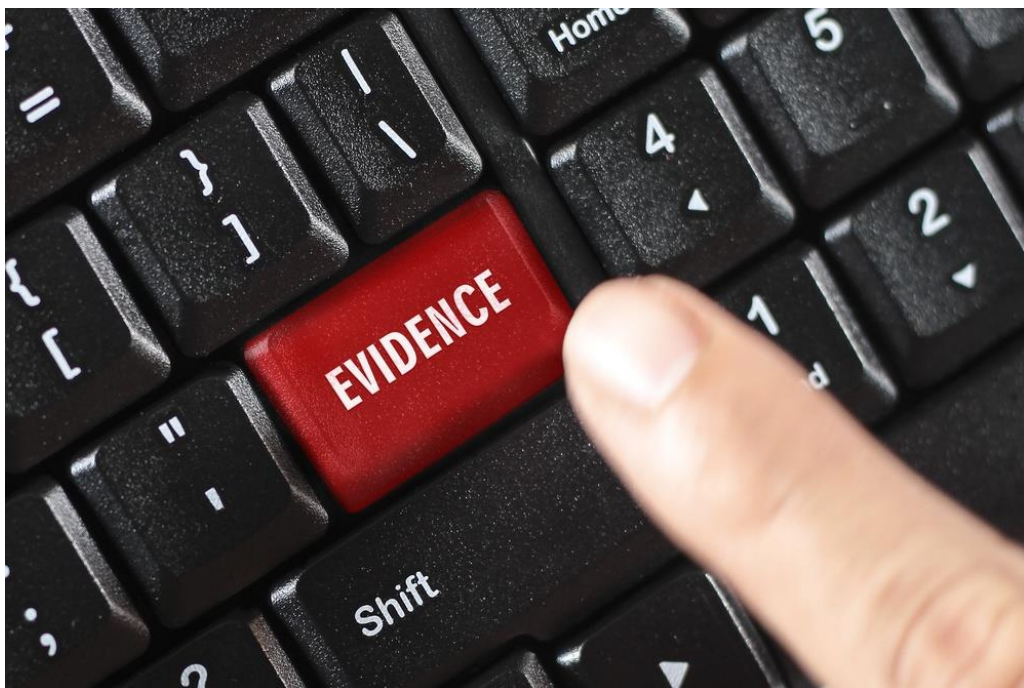
A digital forensics field response kit may contain some of the following:

1. Digital camera
2. Sterilized removable media
3. Forensic computer or Laptop with the necessary standard forensic tools installed
4. Hardware write-blocking devices
5. Forensically sound boot disks
6. Mobile device acquisition tools
7. Tool kit (screw drivers, etc.)
8. Evidence packaging materials for digital media storage devices such as Hard disks, USB devices, DVDs, or CDs; Anti- static zip-lock evidence bags
9. Forensic tools dongle licenses
10. Faraday Bags to inhibit signals to mobile phones and other devices that may receive data from mobile/Wi-Fi network

11. Network cables (crossed and braided), Seal, Gloves, Magnifying glasses and Mask.

Secure the scene: In electronic evidence collection, the aim is to avoid the loss, alteration or destruction of any possible evidence.

- Locate the most obvious elements, computers and mobile phones, especially those that are connected to the Internet and those that need special assurance measures to prevent data loss.
- Check the existence of wireless networks that allow access and modification of data from outside.



1. Ensure the safety of all individuals at the scene.
2. Protect the integrity of evidence.
3. Evaluate the scene and formulate a search plan.
4. Identify potential evidence.
5. All potential evidence should be secured, documented, and/or photographed.

6. Any item to be removed from the scene should be properly packaged and secured.

For each device, the following data must be documented: -

Type: Computer, hard drive, flash drive, DVD, etc.,

- Brand and model - Storage capacity, indicating if it is MB, GB or TB
- Serial number
- State: Damaged, on, off, etc.,
- Location: Stay and specific place
- Security: Access password, PIN

Any annotation related to the use of passwords, settings, email accounts, etc., as well as the SIM cardholders with their ICCID, original PIN and PUK number and any other relevant information that may be searched and documented. They will be used in the subsequent analysis of the devices.

2. Computers/Laptops:

Document the location and condition of all computers and/or devices.

Document all connections to the computer.



a. Networked:

1. Unplugging a suspect computer from a network may cause data loss and could potentially damage other computers on the network.
2. Computer networks can be technically complex and may prevent collection of evidence in a timely manner.

Note: If the system administrator is a suspect in the case, assistance should be sought from personnel knowledgeable in the network's operation.

b. Non-networked:

1. Powering down a suspect's computer may cause data loss and potentially damage the operating system.
2. While securing the computer, there may be chances that evidence may be destroyed or manipulated, the computer should be shut down.
 - Disable screensavers and screen locking in order to prevent the equipment from being hibernated or suspended.
 - Check if the device has any kind of encryption system running (Bitlocker, FileVault, VeraCrypt, PGP Disk, etc.).
 - Even if the device is not fully encrypted, it is important to have the suspect's passwords. The suspect might have encrypted a file.
 - Generating a forensic copy of each evidence and capturing volatile data apply the specific procedure.
 - If using a forensic tool at a crime scene, this must only be carried out by authorized and trained personnel and ensure that the reason for examining the evidence at the scene is documented and controlled.

**Shutdown procedures:**

- a. Pull the plug from the back of the computer, or when necessary normal shutdown procedures should be utilized. When forcibly shutting down a computer, the plug should be pulled from the back of the unit, not from the outlet.
- b. For laptops you must either push the power button until the system shuts off or remove the battery. Current laptops, especially "notebook" types, have batteries and hard drives integrated into the computer so it is not always easy or possible to remove them. We can find laptops with NVMe/SSD type disks integrated into the mainboard, in which it will not be possible to obtain a forensic copy by using traditional methods. Many of these computers require the use of special tools, and to avoid damaging them.
- c. Do not unplug an Uninterruptable Power Supply (UPS) backup unit to cut power to a computer, because the battery in the UPS could power the computer long enough to complete any destructive processes.

3. Mobile Phone Devices:**Purpose:**

The purpose of this procedure is to describe the steps to collect mobile devices.

Scope:

This procedure shall be followed when collecting mobile devices on-scene.

**Equipment:**

1. Active devices are susceptible to data destruction due to network communication.
2. Mobile devices may lose data or initiate additional security measures once discharged or shut down.
3. Some components and devices are susceptible to immediate physical destruction and should be physically secured.
4. A device may be protected with a password, PIN, token or other authentication mechanism, the suspect may be queried for this information during the initial stage.
5. Document the location and condition of all handheld digital devices including on-screen data.
6. If possible, physically remove the battery from the device, otherwise power off the device in the appropriate manner.
7. Search the scene for removable media, passwords, or other pertinent information.
8. Use RF shielding, anti-static bags (e.g. Faraday bag, etc.)

Evaluation (Triage):

In order to access the contents of a memory device to assess its relevance to the case, it is essential to use blockers either by software - provided and validated by laboratories - or by blockers by firmware. In case of optical discs, you can proceed with your exam using a CD / DVD reader that does not allow writing.

Procedure:

1. Physically secure the mobile device. Separating the device from its user, network isolation are necessary to ensure evidence is not modified or destroyed.
2. Perform other forensic examinations (biological testing, fingerprints, DNA, etc.).
3. Block the mobile device from receiving RF signals by placing the phone in Airplane mode or using an RF shielding device. The “airplane mode” feature in newer versions of mobile operating systems may not disable Bluetooth, Wi-Fi, and other wireless protocols or may only disconnect them temporarily, manually confirm network isolation.
4. Turn off the mobile device if unable to block the RF signals.
5. Submit the mobile device for examination as quickly as possible.
6. Remove the battery from the mobile device, if possible, if storing it for an extended time. This will prevent the battery from corroding the inside of the mobile device.

iOS Preservation Process :

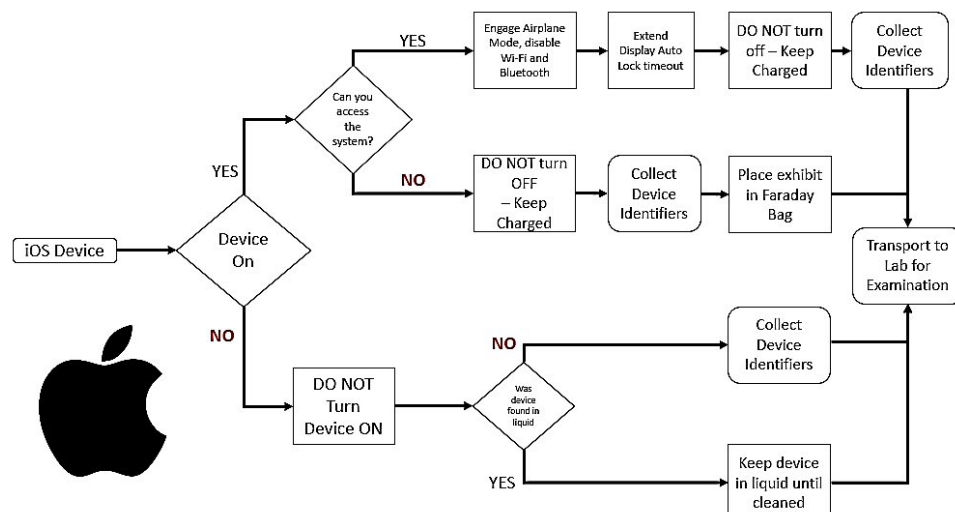
- iOS is a mobile operating system created and developed by Apple exclusively for its mobile hardware, including the iPhone, iPad, and iPod Touch.
- All iPhones utilize hardware and software encryption so if the device has a password/passcode/Face ID then the user of the handset must supply

the information required to gain access to the handset otherwise the forensic lab may not be able to access the handset data.

- Place the device in “Airplane Mode” (by swiping up from the bottom and selecting airplane mode) and verify that Wi-Fi and Bluetooth are off. If the device cannot be placed in “Airplane Mode”, put it in a Faraday bag to prevent network interaction from potentially altering data on the device.



- Both the mobile device and the charging source should be placed inside the Faraday bag.
- If the charging source is not placed in the Faraday bag, the cable can act as an antenna and the device may be able to connect to the network. If the device is off, leave it off. Collect identifying data about the device, such as model number, carrier and unique identifiers that are visible.



Android Preservation Process:

Android is a Linux-based mobile operating system developed by Google and has the largest install base of any mobile operating system. Android is available in many different versions and, unlike iOS, is offered on devices manufactured by numerous companies

a) The device is power on.

- Photograph the screen in the state it is in. Check the battery and if the date and time the device shows correspond to the actual date and time upon seizure.

- IMEI check: dial * # 06 # and photograph. - Make a logical image of the device with the forensic device, including reading the SIM.
- Make a physical image of the device if it is supported.
- Turn off the device. Remove battery, SIM / USIM card and memory expansion card and photograph the assembly with the identification tag.
- Do not turn on the equipment again.

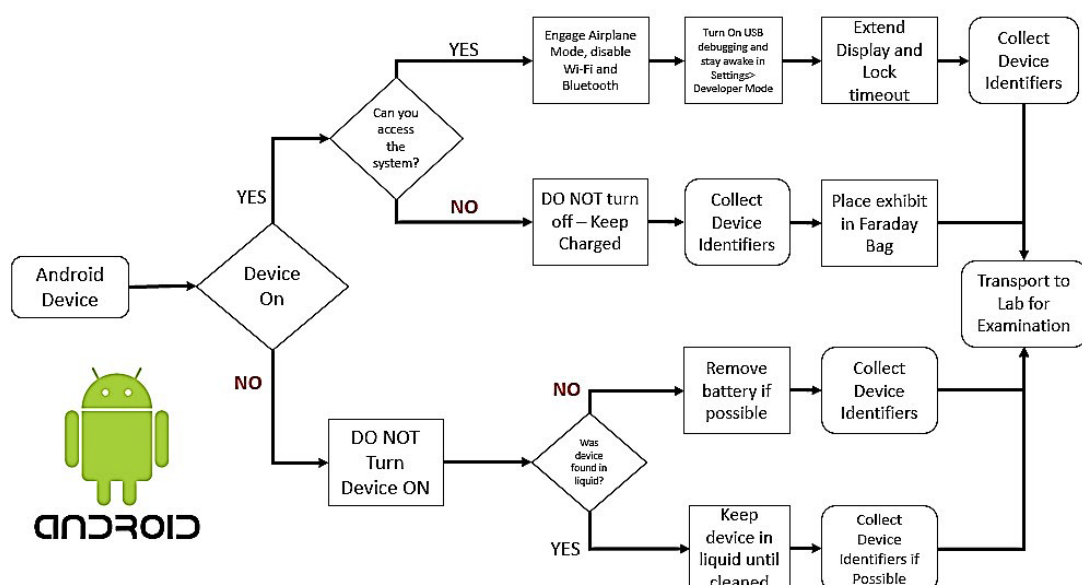
b) The device is power off.

- Check if support is available for acquiring a forensic image. - The battery is removed and the items to be checked are located: SIM card and external memory.
- If the device cannot be placed in “Airplane Mode”, follow the same procedure as for Apple devices. If the device is off, leave it off. Collect identifying data about the device, such as model number, carrier and unique identifiers that are visible.

SIM / USIM : SIM card is read by checking if it is protected by a PIN. If available, it is entered only once, because if it is tried 3 times without success, it is blocked. To unlock it, you will need the PUK code, which is located on the

original cardholder or that can be requested from the mobile service provider. In any case, the ICCID (Integrated Circuit Card Identifier) will be obtained, which is its serial number.

Removable Media/memory cards: If a handset allows the use of a removable memory card, then this card is used for expansion of the phone storage capacity. Removable storage is commonplace amongst Android handsets as this allows the user to store multimedia.



4. Servers:

- Server-type computer equipment provides service to other client computers. We can find them mainly in business environments performing functions of a file server, mail, web services, database, user management, etc.
- The preferred process to seize information from servers is to make a selective logical copy of the suspect's folder. But you also have to consider getting the event logs, the active directory settings, mailboxes and the backups.



5. Cloud Data :

- Both Apple and Android phones require the user to have either a Google Account (Android) or an iCloud account (Apple). These cloud services enable the user to backup data to the cloud, as well as share their photos, videos ,audio files etc.,. They also make it possible to backup handset user data in case the device is lost or it has to be transferred to a new handset. The process of seizing cloud data, to be employed along with user credentials, Collect and document this information, subject to applicable legal requirements



- IoT devices In addition to the traditional IT devices described above, in recent years several devices have been defined as "IoT" or the Internet of Things. These devices can be very different from each other in terms of functionality, such as smart watches, smart TVs, video surveillance devices, and so on.

6. Smart-watches:

- A smartwatch contains several functionalities, allowing you to do many things you normally do with your phone. To seize a smartwatch, it would be preferable to follow the same indications already provided in the mobile phone section.



- The seizure of other IOT devices smart Tv, gaming console smart speakers etc., disconnect them collect user accounts and application passwords, document everything, take pictures of the device, label and pack.

7. Drones:

- Drones - also referred as unmanned aerial vehicle (UAV), unmanned aerial system (UAS), small unmanned aerial system (sUAS) or remotely piloted aircraft system (RPAS).



- Digital forensics on drones and associated equipment is to identify flight paths, user data, and associated pictures and videos contained within the devices that will assist in understanding the drone and its usage. A drone usually consists of the following two types of components.
- Drones/controllers are usually presented with two distinct media storage types that require separate handling techniques
- If power on:
Take pictures of the controller's display then turn off the drone and its components. Isolate the drone from GPS satellites and other devices to ensure that GPS/Wi-Fi/Network signals contained. Identify the make and model of the

drone. Search the drone for any external storage media, i.e. SD Cards. Photograph and label the status of the drone and its components. Securely pack all of the components

- **Memory Cards:** These can be examined as a computer hard disk. If time and resources allow, a bit-to-bit clone of the memory card should be created and that clone inserted into the handset.
- **Internal Memory:** This requires drone/mobile compatible manufacturer/forensic tools. Some devices are supported by forensic tools for physical extraction. The forensic tools will boot the device in a particular way and conduct physical extraction without making any changes or alterations to the user data on the device.

8. Cryptocurrency/Virtual assets devices:

- First responders need to be aware of the different ways to access, store and transfer virtual assets. Crypto currency wallets come in different shapes and forms: files in a computer/phone, hardware devices, QR codes or even a sequence of words written in a piece of paper or memorized by the suspect.
- **Desktop wallets:** Bitcoin Core, Armory, Electrum, Wasabi, Bither, etc, **Mobile wallets:** Mycelium, Edge, BRD, Trust, etc., **Online wallets:** BitGo, BTC.com, Coin.Space, Blockchain.com, etc., **Hardware wallets:** BitBox, Coldcard, KeepKey, Ledger, Trezor, etc., **Paper wallets:** addresses generated by bitaddress.org, segwitaddress.org, etc., need to be searched.
- Regardless of the wallet type, the crucial information that needs to be collected is the unencrypted Private Key, In most cases, however, the Private Key is protected, or it might not be stored locally.
- Passwords, PINs, Credentials (username and password for online wallets), QR codes (can store the full private key), Seeds- the sequence of words (typically 24 or more) used to recreate the private key. For the most popular cryptocurrency³ , Bitcoin, private keys are 256-bit numbers that can be

represented in many different ways. Wallet Import Format (WIF) is the most common.



HASH function:

- The HASH function or summary function is used to verify the integrity of a data set. In other words, it is about obtaining its “fingerprint”.
- In the case of electronic evidence, this procedure is applied when making copies of the original devices, so that, once the HASH value of the origin and destination has been calculated, they must be identical. This process is known as verification.
- It will remain the same of the same data but any slightest change in data will change the hashing value entirely which can be easily noticed on comparison.

➤ Different hashing algorithms are as follows:

- MD5 (Message Digest 5)
- SHA-1 (Secure Hash Algorithm 1)
- SHA-2 family (SHA-256, SHA-384, SHA-512)

- SHA-3 (Secure Hash Algorithm 3)

➤ Following tools are available for hashing:

- Hash Check.
- Hash Cal
- Hash Tab
- Hash My Files
- MD5 Hash Generator
- SHA-256 Online

Imaging and Preview

Purpose:

The purpose of this procedure is to describe the steps for previewing and imaging computers and digital media on-scene.

Scope:

This procedure shall be followed when previewing and imaging computers and digital media on-scene.

Equipment:

1. Forensic computer
2. Windows preview/imaging software (FTK Imager, EnCase, etc.)
3. Hardware write blocker for various hard drive interfaces (EIDE, SATA, SCSI, etc.)
4. Wiped and formatted “destination” hard drive if imaging using evidence files (.E01 files)
5. Wiped “destination” hard drive if imaging using a RAW data dump (forensic clone of drive)

Procedures:

Windows preview:

1. Remove the hard drive from the subject computer.
2. Attach the subject hard drive to the appropriate hardware write blocker.
3. Attach the write blocker to the forensic computer.
4. Boot the forensic computer and run the Windows preview/imaging software.
5. Preview the computer's hard drive for evidence related to the case.
6. Document the findings of the preview.

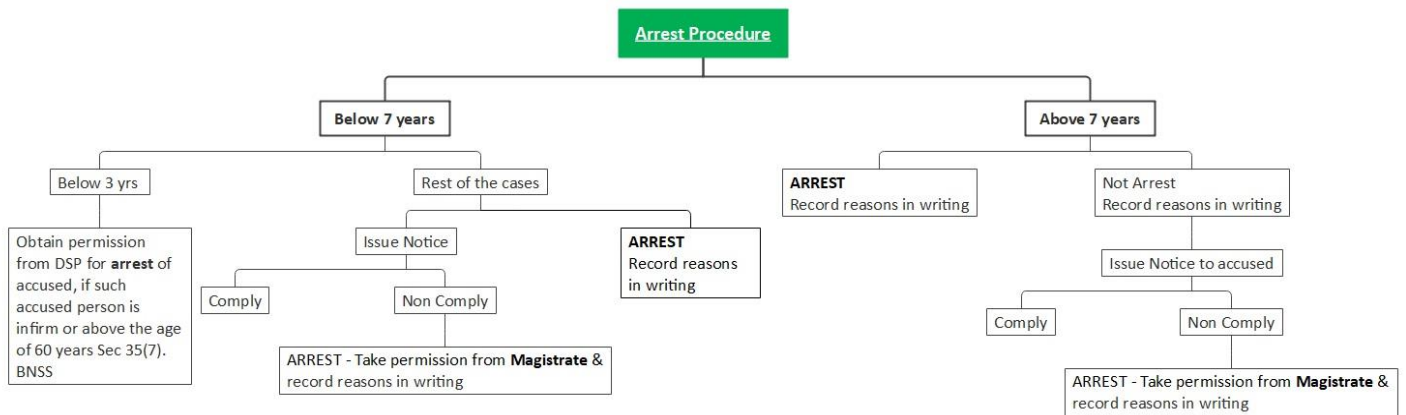
Windows imaging:

1. Remove the hard drive from the subject computer.
2. Attach the subject hard drive to the appropriate hardware write blocker.
3. Attach the write blocker to the forensic computer.
4. Boot the forensic computer and run the Windows preview/imaging software.
5. Image the computer's hard drive to the destination drive.
6. Verify and document the integrity of the image file(s) by comparing the acquisition and verification hash values.

Limitations:

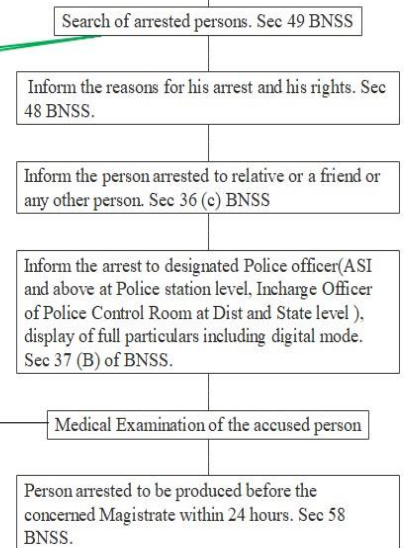
1. Failure to control the boot order of the computer may result in unintentional writes to the computer's hard drive.
2. Laptop drives may require special hard drive interface adapters.
3. Hard drive removal from a computer may not be easily accomplished.
4. Previewing data on hard drives should be used for triage and not as an alternative to a full forensic examination.
5. The quantity of data and the time to process digital media can be limiting factors

SOP ON ARREST



Procedure to be followed during arrest

Female accused should be searched by another Female only.



Medical examination of accused at request of any Police Officer for the purpose of evidence . Sec 51 BNSS
Examination of female accused by female medical practitioner only.

Medical examination of accused of rape case for the purpose of evidence. If govt medical officers are not available within radius of 16 KMs from scene of offence , the accused can be examined by other registered medical practitioners. Sec 52 BNSS

Examination of accused by Govt Medical officer or other registered medical practitioner(if govt medical officers are not available) soon after arrest. Sec 53 BNSS.
Examination of female accused by female medical practitioner only.

1. Arrest without warrant can only made in cognizable offences. No arrest shall be made in non-cognizable offence without prior written permission from the Court or in circumstances provided in Section 39 of BNSS 2023.
2. No Arrest shall be made without written permission from officer not below the rank of Dy. Superintendent of Police in case of
 - i. Offence less than 3 years
 - ii. If Person is infirm
 - iii. If Person is above 60 years.
3. Any police officer may without an order from a Magistrate and without a warrant, arrest any person who commits, in the presence of a police officer, a cognizable offence;
4. Any police officer may without an order from a Magistrate and without a warrant, arrest any person who committed a cognizable offence punishable **with imprisonment for a term which may be less than seven years** or which may extend to seven years whether with or without fine, if the following conditions are satisfied, namely:—
 - (i) the police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;
 - (ii) the police officer is satisfied that such arrest is necessary—
 - (a) to prevent such person from committing any further offence; or
 - (b) for proper investigation of the offence; or
 - (c) to prevent such person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; or
 - (d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured,

(f) Case specific reasons

5. Any police officer may without an order from a Magistrate and without a warrant, arrest any person against whom credible information has been received that he has committed a cognizable offence punishable with **imprisonment for a term which may extend to more than seven years.**
6. Any police officer may without an order from a Magistrate and without a warrant, arrest any person in **whose possession anything is found suspected to be stolen property** and who may reasonably be suspected of having committed an offence.
7. Any police officer may without an order from a Magistrate and without a warrant, arrest any person **who obstructs a police officer** while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody.
8. A police officer shall, in all cases where the **arrest of a person is not required** under the provisions of this sub-section, **record the reasons in writing for not making the arrest.**
9. The police officer shall, in all cases **where the arrest of a person is not required, issue a notice** directing the person to appear before him or at such other place as may be specified in the notice. Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested.
10. In case of Bailable offence, accused shall be informed about his right to be released on bail on furnishing sureties to the satisfaction of Arresting officer. (Sec.47(2)).

Except in exceptional circumstances, woman shall not be arrested after sunset and before sunrise. In case of such exceptional circumstances, woman police officer shall obtain written permission from the Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.

11. Arresting officer shall not touch to effect arrest of a person in case such person submit himself to the custody by word or action. Only the minimum physical force or restraint shall be exercised for such arrest. (Sec.46)

12. If the arrestee is woman, arresting officer shall not touch the woman accused unless arresting officer is a female. Force shall not be used unless required. If arresting officer is a male, he shall be accompanied by woman police officer.

13. If any person forcibly resists the arrest or tries to evade the arrest, arresting officer may use all means necessary to effect the arrest.

14. Officer making arrest shall

i. Bear an accurate, visible and clear identification of his name to facilitate easy identification.

ii. Prepare Memorandum of arrest (Arrest memo).

-obtain signature of family member of person arrested or respectable person of the locality where arrest is made.

-obtain signature of person arrested.

-In case of non-availability of family member- arrested person can nominate any person to be informed of his arrest.

15. Arresting officer shall inform the arrestee about his right to meet his advocate of his choice after arrest and during interrogation. (Sec.38)

16. Arresting officer shall inform arrested person about full particulars of the offence for which he is arrested. (Sec.47 BNSS)

17. Issue written notice U/s 48(1) BNSS about the place and details of arrest to his relatives, friends or persons nominated by arrestee and to the designated Police Officer in the district.
18. The arresting officer can handcuff the accused keeping in view the nature and gravity of the offence in the following cases -
 - i. Habitual or repeat offender.
 - ii. Who escaped from custody.
 - iii. Organised crime
 - iv. Terrorist act.
 - v. Drug related crime.
 - vi. Possession of arms and ammunition.
 - vii. Murder
 - viii. Rape
 - ix. Acid attack
 - x. Counterfeiting coins and currency notes
 - xi. Human trafficking.
 - xii. Sexual offences against children
 - xiii. Offences against state.
19. In case the accused tries to abscond, the arresting officer has to use power with such force which is necessary to arrest him. This force may extend to causing of the death, only under two circumstances i.e. the person is involved in an offence punishable with death or imprisonment for life.
20. If the person to be arrested enters any place, police officer has power to enter such place, break open the locks of doors and windows to prevent him from evading arrest.
21. Arresting officer shall send information to the designated officer (Sec.37) about the names, addresses of the persons arrested and nature of the offence with which charged.

22. An entry must be made in the General diary about arrest and to whom the arrest is informed. (Sec.48(3))
23. Police officer has power to search the person arrested and seize articles from him. In such case, police officer shall give receipt showing the articles taken from his possession. (Sec.49)
24. If an offensive weapon is seized from the possession of arrestee, it must be sealed, and the Police officer shall forthwith deliver all weapons so taken to the Court having jurisdiction. (Sec.50)
25. Soon after the arrest is made, police officer shall subject the arrestee to medical examination by Registered Medical Practitioner in the service of State or Central Government. If Arrestee is female, her examination of body shall be made only with female medical officer. If no female medical officer is available, by a female Registered Medical Practitioner. (Sec.53)
26. The Police officer has power to get other medical examination of accused if police officer believes that such examination would be required for the purpose of investigation or collection of evidence. (Sec.51)
27. The Police officer soon after arrest of person charged with rape or attempt to rape and believes that medical examination of such arrested person is required for investigation of case shall subject such arrested person to be examined by registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such practitioner within the radius of 16 Kms from the place where the offence has been committed by a Registered Medical Practitioner. Police officer to use such force as is necessary for such medical examination. (Sec.52)
28. Police shall have the duty to take reasonable care of health and safety of the arrested person. (Sec.56)
29. The Police officer shall produce the arrested person before the Magistrate having Jurisdiction without unnecessary delay. The arrested person shall

not be detained in custody beyond 24 hours excluding the time of journey from the place of arrest to the Magistrate's Court. (Sec.58)

30. The Officer in-charge of Police Station within their respective station limits shall report cases of all persons arrested, whether such persons have been admitted to bail or otherwise. (Sec.59)

GUIDELINES LAID DOWN BY THE HON'BLE SUPREME COURT IN

D.K. BASU CASE

The Hon'ble Supreme Court, in D.K.Basu Vs State of West Bengal, has laid down specific guidelines required to be followed while making arrests. The principles laid down by the Hon'ble Supreme Court are given hereunder:

1. The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register
2. That the police officer carrying out the arrest shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest.
3. A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.
4. The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the

district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

5. The person arrested must be made aware of his right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.
6. An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is
7. The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The 'Inspection Memo' must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.
8. The arrestee should be subjected to medical examination by the trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory, Director, Health Services should prepare such a panel for all Tehsils and Districts as well.
9. Copies of all the documents including the memo of arrest, referred to above, should be sent to the Magistrate for his record.
10. The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

Arrest Report U/s 59 BNSS.
(To be enclosed with Remand Report)

Police Station			Section of Law:
----------------	--	--	-----------------

1.	Name of the Accused	
2.	Place of Arrest	
3.	Date of Arrest	
4.	Time of Arrest	
5.	Whether with warrant / without warrant	
6.	Identify of the Officer making arrest Whether in uniform & name plate If not, whether identity card shown to the accused.	
7.	Whether grounds of arrest informed or not	
8.	Name of the witness present at the time of arrest	
9.	Name of relations present	
10.	Whether accused requested for medical examination.	
11.	If so presented before the medical officer	
12.	Signature of witness	
13.	Signature of accused.	

(This form is prepared in accordance with the Supreme Court and is in addition to the Arrest/ Court surrender form (integrated form))

A.P.P.M. Orders 569, 770			
ARREST / COURT SURRENDER FORM/ Memo			
(Separate form for each accused)			
1.	Dist Police Station. Year FIR No.		
	Proceeding No	G.D. No.	Date
	Alphanumeric Code of the accused A-1 (write A-1 to A-9 for the first 9 persons, B1 for 10 person and so on)		
2.	Date & time of arrest/ Surrender: Date 09-10-2017 Time 1300 hrs G.D. No.		
	Place of Arrest.		District
3.	Name of the Court (if surrendered)		
4.	Acts and Sections :		
5.	Arrested and forwarded / Arrested and released on bail or PR Bond / Arrested but released on anticipatory		
	bail/ Arrested and remanded to police custody/ Surrendered in Court and bailed out/surrendered in Court		
	and sent to Judicial custody / Surrendered in Court and remanded to Police custody (tick applicable portion)		
6.	Particulars of the accused.		
	(i) Name		
	(ii) Father's / Husband's/ Guardian Name		
	(iii) First Alias --		
	(iv) Second Alias ---		
	(v) Nationality	(vi) (a) ADHAR ID Card No	
	Passport No	(c) Date of Issue	Place of issue
	(vii) Religion (viii) Caste/ Criminal Tribe		
	(ix) S.C/S.T/OBC	(x) Occupation:	
	Permanent address:		
	District	Police Station	
	(xii) Present address	As above	
	District Police Station		
7.	Injuries and causes of injuries ad physical condition of the accused person (indicate in medically examined		
8.	The accused after being informed of the grounds of arrest and his legal rights was duly taken into custody on (Date) at ----- hours at place The following articles (s) was / were found on physical search, conducted on the person of the accused, and were taken into possession for which a receipt was given to the accused 1. Nil 2. Nil 3. Nil 4. Nil 5. Nil 6. Nil		

	Necessary wearing apparels were left on the accused for the sake of human dignity and body protection. The accused was cautioned to keep him she covered for purpose of identification. Intimation given to (Relative) If no article found, 'NIL' may be indicated in the blank space provided below.				
9.	Physical features, deformities and other details of the accused.				
Sex	Date/ year of Birth	Build	Height in Cms.	Complexion	Identification mark (s)
1	2	3	4	5	6
Deformities / Peculiarities	Teeth	Hair	Eyes	Habits (s)	Dress habits
7	8	9	10	11	12
--	--	-	-	--	--
Lang uages Diale ct	Burn Mark	PLACE OF Leucoder ma	Mole	Scar	Tattoo
13	14	15	16	17	18

Other features (19)

10. Whether finger-prints taken or not?

11. Socio-economic profile of the accused showing:

(a) Living status: Living alone/Living with family/ with Associate in Pucca House/Hotel/Hostel/ Kachcha House/ Thatched House/ Slum/ Homeless/ Harbourer.

(b) Educational Qualification (s):

(c) Occupation:

(d) Income Group:

(i) Lower Income (Below Rs. 500/ P.M) (ii) Lower Middle Income 9From Rs 501 to 1000) (iii) Middle Income (From Rs.1001 to 2000) (iv) Upper Middle Income (From Rs. 2001 to 3000) (v) **Upper Income (above Rs 3000).**

12. Whether the accused person, as per the observation and known police Record.

(a) Is Dangerous:

Yes/No

- | | | |
|-----|---|--------|
| (b) | Previously escaped any bail | Yes/No |
| (c) | Is generally armed | Yes/No |
| (d) | Operates with accomplices | Yes/No |
| (e) | Has past criminal record. | Yes/No |
| (f) | Is Recidivist | Yes/No |
| (g) | Is likely to escape on bail | Yes/No |
| (h) | If released on bail, likely to commit crime or threaten Victims/witnesses | Yes/No |
| (i) | Is wanted in any other case | Yes/No |
| (If | yes give case ref. /Sec) | |

Name:

Rank of the officer

Signature of the accused. **PS/ District**

Signature of the Witness.

Date:

NOTICE UNDER SECTION 47(1) (2) B.N.S.S.

(Person arrested to be informed of grounds of arrest and of right to bail)

Please take notice that today i.e. on -----at ----- hours you -----
-----is arrested by Investigation officer in **Cr.No -----U/s**
----- of PS and you are being sent to Hon'ble ----- Court at for
judicial Custody for further legal action as per law.

Acknowledge the receipt of same.

Name and Designation of the Officer In charge
(Seal)

NOTICE To RELATIVE OR FRIEND UNDER SECTION 48(1) B.N.S.S.
relative or friend

Whereas it is to inform to you that today i.e. on -----at ----- hours
you -----is arrested by Investigation officer in **Cr.No**
-----U/s ----- of PS and you are being sent to Hon'ble -----
Court at for judicial Custody for further legal action as per law.

Acknowledge the receipt of same.

Name and Designation of the Officer In charge
(Seal)

Section 42: Procedure of arrest and duties of officer etc.- Circular on procedure to be followed while arresting govt, military, MLAs,MPs,Judicial Officers etc.

42. (1) Notwithstanding anything contained in section 35 and sections 39 to 41 (both inclusive), no member of the Armed Forces of the Union shall be arrested for anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent of the Central Government.

(2) The State Government may, by notification, direct that the provisions of sub-section (1) shall apply to such class or category of the members of the Force charged with the maintenance of public order as may be specified therein, wherever they may be serving, and thereupon the provisions of that sub-section shall apply as if for the expression "Central Government" occurring therein, the expression "State Government" were substituted.

INFORMATION OF ARREST TO THE DESIGNATED POLICE OFFICER

Sec. 37 (b) mandates to notify the Designated police officer in every district and in every police station and they have certain obligations under BNSS.

Such designated officer is shall not the below the rank of Asst. Sub-Inspector of police.

Such officer shall maintain the record, information of names and addresses of persons arrested, Nature of offence, section of law.

The information in such format notified by the state government shall contain –

- Name of the accused arrested
- Age, occupation & present residence of arrested person
- Native place & permanent address of arrested person
- Caste & Community of arrested person

- Aadhar No. / Passport No./ Driving Licence No./ PAN/ etc.,
- Physical Description of the accused
- Identification marks of the accused
- Name & details including email id, contact number of the person to whom arrest intimation is given
- Finger print impressions of arrested person
- Crime number in which he has arrested
- Name of the police station
- Section of Law
- Name of the officer effected arrest
- Date & time & Place of arrest
- M.O of arrested person (offence)
- Previous Criminal antecedents with case numbers if any.
- Nature of offence in which arrest is effected (snatching/ assault/theft/ etc)

**PROFORMA OF INFORMATION OF ARREST TO THE DESIGNATED
POLICE OFFICER AT DISTRICT LEVEL
(U/sec. 37 (b) of BNSS)**

Dt. _____

To,
The Designated Police officer,
_____ District,

Photograph
of the
Arrested
person

Whereas during my investigation, a prima facie case is established against name _____ age _____ Occ _____ R/O _____ for offences under section _____ of BNSS.

Kindly take into record the following particulars of arrested person U/s 37(b) of BNSS 2023.

- Name _____ S/o/. _____
- Age _____, Occ _____ : _____ r/o. _____ N/o. _____
- Caste _____ Community _____
- Aadhar No. _____ Phone No _____
- Blood Group _____ Passport No. _____
Driving Licence No. _____ PAN: _____
- Physical Description of the accused :
 - Height _____, Weight : _____ ; Complexion : _____ ;
 - Built : _____ ; Special identification Marks: _____
- Identification marks of the accused : _____
- Date & time of arrest : ____/____/____; _____ AM/PM
- Place of arrest : _____
- Name & details including email id, contact number of the person to whom arrest intimation is given : _____
- Finger print impressions of arrested person (Enclose Sheet on which FP obtained : _____
- Crime number : _____ PS : _____
- Section of Law _____
- Name of the officer effected arrest : _____
- Name of the Investigating officer: _____

- M.O of arrested person (offence) : _____

- Previous Criminal antecedents with case numbers if any. _____

Nature of offence in which arrest is effected (snatching/ assault/theft/ etc)
: _____

Signature of IO/SHO

NOTICE FOR APPEARANCE BY THE POLICE

[See section 35(3)]

Serial No..... Police Station.....

To,

.....

[Name of the Accused/Noticee]

.....

[Last known Address]

.....

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

In pursuance of sub-section (3) of section 35 of the BharatiyaNagarik Suraksha Sanhita, 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 question you to ascertain facts and circumstances from you, in relation to the present investigation. Hence you are directed to appear before me at..... AM/PM on.....at Police Station.

Although you are not being placed under arrest at this stage in respect of the aforesaid FIR,

you are directed to comply with all of the following conditions/directions:

(a) You will not commit any offence in the future;

(b) You will not tamper with the evidence(s) in the case in any manner whatsoever;

(c) You will not make any threat, inducement, or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing, such facts to the Court or to the Police Officer;

(d) You will appear before Court as and when required/directed;

(e) You will join the investigation of the case as and when required and will cooperate in the investigation;

(f) You will disclose all the facts truthfully without concealing any part relevant for the purpose of investigation to reach the true and accurate conclusion of the case;

(g) You will produce all relevant documents/material required for the purpose of investigation;

(h) You will render your full cooperation/assistance in apprehension of the accomplice;

(i) You will not allow in any manner destruction of any evidence relevant for the purpose of investigation/trial of the case;

Failure to attend/comply with the terms of this Notice can render you liable for arrest under S. 35(6) of the BharatiyaNagarik Suraksha Sanhita, 2023.

Name and Designation of the Officer In charge
(Seal)

**PROFORMA AND REQUISITION FOR ARREST, FROM DSP
FOR OFFENCES BELOW 3 YEARS REQUISITION BY IO TO THE
DEPUTY SUPERINTENDENT OF POLICE U/S 35 (7) BNSS**

To the Deputy Superintendent of Police,
Hyderabad

Whereas during my investigation, a primacy case is established against name _____ age _____ Occ _____ R/O _____ for offences under section _____ of BNSS, which is punishable for imprisonment of less than 3 years.

That the detention of the above mentioned person is required for further investigation into the case, that the person mentioned above is infirm _____ (description of infirmity) / (above sixty years of age) and permission is sought from your good self as per provisions under section 35 (7) of B N S S

Permission may kindly be granted to arrest name _____ age _____ Occ _____ R/O _____ for further investigation of the case.

Signature / seal of
IO/SHO

PROFORMA BY DEPUTY SUPERINTENDENT OF POLICE TO IO U/S
35 (7) BNSS

PROFORMA

To,
The SHO/IO
Hyderabad.

Sub:- Grant of permission to Arrest _____ for
the offence u/s _____ in Cr. No _____ of
_____ PS – Reg.

Ref:- Letter Dated

In response to the reference cited above, on verification of the
details available permission is hereby accorded in compliance with
section 35 (7) of BNSS to arrest _____ (Name of the
Accused)

Communication of details of Arrest or further action should be sent
to this office.

Deputy Superintendent of Police,

Signature/Seal

FAQ ON ARREST

Q) When a person can be arrested without Warrant ?

A) When a person involved in a Cognizable Offence, or any circumstances enumerated in sec 35 (1) of the BNSS 2023.

Q) Who can effect Arrest ?

A) Magistrate / Police Officer / Authorised person in this regard / A private Person.

Q) Law specifies any designation of Police Officer to make Arrest ?

A) Any Police Officer not below the rank of Head Constable or any Police personal if authorised by investigating Officer can be arrest.

Q) Is there any exemptions to Women while making Arrest ?

A) YES – the Women shall not be arrested after sunset and before sunrise, but in exceptional cases, when a women is required to be arrested, Police Officer has to obtain prior permission of Jurisdictional Magistrate as provided u/s 43 (5) of BNSS.

Q) What are immediate steps to be taken after Arrest ?

A) The Arrested person should be informed circumstances of Arrest, grounds of Arrest and be informed his rights to be represented by a counsel and information to family members / friends or any other person nominated by the Accused and also the arrest should be informed to the designated police officer of the district designated u/s 37 of BNSS.

Q) At the time of arresting the person if he is Injured ?

A) He should be referred to Medical Officer.

Q) What if, the person arrested is suffering with mental disability ?

A) He should be produced before Magistrate after due medical examination in this regard.

Q) Immediately after Arrest if he escapes from custody ?

A) The person arresting can use reasonable force.

Q) If no family members or friends available nor any person nominated by Arrestee ?

A) The Police Officer may inform the Legal Aid Counsel appointed by District Legal Services Authority.

Q) If the Offence is less than 3 years and the arrested person is above 60 years of age or he is infirm

A) Police Officer should follow the procedure laid down in Section 35 (7) of BNSS.

Q) If remand returned by Magistrate ?

A) If the offence is above 7 years he should comply the objections and resubmit the remand by producing the accused before Magistrate

If the remand is rejected by written order of the court if the investigating officer feels arrest is necessary he can challenge the rejection order by way of revision.

Q) If arrestee tries to attack on Police Officers ?

A : The police officer may use reasonable force or take the assistance of any other person available near by obeying the due process of law

Q) If arrestee attempted to commit suicide?

A: The police officer shall register a case for the offence U/Sec. 226 of BNS and proceed further.

Q) When apprehension will become arrest?

A :Apprehension will become arrest after complying with the legal formalities for arrest in reasonable time.

Q) When notice under Sec. 35 (3) BNSS cannot be issued ?

A :When the police officer feels that the arrest is necessary.

Q) What remedy is available to the Arrestee if the Arrest is Illegal?

A : Immediately he will be set free from custody and the State is liable to pay compensation if the arrest was not made in good faith.

Q) Whether the Arrestee has right to consult his Counsel ?

A : Yes .

Q) Can a Foreigner be Arrested ? If YES what procedure has to be adopted ?

A :Yes, and the arrest of such foreigner should be intimated to the embassy of that country of the arrested person is the citizen.

Q) Can CBI Arrest Straight away any person ?

A :Yes.

Q) Whether an Armed Forces person can be arrested on leave or while discharging their duties ?

Yes, after obtaining consent from Central Government and if the offence is committed while he was not discharging his duties.

Q) If the Arrestee is a deaf and Dumb person, what would be the mode of communication ?

A : Police shall seek assistance of designated interpreter.

Q) When a foreign lady marries Indian Man, If she commits offence ?

A : Yes, and the arrest of such foreigner should be intimated to the Embassy of that country of the arrested person is the citizen.

Q) Can Police arrest a minor, who has committed an Offence irrespective of gender ?

A : The police officer should follow the procedure contemplated in under JJ (C & P) Act 2015.

Q) Whether Arrested person can be handcuffed ?

A : The Investigation Officer should not handcuff in all cases except certain cases mentioned in section 43 (3) of BNSS such as, when the accused commits offences of , when he is a habitual or repeat offender, or who escaped from custody, or who has committed offence of organised crime, terrorist act, drug related crime, illegal possession of arms and ammunition, murder, rape, acid attack, counterfeiting of coins and currency notes, human trafficking, sexual offences against children, or offences against state.

Q) When women suspects having infant baby, can she be arrested ?

A : Yes. With certain protocol.

Q) Can a Pardanashi Lady Living alone can be Arrested ?

A :Yes. With certain protocol.

SOP ON ARREST BY PRIVATE PERSON

I. SOP FOR ARREST BY PRIVATE PERSON.

Arrest of a person is a procedure where the liberty of a person is curtailed to apprehend him for the commission of a crime. This may also be done in case of suspicion, so that the alleged offender could be presented in court. It is important to arrest lawbreakers to ensure peace, law and order in the society. Usually, it is the police, who arrests a person but, in certain situations, private persons are also empowered to arrest a person. The citizens have the power to order the arrest of a person and under certain situations also, order the custody of such a person. Whereas, a private person shall hand over the person arrested to the police or nearest police station as soon as possible. He shall take into consideration various factors before arresting a person, when such person commits any offence in his presence. Further, after the arrest of the person, the private person should follow the necessary protocols. They need to have presence of mind as they are not trained to deal with such situations. Although, it is dangerous for private persons to arrest offenders, they can do a commendable job by stopping a wrongdoer escaping before the arrival of the police.

BNSS 2023 imposes statutory obligations on the citizens when they curtailing the liberty of a person.

1. Arrest can be made by actually touching or confining the body of a person to be arrested, unless there be an express cooperation to the custody by word or action.
2. A Private person may arrest any person who, in his presence, commits
 - i. Any offence which the private person believes in good faith that police officer ordinarily can arrest a person without warrant.

- ii. A Private person believes in good faith that, if a person is not arrested would certainly commit further offences or would escape or he would act against the safety of society.
- iii. Within the knowledge or in good faith of a private person that person, to be arrested is a Proclaimed offender.

II.OBLIGATION OF PRIVATE PERSON AFTER CONFINING OR EFFECTING ARREST OF A PERSON.

A Private Person as soon he arrests or confinement is effected, he shall immediately give information to the nearest police station or “dial 100” through telephonic communication. (Sec 40 of BNSS)

If a Private Person is unable to communicate the information over telephonic communication, he shall produce the arrested person to a nearest police officer or to a nearest police station. (Sec 40 of BNSS)

A Private Person effecting arrest or confining a person, shall within the maximum period of 6 hours produce or cause to produce arrested person before nearest police officer or police station. (Sec.40 of BNSS)

1. Such Stipulated time of 6 hours includes communication to police officer over telephone.
2. The Private Person effecting arrest shall not use unreasonable force or restraint more than necessary to prevent such restraint. (Sec.46 of BNSS).
3. A Private person who effected arrest shall as practically as possible shall keep the arrested person in the location and shall not take the arrested person anywhere, except to the police officer, unless the arrested person required immediate medical assistance, duly informing the police officer.
4. A Private Person, after effecting arrest or confining a person, shall forthwith inform the arrested person reasons for his arrest or confinement. He also shall inform him about his efforts in communicating information of arrest to Police officer. (Sec.47 of BNSS)

5. Whenever a private person effects arrest or confinement of a female person, all the mandates prescribed under chapter V of BNSS shall be applicable.
6. A Private Person may directly inform arrested person that he is arresting him until police arrive at the location.
7. The private person shall ask the arrested person for his cooperation until arrival of the police.
8. A Private Person soon after effecting arrest or confining a person, shall ascertain his identity particulars. (Sec.47 of BNSS)
9. A Private person making arrest shall forthwith give the information regarding his confinement or arrest to relatives, friends or person nominated by the arrested person. (Sec.48 of BNSS)
10. If the arrested person possesses any offensive weapons, and the private person making the arrest believes in good faith that the weapon possessed is dangerous to their own safety or the safety of others, they may attempt to seize the offensive weapon until the police arrive or the arrested person is brought before the police. (Sec.50 of BNSS)
11. It shall be the duty of person having custody of arrested person to take reasonable care of health and safety of arrested person. (Sec.56 of BNSS).
12. Arrest by any person shall be strictly in accordance with law. (Sec.62 of BNSS).

III. OBLIGATION OF POLICE OFFICER AFTER RECEIVING INFORMATION OF ARREST BY A PRIVATE PERSON.

1. Upon receiving information of arrest by a private person, Police officer shall ascertain the purpose of arrest and nature of offence committed in the presence of such person.

2. If the person arrested is a female, the police officer shall be accompanied by a female police officer.
3. If the information pertains to a cognizable offence, he shall act in accordance with the provisions of Section.173 of BNSS.
4. If the information pertains to a non-cognizable offence or if police officer could not ascertain the nature of information, he shall enter the information in General diary and immediately proceed to the place where the arrested person is located.
5. If the information pertains to a cognizable offence, he shall act in accordance with Section.35 of BNSS.
6. The police officer receiving information shall ensure that the person arrested be taken into custody within stipulated time of 6 hours. (Sec.40 of BNSS)
7. The police officer has to immediately proceed to the place of detention and shall take the arrested into custody.
8. That police officer, on the spot, ascertain the nature of offence and if he believes that arrested person has not committed any offence, he shall be released forthwith. (Sec.40 (3) of BNSS)
9. If the police officer believes that the arrested person committed a non-cognizable offence, shall obtain the identity particulars of arrested person and he shall be released on a bond or bail bond, directing him to appear before a magistrate if so required. (Sec.39(2) of BNSS); if the arrested person refuses to identify himself on demand or gives a wrong identity, the police shall act in accordance with the procedure laid in Sec.39(1) of BNSS.
10. The Police officer shall ensure that communication of arrest and production of arrested person before police officer is made by Private Person is whether within the stipulated time. (Sec.40 of BNSS)

11. The police officer shall ensure that arrest made by a private person is in belief of good faith or not.
12. The police officer shall ensure that Private Person has not used unreasonable force or restraint more than necessary for arrest. (Sec.46 of BNSS).
13. The Police officer shall ensure that Private Person has informed the arrested person that he is arresting him until the police arrive at the location.
14. The police officer shall ensure that private person has asked the arrested person for his cooperation until the arrival of the police.
15. The police officer shall ascertain whether private person has seized/taken over any offensive weapons from the possession of arrested person. If so, the same has to be seized from the private person by following due procedure.
16. Police officer has to ensure that private person has taken reasonable care of health and safety of the arrested person. (Sec.56 of BNSS).
17. The Police officer has to ensure that the arrest is made strictly in accordance with law. (Sec.62 of BNSS).

IV. VIOLATION OF PROCEDURE OF ARREST BY PRIVATE PERSON.

Under BNSS 2023, private persons have a specific set of guidelines that they must follow when arresting and producing an individual before a police officer. It is critical for private persons to adhere to these statutory provisions. However, even if there is non-compliance with these statutory provisions, this does not automatically subject the private person to penal action.

The actions of a private person must be examined in conjunction with the general exceptions outlined in sections 14, 17 to 19 of the BNS. Penal liability

arises only if a private person commits or omits violations voluntarily, dishonestly, fraudulently, and intentionally, thereby, committing acts such as omission to give information to police bound by law, omits to assist police officer bound by law, wrongful restraint, wrongful confinement, criminal force, assault, abduction, intimidation, or voluntarily causing hurt etc.,

Detaining more than 6 hours by Private Person

In particular, detaining an individual for more than six hours, does not automatically result in penal action against a private person. It is the responsibility of the police officer to determine whether the delay in producing the arrested individual was due to any culpability. If culpability is found, the police officer can then take appropriate action in accordance with the provisions of BNS 2023.

Computation of time of 6 Hours and 24 hours

The BNSS 2023 framework ensures that the rights of individuals are protected through strict time limits on detention without oversight. It delineates clear responsibilities between private individuals and police officers regarding arrest and custody, ensuring that procedural safeguards are maintained while accommodating practicalities of private arrests. The BNSS 2023 also provides a detailed framework for the procedure of arrest and post-arrest protocols under Chapter V. This includes the seizure of property, informing the arrestee and their family of the grounds of arrest, conducting medical examinations, and other procedures necessary for investigating a cognizable offence. Section 58 of BNSS, which mandates that, no person shall be detained in custody for more than 24 hours without being produced before a magistrate, excluding the time required for the journey from the place of arrest to the Magistrate's court. By excluding the time, a person is held by a private individual from the 24-hour

detention limit, the statute balances the need for immediate action in arrests made by private persons with the procedural rigor expected of law enforcement.

Section 58: This section imposes a duty on police officers to ensure that an arrested person is not detained for more than 24 hours without being presented before a magistrate. The 24-hour period begins when the police officer takes custody of the arrested person.

Exemption for Private Persons (Section 40): The provisions regarding the arrest procedure and the 24-hour detention limit do not apply to private persons who make an arrest. Instead, private individuals are allowed up to 6 hours to hand over the arrested person to a police officer. The rationale behind this provision is to facilitate the production of the arrested individual before a police officer, who will then take custody and assume responsibility for the subsequent legal procedures.

Calculation of Detention Time: For police officers, the 24-hour detention period stipulated in Section-58 starts when they take custody of the person from a private individual. The time during which, the individual is detained by the private person is not counted within the 24-hour period.

Duty of Police Officers: Police officers must be diligent in ensuring that, once, they take custody of an arrestee from a private person, they adhere strictly to the 24-hour rule to avoid unlawful detention.

Conclusion

Hence, statutory obligation under section 58 is only to the police officer as such, 24 hours stipulated under section 58 shall begin from the moment when police officer takes custody of arrested person from private person. Therefore, time of detention time by private person can be excluded from 24 hours as provided under section 58 of BNSS.

(MODEL PROFORMA)
OFFICE OF THE STATION HOUSE OFFICER, POLICE STATION...
... HYDERABAD

GD Entry No. _____

Dated _____

: _____

P.S. _____

Acknowledgment of Arrest U/s 40(2) B.N.S.S.

(Memo of custody)

Sir ,

This is to inform you that you viz. Mr. _____ S/o. _____ R/o. _____ (name of the arrested person) are arrested by Mr. _____ S/o. _____ R/o. _____ at _____ PM/AM on _____ (D/M/Y) in connection with offence of _____ eg. committing Murder, assault, snatching etc., in his presence.

The investigation of the case is being carried by the undersigned and the investigating officer have a reason to believe that you have committed the Non bailable and cognizable offence punishable U/Sec . _____ of BNS -2023 and for the purpose of investigation, you are hereby taken into the custody by the undersigned officer at _____ PM/AM on _____ (D/M/Y) (Note: Time of taking custody shall be within 6 hours)

Signature of the arrestee
Private Person

signature of the

Date: _____

Time: _____

of Police officer/

Signature

Investigation officer/SHO

The information of custody given to the
Parents/relative/Friend of the arrested person

1. (signature)

2. (Signature)

PROFORMA & SOP
RECORD MAINTAINED BY THE DESIGNATED POLICE
OFFICER UNDER SEC. 37 OF BNSS OF ARRESTED PERSON

1. Sec. 37 (b) mandates to notify the designated police officer in every district and in every police station should have certain obligations under BNSS.
2. Such designated officer shall not be below the rank of Asst. Sub-Inspector of police.
3. Such officer shall maintain the record, information of names and addresses of persons arrested, nature of offence, section of law.
4. The designated Police Officer shall maintain the details of records / register of arrested persons in electronic form.
5. The records of all districts should be centralized, such information should be accessible to all police station across the state.
6. The record of arrested person shall contain the following details;
(Proforma enclosed).

(PROFORMA OF INFORMATION OF ARRESTED PERSONS
DISPLAYED BY DESIGNATED POLICE OFFICER)

Sl No	Date of Arrest	Full name of the arrested Person	Father's name	Age	Gender	Address	Cr. No & Sec of Law	Name of the PS	Name of the Unit / District

**(PROFORMA OF INFORMATION OF ARRESTED PERSONS
MAINTAINED BY DESIGNATED POLICE OFFICER)
(U/SEC. 37 OF BNSS)**

Photograph

- Name _____ S/o/. _____
- Age _____, Occ: _____ r/o. _____

- N/o. _____ Phone No. _____
- Blood Group. _____ Caste _____ Community _____
_____ Aadhar No. _____
- Passport No. _____ Driving Licence No. _____
_____ PAN: _____
- Physical Description of the accused :
 - Height _____, Weight : _____ ; Complexion : _____ ;
 - Built : _____ ; Special identification Marks: _____
 - Identification marks of the accused : _____
 - Date & time of arrest : ____/____/____ ; _____ AM/PM
 - Place of arrest : _____
 - Name & details including email id, contact number of the person to whom arrest intimation is given : _____

- Finger print impressions of arrested person (Enclose Sheet on which FP obtained : _____)
- Crime number : _____ PS : _____
- Section of Law _____

- Name of the officer effected arrest : _____
- Name of the Investigating officer: _____
- M.O of arrested person (offence) : _____

- Previous Criminal antecedents with case numbers if any.

- Nature of offence in which arrest is effected (snatching/ assault/theft/ etc)
: _____

Signature of Designated Police Officer

_____ District

SOP ON NO ARREST IN CERTAIN CASES MENTIONED IN
S.35(7) OF BNSS

1. The Accused should be infirm, and that infirmity may be physical or mental.
2. The Accused should be above 60 years of age.
3. The offence for which he is accused of should be punishable for imprisonment of less than three years.
4. The IO should seek permission of Deputy Superintendent of Police before making arrest.
5. Only, on receipt of permission, IO can arrest, the accused mentioned above.

SOP ON POLICE CUSTODY

Sec.187 of BNSS: - Procedure when investigation cannot be completed within 24hours.

Sec.187(ii) of BNSS, which is the corresponding provision to Sec.167 (2) of Cr.P.C. says that, 15 days police custody can be sought on a whole or in part at any time during the initial 60 days in cases, where, the offence is punishable with death, imprisonment for life or imprisonment for a term of not less than ten years. In respect of all other offences during the initial period of 40 days.

This provision allows the investigating officer to seek 15 days police custody as a whole or in parts in the first 40 or 60 days of arrest basing on the gravity of punishment as envisaged under Sec.187(2) of BNSS.

As per the Old Code i.e. 167 (2) Cr.P.C. the investigating officer is entitled to seek police custody during the first period of 15 days as a whole or in part, whereas Sec.187 (ii) of BNSS empowers the investigating officer to seek police custody in different spells across 40 or 60 days from the first date of arrest as the case may be not exceeding 15 days. But, total period of detention in Judicial custody is 90 days in case of an offence punishable to death, imprisonment for life or imprisonment more than 10 years, in other offences the detention period is 60 days for granting mandatory bail. The Investigating officer may take police custody at a time or in different spells, not exceeding 15 days in total.

As per section 187 of BNSS, if an accused is arrested and there is no time to produce before the concerned jurisdictional Magistrate within twenty-four hours, he shall be produced before the nearest Judicial Magistrate and the Magistrate shall accept the remand and if necessary, shall also give police

custody not exceeding fifteen days in total as per procedure in Section 187 of BNSS. But, in case of special Acts like POCSO and SC/ST (POA) Act, only the designated special courts have the power to give police custody on production of the accused and on filing of requisition by the Investigation officer.

SOP ON USE OF HANDCUFF ON ARRESTED ACCUSED

Arresting officer shall strictly act in accordance with Sec 43 (3) of BNSS 2023 while using handcuffs.

The arresting officer may use the handcuff on the accused keeping in view the nature and gravity of the offence in the following cases -

- xiv. Habitual or repeat offender.
- xv. Who escaped from custody.
- xvi. Organised crime
- xvii. Terrorist act.
- xviii. Drug related crime.
- xix. Possession of arms and ammunition.
- xx. Murder
- xxi. Rape
- xxii. Acid attack
- xxiii. Counterfeiting coins and currency notes
- xxiv. Human trafficking.
- xxv. Sexual offences against children
- xxvi. Offences against state.

In addition to this, various Supreme Court directives to be adhered to w.r.t. the use of hand cuffs to be added to the SOP which are listed below.

1. PREM SHANKAR SHUKLA V DELHI ADMINISTRATION 1980 SCC 526

1. Handcuffs are to be used only if a person is:

a) involved in serious non-bailable offences, has been previously convicted of a crime; and/or

b) is of desperate character- violent, disorderly or obstructive;

and/or

c) is likely to commit suicide; and/or

d) is likely to attempt escape.

2. The reasons why handcuffs have been used must be clearly mentioned in the **Daily Diary Report**. They must also be shown to the court.
3. Once an arrested person is produced before the court, the **escorting officer must take the court's permission** before handcuffing her/him to and fro, from the court to the place of custody.
4. The magistrate before whom an arrested person is produced must inquire whether handcuffs or fetters have been used. If the answer is yes, the officer concerned must give an explanation.

2. SUNIL BATRA V. DELHI ADMINISTRATION (1978)

1. The use of handcuffs must be justified by the police and should not be used as a form of punishment.
2. The use of handcuffs should be avoided in non-violent offences, women and juveniles.
3. Use of handcuffs should be the last resort and should be removed as soon as possible.

3. SHEELA BARSE v. STATE OF MAHARASHTRA (1983)

1. The indiscriminate use of handcuffs is a violation of an individual's fundamental rights.
2. The use of handcuffs should be avoided in non-violent offences, women and juveniles.

BAIL PROFORMA FOR BAIL SEC 2 (1) (B) BNSS
(SEE SECTION 478 BNSS)

To _____ (name of person arrested or detained by
Officer Incharge of Police Station) _____ (address of
person arrested or detained) by Officer Incharge ofPolice
Station

I am the accused /suspect of committing the offences U/S
and required to give security for my attendance, on condition that I shall attend
before you, on or whenever my presence is required for investigation
with regard to such Crime, and in case I make any default herein, I bind myself
to forfeit to Government the sum of rupees.....

Dated, this day of 20....

(Signature)

I hereby declare myself (or we jointly and severally declare ourselves and
each of us) surety (or sureties) for the above said (name) that he shall attend the
Officer in charge of police station or the Court of on every day on
which, any investigation into the charge is made or any trial on such charge is
held, that he shall be, and appear, before such Officer or Court for the purpose
of such investigation or to answer the charge against him (as the case may be),
and, in case of his making default herein, I hereby bind myself (or we, hereby
bind ourselves) to forfeit to Government the sum of rupees

Dated, this day of, 20

(Signature)

BAIL PROFORMA OF CONDITIONS BOTH GENERAL AND CRIME
OF HEAD WISE SEC 2 (1) (B) BNSS
(SEE SECTION 478 BNSS)

I _____ (name of person arrested or detained by
Officer Incharge of Police Station) _____ (address of
person arrested or detained) arrested by Officer Incharge of
.....Police Station, in a crime punishable for the
offence.....

I hereby give security and undertake that:-

- i) I will not commit any offence.
- ii) I will not make any direct or indirect inducement to any person or witness acquainted with the facts of the above case.
- iii) I will not make any threat, promise or inducement to any person or witness who are acquainted with the facts of the above case.
- iv) I will in no way involve myself in preventing the witness from disclosing facts to the Court or Police.
- v) I will not tamper with or destroy the evidence relating to above case.
- vi) I will not leave the Country without Intimation to the Police or Court.
- vii) I will cooperate with the Investigation.

In case, I violate any of the above conditions, I bind myself to forfeit to Government the sum of rupees.....

Dated, this day of 20...

(Signature)

BAIL BOND - PROFORMA FOR BAIL BOND SEC 2 (1) (D) BNSS
(SEE SECTION 478 BNSS)

I hereby declare myself (or we jointly and severally declare ourselves and each of us) for the above said (Name of Accused) that, he shall attend before you police station whenever his presence is required for purpose of investigation, that he shall be, and appear, before you for the purpose of such investigation or to answer the charge against him (as the case may be), and, in case of his making default herein, I/We bind myself/ourselves to forfeit to Government the sum of rupees.....

Dated, this day of 20....

(Signature)

BAIL BOND - PROFORMA FOR SURETY SEC 2 (1) (D) BNSS
(SEE SECTION 478 BNSS)

I hereby declare myself (or we jointly and severally declare ourselves and each of us) surety (or sureties) for an amount of Rupees..... for (Name of Accused) that, he shall attend the Officer in charge of police station on every day on which, any investigation into the charge is made, that, he shall be, and appear, before you for the purpose of such investigation or to answer the charge against him (as the case may be), and, in case of his making default herein, I/We bind myself/our self to forfeit to Government the sum of rupees.....

Dated, this day of 20....

(Signature)

BAIL BOND - PROFORMA FOR SURETY SEC 2 (1) (E) BNSS
(SEE SECTION 478 BNSS)

I hereby declare myself (or we jointly and severally declare ourselves and each of us) surety (or sureties) for an amount of Rupees..... for (Name of Accused) that he shall attend the Officer in charge of police station on every day on which any investigation into the charge is made, that he shall be, and appear, before you for the purpose of such investigation or to answer the charge against him (as the case may be), and, in case of his making default herein, I/We bind myself/our self to forfeit to Government the sum of rupees.....

Dated, this day of 20....

(Signature)

BAIL BOND - PROFORMA FOR SURETY SEC 2 (1) (e) BNSS
(SEE SECTION 478 BNSS)

I _____ (name of person arrested or detained by
Officer Incharge of Police Station) _____ (address of
person arrested or detained) by Officer Incharge ofPolice
Station, charged with the offence.....

I request your kind authority to release me on personal bond without
surety for which, I hereby give personal bond and undertake that:-

- viii) I shall not commit an offence, similar to the offence
aforesaid mentioned.
- ix) I shall not make any direct or indirect inducement to any
person or witness acquainted with the facts of the above
case.
- x) I shall not make any threat, promise or inducement to any
person or witness who are acquainted with the facts of the
above case.
- xi) I shall in no way involve myself in preventing the witness
from disclosing facts to the Court or Police.
- xii) I will not tamper with or destroy the evidence relating to
above case.
- xiii) I will not leave the Country without Intimation.
- xiv) I will cooperate with the Investigation.

In case I violate any of the above conditions, I bind myself to forfeit to
Government the sum of rupees.....

Dated, this day of 20...

(Signature)

SOP ON SEARCH U/S 103 OF BNSS 2023

(Section 100 of CRPC Corresponding to Section 103 of BNSS)

When the officer conducting search shall prepare a record indicating reasonable grounds for the search, the place to be searched the thing or things for which, search is to be made, and why such thing or things cannot otherwise be obtained without undue delay and reasons for the urgency.

1. While proceeding to the place where the search to be done, the officer shall carry such devices and tools as provided by State Government required for recording in audio-video electronic means as mandated by section 105.
2. The police officer shall secure atleast two respectable witnesses of the locality from where the search is to be done, serve an order to the witnesses requesting their presence and explain the purpose of search.
3. If no such local inhabitants are available nor not willingness to be a witness to such search, may secure the presence of persons from any other locality by issuing notice in writing. The officer shall make an attempt to secure the local inhabitants as witnesses, the above attempt should be documented in case where local inhabitants are not available. If such witnesses refuses without reasonable cause or neglect to comply with the terms of order, they shall be deemed to have committed an offence U/Sec. 222 of BNS. The Officer conducting search has to take steps to prosecute for the above said offence in case of violation.
4. The officer shall proceed to the place along with the witnesses where the search is to be made.
5. The officer shall inform in writing about the search to the inhabitants of such place.

6. The inhabitants shall allow the officer free ingress into the place and afford all such reasonable facilities for a search.
7. If ingress into such place was not allowed such person incharge of such place, the officer shall have the power to use reasonable force to effect entrance into such place including break opening the lock of doors and windows.
8. If such place is occupied by a female, the officer shall give notice to such female that, then give her liberty to reasonable facility to withdraw from such place and may then use force to break open the doors and windows if necessary.
9. The officer shall allow search to be conducted in the presence of person occupying such place or their representative and witnesses.
10. The officer shall prepare panchanama and record all details of search proceedings, manner in which, search is made and shall prepare list of things seized in the course of search, which should be signed by witnesses and person occupying such place.
11. A copy of the search and seizure list signed by the witnesses shall be given to them and obtain due acknowledgment.
12. Before commencement of the search, the police officer and the witnesses should be searched to avoid suspicion of extraneous items being planted (*Ravindranath Prusty vs. State of Orissa 1948 CRI.L.J.1392 (Orissa High Court)*).
13. Although searches under the BNSS 2023 do not need to be conducted only during daylight, day light is preferable unless immediate action is necessary to prevent evidence from being concealed or destroyed.
14. Before entering the premises to be searched, the officer shall begin the audio-videography of the proceedings before the exterior is inspected for possible introduction of property from outside.
15. Searches must be systematic and thorough.

16. Indiscriminate search and property damage should be avoided.
17. A search list shall be prepared in triplicate upon completion, signed by the police officer and witnesses. One copy is for the owner or occupant at free of cost, the original shall be sent to the Magistrate within 48 hours, and the third with the case diary to a superior officer.
18. The officer shall submit the entire audio-video recording along with certificate U/s 63 of BSA 2023 before the concerned court while reporting the seizure to Magistrate having jurisdiction forthwith but in any circumstances, not later than 48 hours.

Additional measures for Conducting Searches

1. Avoid using the same witnesses for multiple searches unless necessary, and record reasons if this occurs.
2. That, first and the foremost thing which must be ensured during investigation is that, I.O. should take the hash value of the electronic record at the time of seizure. The use of Hashing to authenticate electronic records is detailed in section 3(2) of the IT Act, 2000. Hashing procedures must be done before packing the hard disks and hash values must be recorded in the seizure memorandum. This would maintain the sanctity of digital evidence from the inception and no allegation will be raised from the other side.
3. Now the IO, as per section 94 BNSS notice can issue to produce a mobile or laptop or any other electronic device.
4. The officer shall on the request made by the person occupying the premises send a copy of audio-video of search proceedings through electronic communication on the spot.
5. The officer shall retain the original audio-video recording in the manner provided by State government.

Audio-Visual Recording Compliance for admissibility:

1. Record all proceedings through audio-video means, preferably mobile phones unless any other devices as notified by the state government.
2. Forward recordings to the appropriate Magistrate as per section 103, 105 and 185 of BNSS without delay but in any circumstances, not later than 48 hours.
3. Provide specific devices with memory cards to investigating officers.
4. Forward original memory cards to the Magistrate to maintain evidence integrity and avoid complications under section 63 BSA.
5. By adhering to these guidelines, officers can ensure compliance with the BNSS 2023 and maintain the integrity of their investigations.

SOP ON SEC 86 OF BNSS - IDENTIFICATION AND ATTACHMENT OF PROPERTY OF PROCLAIMED PERSON

Proclaimed person is one on whom arrest warrant is issued by the Court and he is absconding and he has concealed his identity and the warrant cannot be executed by any means.

The Court publishes written proclamation requiring him to appear at a specified time not less than 30 days from the date of publishing such proclamation, on failure of the accused appearing at specified place and time, the Court declares him as a person proclaimed.

The proclaimed offender is a person who is accused of an offence made punishable with imprisonment of 10 years or more or imprisonment for life or with death under Bharatiya Nyaya Sanhitha, 2023 or any other law for time being in force, and such person fails to appear at a specified place and time required by proclamation. The Court after making inquiry pronounces him a proclaimed offender.

- To declare a person as Proclaimed Offender -
 1. He should be accused of a Criminal Offence.
 2. When he does not appear before the Court of Law to answer the charge or trial.
 3. The concerned Court will issue a Warrant against the Accused.
 4. When the Warrant cannot be executed on the Accused or the person against whom a warrant has been issued is absconding or concealing himself so that such warrant cannot be executed on him.
 5. The concerned Police will return the Warrant to the Court which has issued it.

- The Court may publish a written proclamation requiring him to appear at a specified time not less than 30 days from the date of publishing such proclamation.
- The proclamation shall be followed as mentioned in sub section (2) of section 84 of BNSS.
 - a) By seizure
 - b) By appointment of receiver.
 - c) By Order in writing prohibiting delivery of property to proclaimed offender or any one on his behalf.
 - d) By all or any of the above two methods.
- In case of immovable property attachment shall be made by :-
 - a) By taking possession,
 - b) By appointment of receiver,
 - c) By order in writing prohibiting any proceeds like rent etc., to go to proclaimed person,
 - d) By all or any of the above two methods.
- In case property consists of livestock or property is perishable in nature the Court may order immediate sale.

CLAIMS AND OBJECTIONS:-

1. Any claim or objection should be made within six months from the date of attachment
2. In case of death of claimant or Objector it may be continued by legal representative.
3. Objections or claims to be preferred in the Court where an order for attachment is issued.
4. In case no objection is made, the property under attachment shall be at the disposal of State Government but it should not be sold upto six months.

5. In case, the person absconding appears or is apprehended and brought before the court and establishes his bonafides, then in case the attached property has been sold, the net proceeds of the sale after deducting the costs shall be restored.

**IDENTIFICATION AND ATTACHMENT OF PROPERTY OF
PROCLAIMED PERSON WHEN PROPERTY SITUATED OUTSIDE
INDIA**

Proclaimed person is one on whom arrest warrant is issued by the Court and he is absconding and he has concealed his identity and the warrant cannot be executed by any means.

The Court publishes written proclamation requiring him to appear at a specified time not less than 30 days from the date of publishing such proclamation, on failure of the accused appearing at specified place and time, the Court declares him as a person proclaimed.

The proclaimed offender is a person who is accused of an offence made punishable with imprisonment of 10 years or more or imprisonment for life or with death under Bharatiya Nyaya Sanhitha, 2023 or any other law for time being in force, and such person fails to appear at a specified place and time required by proclamation. The Court after making enquiry pronounces him a proclaimed offender.

- To declare a person as Proclaimed Offender.
- He should be accused of a Criminal Offence.
- When he does not appear before the Court of Law to answer the charge or trial.
- The concerned Court will issue a Warrant against the Accused.
- When the Warrant cannot be executed on the Accused or the person against whom a warrant has been issued is absconding or concealing himself so that such warrant cannot be executed on him.

- The concerned Police will return the Warrant to the Court which has issued it.
- The Court may publish a written proclamation requiring him to appear at a specified time not less than 30 days from the date of publishing such proclamation.
- The proclamation shall be followed as mentioned in sub section (2) of section 84 of BNSS.
- Then attachment of property of persons absconding will be followed as mentioned u/s 85 of BNSS.
- The property should be identified by establishing that it derived from :-
 - a) Commission of an offence.
 - b) Obtained by the person as a result of criminal activity.
- Property includes both movable and immovable, tangible, intangible.

Ownership should be traced by determining the :-

 - a) Nature.
 - b) Source.
 - c) Disposition.
 - d) Movement.
 - e) Title or ownership of property.

IN ALL THE CASES WHERE THE PROPERTY SITUATED OUTSIDE INDIA:–

- The Police Officer not below the rank of Superintendent of Police or Commissioner of Police should make a requisition to the competent Court.
- The requisition should seek orders for initiating process of attachment of property.
- Rules regarding transmission of letter of request to be made by Central Government.

- Where the property to be attached is situated in another country and the Court has made an order for attachment and forfeiture of property, then, the Court shall issue a Letter of Request to the court of the other Country.
- The Court on Letter of Request from a country or Court outside India, directs the police officer not below the rank of police officer to take necessary steps to identify or trace such property by:-
 - a) Make an enquiry
 - b) Take an Investigation
 - c) Make a survey in respect of the property.
- In case IO apprehends that the property in which inquiry or investigation is conducted is likely to be:-
 - a) Concealed.
 - b) Transferred.
 - c) Or property may be disposed in any other manner.
- The officer may make an order of attachment directing that such property may not be transferred without prior permission.
- The above order should be confirmed by the Court within 30 days.
- The District Magistrate may be appointed to perform functions of administrator of property.
- He shall act as receiver and manager of property.
- He shall take all measures as central government may direct for the disposal of the property forfeited.
- If the Court has reason to believe that the properties are proceeds of the crime, it may serve a notice to the person affected, calling upon him to indicate the source of income, earnings or assets out of which, he acquired such property, within 30 days and considering the application and after giving reasonable opportunity of being heard, the Court may record a finding that the property in question is proceeds of a crime.

- On such identification the property shall stand forfeited.
- In case the source of any part of the property is not being proved to the satisfaction of the court, it shall make an order giving an option to the person to pay fine in lieu of forfeiture.

SOP ON SEC 107 ATTACHMENT, FORFEITURE OR RESTORATION OF PROPERTY

- Property should be identified by the IO as to whether it is derived directly or indirectly as a result of criminal activity or from commission of any activity.
- On such Identification the police officer making Investigation should obtain approval from Superintendent of Police or Commissioner of Police.
- After obtaining permission, he should make an application before the court having jurisdiction.
- On the Court being satisfied that the properties are proceeds of crime, the court may issue notice on the person to show cause “why an order of an attachment shall not be made”
- The reply should be made by the person within the period of 14 days.
- In case, such identified property is held by any other person on behalf of such person.
- A copy of notice shall be served upon such other person.
- On receipt of the explanation and after reasonable opportunity is given to such person, the court may pass an order of attachment in respect of property which is found to be proceeds of crime.
- An ex-parte order may be passed in case such person does not appear before the Court or represent his case, within period of 14 days specified in show cause notice.
- In case, the Court is of the opinion that issuance of notice would defeat the object of attachment or seizure, the Court may pass an ex-parte, interim order directing attachment or seizure of such property.
- In case, the Court finds that the attached or seized property are proceeds of crime, the court shall by order direct the District Magistrate to

distribute such proceeds of crime to the person who are affected by such crime rateably.

- The District Magistrate shall within the period of 60 days from the date of receipt of order, distribute the proceeds of crime.
- He may do so by himself or authorise any officer subordinate to him to effect such distribution.
- If there are no claimants to receive such proceeds, then such proceeds of crime shall stand forfeited to the Government.
- Previously immovable properties of the accused in certain offences used to be attached under Criminal Law Amendment ordinance 1944.
- Or under Protection of Depositors Act 1999.
- But presently under section 107 of BNSS Attachment, forfeiture or Restoration of property can be done at any stage even before pronouncement of judgement as the act is silent with regard to the stage when such forfeiture can be done in contrast to the provision under Criminal Law Amendment ordinance 1944 and or under Protection of Depositors Act 1999.
- It is clear that the IO has to obtain permission of the Unit Officer i.e., Superintendent of Police or Commissioner of Police and not the concerned Principal Secretary.

SOP ON FITNESS OF SURETIES

Who can be a surety :-

1. Any natural person can be a surety, artificial or corporation cannot be a surety. The purpose of a surety is not just an amount, but for attendance of accused person. Therefore, a person who can ensure that the accused will appear before the authority, can be surety.
2. Respectable person in society can be surety, even without having any property Ex:- A member of Parliament, legislative assembly or person holding such position can be a surety than a person having a property.
3. Poor person can be surety, if the accused is poor then the authority seeking surety, may release him on own bond.
4. Person from different state or district can be a surety.
5. Authority seeking surety cannot ask for documents of a property from accused, even poor person can be surety.
6. Authority seeking surety can accept copy of anyone of the following documents:-
 - a) Passport.
 - b) Ration Card.
 - c) PAN card.
 - d) Driving license.
 - e) Voter identity card.
 - f) Aadhar card.
 - g) Photo identity card issued by recognised educational institution.
 - h) Photo credit card.
 - i) Kisaan photo passbook.
 - j) Pensioners photocard.
 - k) Freedom fighter photocard.
 - l) Identity Certificate with Photo by Gazetted Officer or Tehsildar.

- m) Address card with photo issued by postal department.
 - n) Disability, identity card, handicap medical certificate issued by Government.
 - o) NREGS - Job card.
 - p) CGHS ECHS state government medical card
 - q) Marriage certificate issued by government
 - r) Post office passbook.
 - s) Water bill.
 - t) Property tax receipt.
 - u) Electricity bill.
 - v) Land telephone bill.
 - w) Credit card statement.
 - x) Income tax assessment order.
 - y) Arms license.
 - z) Certificate of address issued by head member of village.
 - aa) Registered sale/lease/rent agreement.
 - bb) Caste or domicile certificate with photo issued by state government.
 - cc) Gas connection bills.
 - dd) Insurance policy.
7. Production of property documents shall not be insisted upon.
 8. Surety need not be government servant or public servant or permanent employee or related by Blood, but it should be a genuine person.
 9. One person can be surety for more than one accused
 10. In the first instance, cash surety cannot be insisted upon.
 11. When the accused is not in a position to produce personal surety and offers cash surety, it can be accepted.
 12. A surety should be of sound mind and be capable of entering into a contract.

FITNESS OF SURETIES

Q & A

Q) Whether police can take sureties when accused summoned to Police Station after registration of FIR during investigation stage or before filing chargesheet?

A) YES – When there is prima facie case against the accused and in cases where the evidence is sufficient to forward him to magistrate or it can also be taken under 189 of BNSS when evidence is deficient.

Q) What are the qualifications of sureties?

- A) Any natural person can be a surety, artificial or corporation cannot be a surety. The purpose of a surety is not just an amount, but for attendance of accused person. Therefore, a person who can ensure that the accused will appear before the authority, can be surety.
- Respectable person in society can be surety, even without having any property Ex:- A member of Parliament, legislative assembly or person holding such position can be a surety than a person having a property.
- Poor person can be surety, if the accused is poor then the authority seeking surety, may release him on own bond.
- Person from different state or district can be a surety.

Q) How many sureties can be taken during investigation or at the time of filing chargesheet?

A) It is the discretion of IO (advisable to take 1 or 2 for the purpose of securing his presence as and when required)

Q) Whether cash surety can be taken by police ?

- A) In the first instance, cash surety cannot be insisted upon.

- When the accused is not in a position to produce personal surety and offers cash surety, it can be accepted by way of Fixed Deposit Receipt.

Q) Whether government employee is required as surety?

A) Not necessarily, even any individual person can be surety

Q) What documents are required to take from surety?

A)

1. Passport.
2. Ration Card.
3. PAN card.
4. Driving license.
5. Voter identity card.
6. Aadhar card.
7. Photo identity card issued by recognised educational institution.
8. Photo credit card.
9. Kisaan photo passbook.
10. Pensioners photocard.
11. Freedom fighter photocard.
12. Identity Certificate with Photo by Gazetted Officer or Tehsildar.
13. Address card with photo issued by postal department.
14. Disability, identity card, handicap medical certificate issued by Government.
15. NREGS - Job card.
16. CGHS ECHS state government medical card
17. Marriage certificate issued by government
18. Post office passbook.

19. Water bill.
20. Property tax receipt.
21. Electricity bill.
22. Land telephone bill.
23. Credit card statement.
24. Income tax assessment order.
25. Arms license.
26. Certificate of address issued by head member of village.
27. Registered sale/lease/rent agreement.
28. Caste or domicile certificate with photo issued by state government.
29. Gas connection bills.
30. Insurance policy.

Q) Whether Quantum of Bond requires amount involved in criminal cases?

A) NO - Quantum of Amount cannot be taken as that of the amount involved in Criminal case.

Q) Whether law permitting police to take sureties during investigation stage?

A) YES – 485 BNSS

Q) In how many cases or in a single case involving several accused are involved a single person can stand as Surety ?

A) No prohibition on furnishing same surety in different cases, If the same surety is having sufficiently solvency and in position to secure the accused for trial/investigation.

Hani Nishad @ Mohd Imran @ **Versus** the State of UP 29th October 2018

Q) Can a surety seek discharge from his/her obligation ?

A) YES – As per section 489 of BNSS.

Q) when surety documents are produced before the court and if the Court considers necessary, whether court has power to hold an enquiry or not ?

A) YES- As per Section 485 of BNSS, the court if considers necessary may hold an enquiry.

Q) Whether Police has power to impose any conditions to sureties during investigation stage?

A) YES –Can impose conditions to secure the presence of Accused as and when required.

Q) Any specific Rules under Criminal Rules of Practice or BNSS regarding Sureties during investigation stage?

A) YES U/s 189, 190 of BNSS.

Q) Whether Bail Bond can be cancelled after the transfer of case without issuing notice to surety ?

A) No - Bail Bond cannot be cancelled after the transfer of case without issuing notice to surety.

Q) Can Local sureties be insisted upon ?

A) No – there is no such restricted parameters, Sureties can be from any place within INDIA

Q) What kind of sureties Court will accept?

A) Court will accept both CASH or Immovable Property Valuation Certificate issued by Revenue Authority.

Q) What precautions to be taken while fixing sureties?

A) Affidavit can be obtained from surety or order for verification.

Q) Whether accused of other crime can be acted as sureties?

A) YES – There is no such bar under law for acting as surety.

Q) How Police can ascertain genuineness of sureties?

A) If he has any uncertainty regarding genuineness of Surety, Court/IO may order for verification by concerned authority.

SOP ON SECTION 34 OF BNSS- PROCLAIMED OFFENDER

- The Courts should believe that a person against whom a warrant has been issued by the Court, has absconded or is concealing himself, so that, the warrant cannot be executed.
- The Court may publish a written proclamation requiring the accused to appear at a specific place and time not less than 30 days from the date of publication.
- Proclamation shall be publicly read at some conspicuous part of the town or village where the person ordinarily resides.
- It should be affixed to some conspicuous part of the house or it should be affixed to some conspicuous place of the town or village.
- Copy of proclamation should be affixed to some conspicuous part of the Court House.
- The proclamation may also be published in a daily newspaper circulating in the place, in which, such person ordinarily resides.
- An endorsement by the court that, the proclamation was duly published is conclusive evidence.
- In offences punishable with imprisonment for 10 years or more or imprisonment for life or death under BNS 2023 or any other law in force, where, the person fails to appear at the specified time and place required by the proclamation, the court may pronounce him proclaimed offender and make a declaration.
- Any Officer employed in connection with affairs of the village, shall make a report regarding the information in relation to the proclaimed offender in all cases where, the proclaimed offender was residing in the village or passing through the village.

PROFORMA ON PROCLAIMED OFFENDER

S.34 of BNSS

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.....

(Seal of the Court)

(Signature)

SOP ON PRESUMPTIONS ON ELECTRONIC EVIDENCE **(COLLECTION, ADMISIBILITY, PROOF & PRESUMPTIONS** **CHAIN OF CUSTODY)**

The Bharatiya Sakshya Adhiniyam 2023 (BSA 2023) addresses technological advancements that the previous law did not cover. BSA provides for the admissibility of electronic or digital records as evidence with the same legal effect, validity, and enforceability as any other documents. To be admissible in court, electronic evidence must meet the tests of relevancy, admissibility, and proof as outlined in the BSA.

There are two types of evidence to prove a fact: oral and documentary.

- Oral evidence must be direct according to Section 55 of BSA, subject to certain exceptions.
- Documentary evidence must be by producing the original documents, with some exemptions as provided in BSA.

The method of proving documents is specifically mentioned in BSA.

Electronic evidence is recognized as documentary evidence under the definition in Section 2(e) of BSA, but there is no specific method of proving electronic evidence.

Section 62 provides a special provision relating to electronic evidence, stating that it may be proved in accordance with the provisions of Section 63 of BSA. If the conditions of Section 63 are satisfied, electronic evidence shall be admissible in any proceeding without further proof or production of the original.

Section 63 of BSA deals with the admissibility of electronic records:

The conditions mentioned in sub-section (1) for the computer output are as follows:

(a) The computer output was produced by a computer or communication device that was regularly used to create, store, or process information for regular activities by the person in control of the device.

(b) During this time, information similar to what is in the electronic record was regularly entered into the computer or communication device as part of these regular activities.

(c) The computer or communication device was working properly throughout relevant time, or if it wasn't, any issues didn't affect the electronic record or its accuracy.

(d) The information in the electronic record comes from information that was regularly entered into the computer or communication device during these activities.

3. If over a period, the function of creating, storing, or processing information for regular activities was done using one or more computers or communication devices, whether:

(a) in standalone mode,

(b) on a computer system,

(c) on a computer network,

*(d) using a computer resource for creating, processing, or storing information,
or*

(e) through an intermediary,

all these computers or devices will be considered as one single computer or communication device for this section. References to a computer or communication device in this section will be understood in this way.

4. In any legal proceeding where a statement from an electronic record is to be used as evidence under this section, a certificate must be submitted with the electronic record each time it is presented. The certificate must:

(a) Identify the electronic record containing the statement and explain how it was produced.

(b) Provide details about any device involved in producing the electronic record to show it was made by a computer or communication device mentioned in section (3).

(c) Address any conditions mentioned in section (2).

The certificate should be signed by the person in charge of the computer or device, or the person managing the relevant activities, and an expert. This certificate will serve as evidence of the matters stated within it. It is enough for the person to state these matters to the best of their knowledge and belief, as specified in the Schedule.

5. For this section:

(a) Information is considered to be supplied to a computer or communication device if it is provided in any suitable form, either directly or through appropriate equipment, with or without human help.

(b) Computer output is considered to be produced by a computer or communication device whether it was created directly by it or through appropriate equipment or other electronic means mentioned in section (3)(a) to (e), with or without human help.

PROOF OF ELECTRONIC SIGNATURE :The BSA specifies the mode of proving electronic records as follows:

Proof of Electronic Signature: If an electronic record contains a secure electronic signature, it can only be proved by the subscriber of that electronic signature **(Section 66)**.

Verification of Digital Signature: To ascertain whether a digital signature belongs to a person, the court may examine the controller, certifying authority, or the person who applied the public key **(Section 73)**.

Presumptions on electronic records :On proving of electronic evidence as above, the court has the power to presume the genuineness of electronic records.

Section 81 – The court shall presume that electronic or digital records claiming to be the Official Gazette or those required by law to be kept are genuine if they are kept in the correct form and produced from proper custody.

Section 85 The court shall presume that every electronic record purporting to be an agreement containing the electronic or digital signatures of the parties was concluded by affixing those signatures.

Section 86 - The court shall presume, unless proven otherwise, that a secure electronic record has not been altered since the specific point in time to which its secure status relates. It also presumes, unless proven otherwise, that a secure electronic signature was affixed by the subscriber with the intention of signing or approving the electronic record.

Section 87 - The court shall presume, unless proven otherwise, that the information listed in an Electronic Signature Certificate is correct, except for subscriber information that has not been verified, if the certificate was accepted by the subscriber.

Section 90 - The court may presume that an electronic message forwarded by the originator through an electronic mail server to the addressee corresponds with the message as fed into his computer for transmission, but does not make any presumption about the person who sent the message.

Section 93 - The court may presume that any electronic record purporting or proven to be five years old and produced from proper custody was affixed with the electronic signature of the person it purports to be, or by any person authorized by him, subject to the Explanation to Section 84.

The above provisions ensure that electronic evidence is handled consistently and fairly in legal proceedings under the BSA.

STANDARD OPERATING PROCEDURE (SOP) FOR COLLECTION OF ELECTRONIC EVIDENCE

Object: To ensure the proper collection, preservation, and handling of electronic evidence in accordance with the Bharathiya Sakshya Adhinyam 2023 (BSA 2023).

1. Identification of Electronic evidence:

- Identify the electronic evidence and prepare plan of action for collection of electronic evidence as per protocols including on visiting of crime scene and on examination of witnesses, collection secure the area to prevent contamination or tampering.
- Establish a perimeter to control access and ensure the integrity of the scene.
- Identify and document on the social media accounts relevant to the case, relevant emails, chat conversations, and messaging platforms pertinent to the case.
- Determine the types of information and metadata available on each social media platform.
- Determine the types of information, metadata, and attachments that may be involved.

2. LEGAL CONSIDERATION :

Obtain necessary legal permissions or warrants for accessing and collecting data from emails, chat conversations, and messaging, social media platforms. Ensure compliance with data protection and privacy laws.

3. Safety and Documentation:

Ensure the safety of all personnel involved in the collection process. Document the initial conditions of the crime scene, including the date, time, and location.

4. Collection of EVIDENCE:

➤ **Photography:**

- Use high-resolution cameras to capture detailed photos of the crime scene.
- Photograph the entire scene and relevant details, including close-up shots of evidence.

➤ **Videography:**

- Record a video walkthrough of the crime scene to document the spatial relationships and overall context.
- Record any dynamic evidence or conditions that may change over time.

➤ **Screenshots:**

- Capture screenshots of relevant posts, messages, profiles, and other information from social media platforms, chat conversations from phones as necessary.
- Document the date, time, and URL (if applicable) of each screenshot.

➤ **Emails:**

- Collect email attachments, including any files and documents sent or received.
- Use forensic tools to collect emails from relevant email accounts.
- Preserve metadata such as sender, receiver, timestamps, and email header information.

➤ **Download Data:**

- Use official data download tools provided by the social media platforms, if available, to download data relevant to the case.
- Ensure that downloaded data includes metadata such as timestamps, likes, shares, and comments.
- Use forensic tools to collect emails from relevant email accounts.
- Preserve metadata such as sender, receiver, timestamps, and email header information.

➤ **Chat Conversations from Phones:**

- Identification of Devices: Identify the phones or devices relevant to the case where chat conversations occurred.
- Collection of Chat Conversations: Use forensic tools to acquire chat conversations from phones or device backups.
- Preserve metadata such as participant details, timestamps, and any attachments.

5. Authentication of Evidence: Document the source of each piece of evidence and its relevance to the case. Preserve metadata and any relevant information that could assist in authenticating the evidence.

6. Handling and Preservation:

- Handle cameras and recording equipment with care to avoid damage or loss of data and use tripod stands or stabilizers to ensure steady shots and clear images.
- Ensure that all photos and videographs accurately represent the crime scene as it was found

- avoid altering the crime scene during the collection process.
- Ensure that, all metadata associated with the evidence, including timestamps and participant information, is preserved.
- Timestamp each photo and video to establish their chronological order.
- Avoid altering the metadata during the collection process.

7. Chain of Custody:

- Document the chain of custody for each piece of evidence, including the names of individuals who accessed or handled it and the times of transfer.
- Mention all the names of individuals and cite them in list of witnesses in memo of evidence at the time of filing of charge sheet.
- Use secure methods for transferring and storing the evidence to prevent unauthorized access or modification.

8. Documentation and Report :

- Create an inventory of all collected evidence from social media platforms, emails, chat conversations, and messaging platforms.
- Include descriptions of the evidence, dates of collection in chronological order relevance to the case.
- Prepare a detailed report enable to submit before the Hon'ble court summarizing the findings from the social media email and messaging platform evidence, screenshots, downloaded data, and any relevant metadata in the report.
- Every page of evidence or statement typed electronically should have a footer reflecting the crime number on the left bottom & page number out of total pager at the right bottom of the page.

9. Legal Compliance:

- Ensure that all evidence collected by the police officer complies with the admissibility criteria under BSA 2023 and other applicable laws and regulations for the time being in force.
- Prepare the necessary certificates and documentation as per legal requirements. (eg. 63 of BSA)
- Ensure to take steps to obtain proceedings to get backup in the court, in order to avoid complications as to destroy or damage at the time of trial.

10. Presumptions and Provisions:

Utilize any presumptions provided under under Sections 81, 85, 86, 87, 90, and 93 of BSA 2023, where applicable regarding the authenticity and integrity of electronic evidence.

Explain how the evidence meets the conditions for admissibility in court.

11. Forensic Analysis:

- Conduct a preliminary forensic analysis of the photos and videos to ensure their integrity.
- Document any findings or observations related to the photos and videos.

12. Storage and Backup:

- Store the original photos and videos in a secure location to prevent tampering or loss as prescribed or notified by the government in this regard.
- Create backup copies of the photos and videos for redundancy and preservation as prescribed or notified by the government in this regard.

13. Training and Review:

- Conduct training for personnel involved in the collection and handling of photos and videographs, collection and handling of evidence from social media platforms.
- Regularly review and update the SOP to reflect changes in laws or technology, regulations, or social media platforms' policies.

Conclusion:

This Standard Operating Procedure (SOP) outlines the steps and processes for the proper collection, preservation of electronic evidence under the Bharathiya Sakshya Adhinyam 2023 adherence to this SOP will help to ensure that electronic evidence is handled in a manner that maintains their integrity and meets legal standards for admissibility in court proceedings.

THE SCHEDULE

[See section 63(4)(c)]

CERTIFICATE

PART A

(To be filled by the Party)

I, _____ (Name), Son/daughter/spouse of _____
residing/employed at _____ do hereby solemnly affirm and
sincerely state and submit as follows:—

I have produced electronic record/output of the digital record taken from the following
device/digital record source (tick mark):—

Computer / Storage Media ☐ DVR ☐ Mobile ☐ Flash Drive ☐

CD/DVD ☐ Server ☐ Cloud ☐ Other ☐

Other: _____

Make & Model: _____ Color: _____

Serial Number: _____

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

and any other relevant information, if any, about the device/digital record _____ (specify).

The digital device or the digital record source was under the lawful control for regularly
creating, storing or processing information for the purposes of carrying out regular
activities and during this period, the computer or the communication device was working
properly and the relevant information was regularly fed into the computer during the
ordinary course of business. If the computer/digital device at any point of time was not
working properly or out of operation, then it has not affected the electronic/digital
record or its accuracy. The digital device or the source of the digital record is:—

Owned ☐ Maintained ☐ Managed ☐ Operated ☐

by me (select as applicable).

I state that the HASH value/s of the electronic/digital record/s is _____,
obtained through the following algorithm:—

☐ SHA1:

☐ SHA256:

☐ MD5:

☐ Other _____ (Legally acceptable standard)

(Hash report to be enclosed with the certificate)

(Name and signature)

Date (DD/MM/YYYY): _____

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

Place: _____

**SOP ON SEC. 336 OF BNSS:- EVIDENCE OF PUBLIC
SERVANTS, EXPERTS , POLICE OFFICERS IN CERTAIN
CASES**

1. It is a new section introduced in BNSS 2023.
2. Where any document or report prepared by a Public Servant, Scientific Expert, or Medical Officer is purported to be used as evidence in any inquiry, trial, or other proceedings under this Sanhita:
 - (I) If such a Public Servant, Expert, or Officer is either transferred, retired, or deceased; or
 - (II) If such a Public Servant, Expert, or Officer cannot be found or is incapable of giving deposition in evidence; or
 - (III) If securing the presence of such a Public Servant, Expert, or Officer is likely to cause delay in holding the inquiry, trial, or other proceedings,
3. The court shall secure the presence of the successor officer or such Public Servant, Expert, or Officer who is holding that post at the time of such deposition to give deposition on such document or report.
4. In the place of a transferred, retired, or deceased officer, their successor, who occupies and is holding the post at the time of receiving the summons, shall give their deposition in a court of law.
5. No Public Servant, Scientific Expert, or Medical Officer shall be called to appear before the court unless the report of such Public Servant, Scientific Expert, or Medical Officer is disputed by any of the parties of the trial or proceedings.
6. Provided further that the deposition of such successor Public Servant, Expert, or Officer may be allowed through audio-video electronic means, and their physical presence in the court of law may be dispensed with.

SOP ON INFORMING THE PROGRESS OF INVESTIGATION TO INFORMANT/VICTIM U/S 193(3)(ii) OF BNSS THROUGH ELECTRONIC COMMUNICATION WITHIN 90 DAYS

193(3)(ii) of BNSS mandates the Investigation Officer to furnish information regarding progress of investigation by any means including through electronic communication to the informant or victim within a period of 90 days.

Section 193(3)(iii) of BNSS mandates investigation officer to communicate in such manner as the State Government may by rules, provide, the action taken by him to the person, if any to the informant.

1. The Investigating Officer upon completion of investigation shall without unnecessary delay, file the report before Magistrate empowered to take cognizance.
2. If the offence relating to offences U/s 64 to 68, 70, 71 of BNS or Sections 4, 6, 8 or 10 of POCSO Act, the investigation shall be completed within two months from the date of FIR.
3. The Investigation Officer shall forward the report of the investigation to the concerned Magistrate including through the electronic platform or tools decided by the State Government or High Court only. (Platform and tools to be decided by State Government in consultation with High Court).
4. That, if the investigation is not completed within a period of 90 days, the investigating officer shall inform the progress of investigation to the, victim or informant.
5. The progress of investigation shall contain the details of witnesses examined so far, documents collected, the details of accused arrested or whether they have issued any notice to accused U/s 35(3), or bonds taken from accused, materials seized, steps taken and pending if any by that time in such form as notified by the state government.

6. If the Investigation is completed within 90 days and filed report U/s 193(1) of BNSS, the copy of such report which was sent to the Magistrate through electronic communication shall also be sent to the informant or victim forthwith.
7. The investigation shall send such report through electronic communication to all the victims of that case.
8. The Investigation Officer shall as practicably as possible send copies through electronic communication.
9. The copy of entire report, including all enclosures filed under Section 193(1), shall be sent in a single PDF or any other format prescribed by the State Government or High Court in this regard.
10. The report through electronic form shall preferably be in PDF in read-only format, containing digital or electronic signatures as prescribed by the IT Act 2000. The file should be named with reference to the crime number.
11. The entire document/report sent to the victims/informant shall be under the control of the Investigation Officer at the time of transmitting the electronic form to the court.
12. The Investigating officer shall ensure the copies are communicated to the victims or informants under due acknowledgment through electronic or any other means

SOP ON ORDER FOR CUSTODY AND DISPOSAL OF PROPERTY PENDING TRIAL - SEC 497 BNSS

Property under this section include:-

- Property or document of any kind, which is produced before the court or which is with the custody of the court.
- Any property used for the commission of an offence or property regarding which, an offence has been committed.
- The Magistrate empowered to take cognizance or commit the case for trial, may make an order for proper custody of such property until completion of investigation/enquiry/trial.
- In case the property is subject to speedy and natural decay, or if it is expedient to do so, the Magistrate may make necessary order for the sale of property or order that the property be otherwise disposed off.
- Before ordering property for such disposal, the Magistrate shall/may record such evidence as he thinks necessary.
- A statement of such property containing description as per rules framed by the court, should be prepared by the Government or should be prepared by the magistrate within a period of 15 days from the date of production of property.
- Photograph of the property shall be taken by the magistrate.
- If necessary videograph on mobile phone or through any other electronic means of the property to be taken.
- Photograph or videography shall be used as evidence in any enquiry/trial/other proceeding.
- The magistrate may order:-
 - a) Disposal
 - b) Destruction
 - c) Confiscation.

d) Delivery of property.

Within a period of 30 days after statement has been prepared and photography or videography has been taken.

SOP - ROLE OF PHOTOGRAPHER U/S 497 BNSS, 2023

The Apex court in *Sunderbhai Ambalal Desai vs State Of Gujarat* while dealing with disposal of property under Section 451 and 457 of Cr.P.C, certain guidelines were formulated, in which taking photographs while delivering the property for interim custody was mandated. This is the root cause for incorporating sub-section (2) to (5) of section 497 of BNSS, 2023 – detailing the procedure to be adopted by a Magistrate before passing an order for disposal of property. The procedure is as follows -

- Once the property is seized by Police during investigation, it may be produced before the Criminal Court, or the Magistrate empowered to take cognizance or to commit the case for trial.
- The Magistrate before whom the property is produced shall within a period of 14 days of its production before him, prepare a statement of such property with its description in such form and manner as provided by the State Government. (State Government has to frame Rules in this regard)
- Later, the Magistrate shall cause to be taken the photographs of such property.
- Apart from photographs, the Magistrate if he thinks necessary, may take video-graph on mobile phone or any electronic media of such property.
- The above-mentioned statement and photograph or videography shall be used as evidence in inquiry or trial.
- Such statement, photograph or videograph has utmost significance as they alone can be used in evidence without the need for its physical production again during trial.
- However, no procedure for taking such photographs and videography is mentioned in this section.

- Hence, the Rules that are to be prepared under sub-section (2) of section 497, shall also include the procedure, for taking such photographs and videographs.
- This procedure shall include details like
 - who shall take the photograph or videograph
 - in which electronic devices the same shall be taken
 - how those photographs or videographs shall be submitted and made part of the court record
 - chain of custody of the photographs and videograph
 - who shall bear the expenditure for such photography or videography
 - how those photographs or videographs shall be certified to be genuine.
- Only after following the above-mentioned procedure i.e preparing statement, taking photographs or videograph, the Magistrate shall order for disposal of property under sub-section (5) of section 497, BNSS, 2023.

Note: Where police seize property during an investigation, they should report the same to a Magistrate. If the seized property is not produced before the Magistrate but is in the custody of that police officer, the Magistrate has to dispose of the property in terms of Section 503 of BNSS, 2023. However, this section does not provide for taking photographs or videographs as contemplated under Section 497, BNSS, 2023. Hence, to give evidentiary value to such seizure, it shall be mandated that the procedure mentioned under subsections (2) to (5) of Section 497 be followed. Therefore, the State Govt. may have to frame rules in this regard.

ANNEXURE

JUDICIAL FIRST CLASS MAGISTRATE / NAME OF THE COURT

FORM-I

DESCRIPTION OF SEIZED PROPERTY

1. Dist.....P.S.....Year.....FIRNo.....Date...
.....
2. Acts and sections.....
.....
3. Name of Property seized.....
.....
4. Details of the property seized with description –

S. No.	Name of the property	Quantity	Description of the property	Remarks

Signature of the Magistrate with seal

FORM II
CORRECTNESS CERTIFICATE BY PHOTOGRAPHER

I, _____ (Name), Son/daughter/spouse of
_____ residing/employed at _____
do hereby solemnly affirm and sincerely state and submit as follows:—

I have produced electronic record/output of the digital record taken from the
following device/digital record source (tick mark):—

Computer / Storage Media DVR Mobile Flash Drive CD/DVD Server Cloud
Other

Other: _____

Make & Model: _____ Color: _____

Serial Number: _____

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

and any other relevant information, if any, about the device/digital
record____(specify).

The digital device or the digital record source was under the lawful control for
regularly creating, storing or processing information for the purposes of
carrying out regular activities and during this period, the computer or the
communication device was working properly and the relevant information was
regularly fed into the computer during the ordinary course of business. If the
computer/digital device at any point of time was not working properly or out of
operation, then it has not affected the electronic/digital record or its accuracy.
The digital device or the source of the digital record is:—

Owned Maintained Managed Operated by me (select as applicable).

I state that the HASH value/s of the electronic/digital record/s is _____, obtained through the following algorithm:—

- SHA1
- SHA256
- MD5
- Other_____ (Legally acceptable standard)

(Hash report to be enclosed with the certificate)

Date (DD/MM/YYYY): _____

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

(Name and signature)

**SOP ON RECORDING OF CONFESSIONS AND
STATEMENTS BY MAGISTRATE UNDER SECTION 183
BNSS, 2023**

- Section 183(1) of BNSS states that any magistrate of the district has the power to record confessions or statements. As per Section 14 of BNSS, the State Government shall appoint any of the Executive Magistrates as a fit person to be the District Magistrate.
- a) Section 3 of BNSS specifies that unless the context otherwise requires, any reference in any law to a magistrate, without qualifying words, shall be construed as a reference to a Judicial Magistrate of the First Class or Second Class, exercising jurisdiction in that area. b) As per Section 183(2)(a) of BNSS, the functions exercisable by the Judicial Magistrate include recording confessions and statements during police investigations as mandated by Section 3(1) of BNSS.
- District Magistrate (as per Section 3(1) of BNSS), the Judicial Magistrate of First Class may, whether or not he has jurisdiction in the case, record any confession or statement made to him during an investigation before the commencement of inquiry or trial.
- Any statement or confession may be recorded by audio and video electronic means, in the presence of the advocate of the accused. In other cases, the presence of the advocate of the accused is not necessary.
- Any police officer as referred in Section 14 and 15 of BNSS 2023, on whom any power of the magistrate has been conferred by law, shall not be competent to record any confession.
- The Magistrate shall, before recording any confession, explain to the person making it that they are not bound to make a confession and that it may be used as evidence against them.

- The Magistrate shall not record any confession unless he has reason to believe that it is being made voluntarily.
- The Magistrate shall not authorize the detention of any person who appears before him and states that he is not willing to make a confession at any time before the confession is recorded.
- Any confession shall be recorded in the manner provided in Section 316 of BNSS and shall be signed by the person making the confession.
- The Magistrate shall make a memorandum at the foot of such a record, which shall be signed by him.
- The Magistrate shall have the power to administer an oath to the person whose statement is being recorded (other than a confession) for the purpose of recording evidence, as deemed appropriate by the Magistrate.
- In cases offences punishable under Sections 64-71, 74 to 79 or Section 124 of BNSS, 2023, the Magistrate shall record the statement of the person against whom such an offence has been committed, as specified in Sub-section 5 of Section 183 of BNSS, as soon as the commission of the offence is brought to the notice of police.
- Such statements of a female who is victim/witness of offence punishable U/s 64-71, 74-79 or 124 of BNSS 2023, as far as practicable, be recorded by a woman Magistrate, and in her absence, by a male magistrate in the presence of a woman.
- Section 183(6) of BNSS describes that for any offence punishable with imprisonment for 10 years or more, life imprisonment, or death, the magistrate shall record the statement of the witness brought before him by a police officer.
- If the person making the statement is temporarily or permanently physically or mentally disabled, the Magistrate shall take the assistance of an interpreter or a special educator while recording the statement. The

recording shall be by audio and video electronic means, preferably by mobile phone.

- The disabled person's statement shall be considered as an examination-in-chief as specified under Section 142 of BSA, 2023.
- The Magistrate recording the confession or statement under this section shall forward it to the Magistrate by whom the case is to be inquired into or tried.

SOP ON SECTION-218: 218(1)(B) PROSECUTION ORDERS

DEEMED TO BE SANCTIONED AFTER 120 DAYS

The following procedure is to be followed by the competent authority:

- 1) The competent authority should examine the matter by considering all relevant material and pass necessary orders within 120 days from the date of receipt of requisition from the Investigation Officer.
- 2) If any public servant working in the State or Central Government is against whom an FIR is registered under Sections 64 to 71, 74, 79, 143, 199, and 200 of BNSS 2023, in such cases, sanction is not required to prosecute the accused.
- 3) Clauses (2), (3), and (4) of Section 218 deal with public servants who are working in the Central Government; hence, no opinion is offered.
- 4) If the Station House Officers (SHOs) in the State that after registering an FIR against a public servant, if the investigation officer finds that a well-founded accusation is established against the Public Servant, the SHO is duty-bound to make a request to the competent authority/appointing authority of such Public Servant for necessary Sanction to prosecute the accused as required under Section 218 of BNSS, for effective prosecution.
- 5) Furthermore, the SHOs when making the application to the competent authority seeking sanction to prosecute the accused, the SHO should send all the relevant documents/materials along with that application to the competent authority for their consideration and necessary orders
- 6) The competent authority who grants sanction to prosecute the public servants/accused should be cited as a witness in the Final Report/Charge sheet.

- 7) An SOP may be issued to the competent authority that in sanction orders, there should be mentioning of the court name and case details in which the charge sheet is to be filed and the trial should be conducted against such Public servants or the accused.

SOP ON FILING REPORT U/S 193(3)(i) OF BNSS THROUGH ELECTRONIC COMMUNICATION

193(3)(i) of BNSS mandates the Investigation officer to forward report on completion of investigation including through electronic communication to a Magistrate empowered to take cognizance.

Section 193(8) of BNSS Investigation Officer to file such number of copies of report and all documents duly indexed for supply to the accused.

Provided, the supply of report and other documents by electronic communication shall be considered as duly served.

1. The Investigation Officer shall forward the report of the investigation through the electronic platform or tools decided by the State Government or High Court only.(Platform and tools to be decided by State Government in consultation with High Court).
2. The report of the investigation communicated electronically shall enclose all documents, including the FIR, witness statements, panchanamas, collected documents, seized articles or weapons, photographs, bonds taken from accused and witnesses, memos of witnesses, etc., collected during the course of the investigation.
3. The investigation report, along with the chargesheet, shall include photographs of seized weapons, photographs of devices, and tools containing audio-video recordings of statements, the scene of the crime, search and seizure to show their descriptive particulars and to prove integrity.
4. The Investigation Officer shall also provide links of electronic record if they are maintained in the cloud or servers for use during the course of trials or for serving copies to the concerned parties.
5. The Investigation Officer/SHO of the concerned police station shall keep the electronic record of a case until the exhaustion of all appeals.

6. The entire report, including all enclosures filed under Section 193(1), shall be sent in a single PDF or any other format prescribed by the state government or High Court in this regard.
7. **The report through electronic form shall preferably be in PDF in read-only format, containing digital or electronic signatures as prescribed by the IT Act 2000. The file should be named with reference to the crime number.**
8. The entire document/report sent to the Magistrate shall be under the control of the Investigation Officer at the time of transmitting the electronic form to the court.
9. The Investigation Officer should send the report/documents only through the devices exclusively provided to him by the State Government.
10. Copies of the report communicated electronically shall be retained by the Investigation Officer and another by the concerned SHO for future reference until the final appeal is disposed of.
11. The report shall contain a separate note reflecting the name and designation of the Investigation Officer, an index, identification and descriptive particulars of the device used to upload the report, the time, date, and location of the place of uploading the data.
12. In case of a dispute regarding the genuineness of the electronic record, the provisions relating to digital or electronic signatures of the IT Act 2000 shall apply.
13. The same SOP prescribed for filing the report through electronic communication shall be followed in case of filing a supplementary charge sheet.

TREATMENT OF SUPPLEMENTARY CHARGESHEETS
FOR CASES FILED UNDER THE IPC AFTER BNSS, 2023 IS
IMPLEMENTED

As per clause (a) sub-section (2) of Section 531 of BNSS, 2023, *any appeal, application, trial, inquiry or investigation pending, then, such appeal, application, trial, inquiry or investigation shall be disposed of, continued, held or made, as the case may be, in accordance with the provisions of the Code of Criminal Procedure, 1973....as if this Sanhita has not come into force.*

This means, that all the proceedings of case at whatever stage, it may be i.e. from registration of FIR to final disposal of the case, if initiated under Cr.P.C. 1973 before BNSS, 2023 came into force, then, such proceedings at whatever stage, it may be continued and disposed off as per the provisions of Cr.P.C 1973 only.

Therefore, it is opined that if a case is investigated and final report is filed under Cr.P.C 1973, however later, Investigation Officer comes across new evidence or believes that further investigation is required. In such cases, it is opined that further investigation and filing Supplementary Chargesheet after completion of investigation shall be made as per the provisions of Cr.P.C. 1973, only as such the mandatory period of completing investigation within a period of 90 days which may be extended as per order of the court does not apply to the cases registered and pending on or before July 1st 2024.

SOP ON S.193 - INVESTIGATION DURING TRIAL / FURTHER INVESTIGATION – 90 DAYS TIMELINE

Proviso to section sub-section (9) of section 193, BNSS, 2023 reads as follows

—

Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court.

A plain reading of this proviso, convert a meaning that after submitting final report / charge-sheet and the court has taken cognizance of offence and trial has commenced, whereupon the police officer obtains further evidence either oral or documentary, he may conduct further investigation with the permission of the court trying the case, and the same shall be completed within a period of ninety days, which may be extended with the permission of the court.

After commencement of trial until disposal of the case, at any point of time, further investigation can be started by the investigation officer after obtaining permission from the court trying the case. However, if further investigation is not completed within a period of 90 days, with the permission of the court trying the case, investigation can be conducted beyond 90 days.

When permission is granted for further investigation during trial, the concerned Police officer shall request the Court conducting trial to put the trial on hold at least for 90 days, as there is a timeline prescribed to complete the investigation within 90 days.

After completion of further investigation, the investigation officer shall forward a report / supplementary charge-sheet to the court conducting trial. In such cases, the provisions of sub-section (3) to (8) shall as far as may be apply in relation to such report / charge-sheet.

SOP ON PERSONS BOUND TO CONFORM TO LAWFUL DIRECTIONS OF POLICE

- There must be lawful directions from a Police officer.
- These lawful directions should be in relation to fulfillment of duties by all persons.
- Section 172 of BNSS casts a responsibility on all persons that they shall be bound to the lawful directions of a Police officer.
- Any breach of the lawful directions given by a Police officer while discharging his official duty, empowers the Police officer to
 - Detain
 - Remove

any person

- resisting
- Refusing
- Ignoring
- Disregarding

Refusing to conform to any directions given by such Police Officer u/s 172(1).

- After taking any of the steps as referred above by the Police officer, he may
 - produce such person before a Magistrate Or
 - register a petty case or
 - release him as soon as possible within a period of twenty-four hours.
- In case of breach of any order the Police officer after following the due procedure abovementioned (Sec.172 (2)) he shall take steps for initiating prosecution under Section 223 (a) of BNS 2023.

STANDARD OPERATING PROCEDURE

PROOF OF SERVICE OF SUMMONS

Section 70 of BNSS : Proof of service of summons – SOP on documentary the proof of service of summons through electronic communications(SOP creation)

- The section 70 of BNSS of the corresponding section of sec 68 of CrPc.
- When a summons issued by a court is served outside its Local Jurisdiction.
- The judicial Magistrate of such court in out of Local Jurisdiction, who received summons may depute any Officer of the court to serve summons in its jurisdiction.
- An officer who served the summons is not present at the hearing of the case, an affidavit purporting to be made before a Magistrate, that such summons has been duly served.
- The Affidavit itself is sufficient that the summons are duly served by him other than in its local Jurisdiction of such court, which issued the summons.
- A duplicate of the summons purporting to be endorsed (In the manner provided in the section 64 & 66 by the provision, to whom it was delivered, or tendered or with whom it was left, shall be admissible in evidence.
- The statements made there in shall be deemed to be correct unless and until, the contrary is proved, means a statement is made that service of summons it was made, it is deemed to have served.
- The Affidavit made by the Officer who served summons out of the Local Jurisdiction of the court may be attached to the duplicate of the summons and returned to the court.
- Even any Officer Incharge, or HOD , to whom the court sends summons to serve the summons out of its Local Jurisdiction may make an affidavit

and send the same along with the duplicate of summons return to the court.

- This is a new provision in clause 3 of section 70 of BNSS, which was not existed in old CrPC.
- All summons served through electronic communication either in encrypted (Ex: Whats App) in any other electronic mode i.e. E-mail, SMS,MMS etc, the acknowledgment of the same shall be considered as duly served and a copy of such summons to be attested and kept as a proof of service of summons.

SOP ON SEC.63 OF BNSS:- FORM OF SUMMON PROCESS OF RECEIVING SUCH SUMMONS FROM COURT AND ITS REPOSITORY

- Every summons issued by a court in BNSS should be
- In writing, in duplicate, signed by the presiding officer of such court or The High court may order by rule any other officer to issue summons. Every summons issued by the court shall bear the seal of the court.
- A summon which is issued in an encrypted mode or any other form of electronic communication shall bear the image of the seal or digital signature of the concerned court.
- The police officer shall ascertain genuineness of the identity of a person to whom the summon purported to be issued by a court to serve him in electronic mode.
- The police officer shall communicate with a person to whom a summon purporting to be sent to the witness / accused through Mobile phone, or any other electronic communication address which is available and shall be deemed to be correct unless and until the contrary is proved. Otherwise summons shall be served in ordinary course, such as, in Register Post or summons served personally. Where a summon sent in an encrypted mode (which is especially in the knowledge of a person who sent and a person who received a particular summons, (Ex WhatsApp and Telegram etc)
or
- Where a summon sent in any other form of electronic communication (Ex i.e. SMS, MMS and E-mail etc).
- A summon which was sent through encrypted mode or any other electronic communication mode could be in a repository position in

a storage of the respective APPs of particular person electronic devices.

- The Police officer shall collect the acknowledgement of receiving of a summon which was sent by through electronic communication and shall collect the hard copy of the same and attested it in a proper manner with his designation and seal and file with a report in a court of law.

**SOP ON SECTION 71 OF BNSS:- PROOF OF SERVING OF
SUMMONS ON WITNESSES ON ALTERNATIVE MODE
THROUGH ELECTRONIC COMMUNICATIONS ISSUED BY
COURT**

- Court may simultaneously issue both direct summons, electronic communication, registered Post.
- Any endorsement by postal employee that the witness refused to take delivery of summons shall be deemed to be duly served.
- After serving the Summons, the person who served the Summon should attach the photograph of served summon, as proof of service for submitting the same before the Court.
- Summons shall be served by the Police Officer or any other public servant authorized by State Government.
- Register to be maintained at Police Station to enter the address, email address, phone number and other details as specified by State Government.
- Summons to be served personally on the person summoned by giving him one of the duplicates of the summons.
- Summons may also be served by electronic communications with the image of Courts Seal. Example Email, MMS, Whats App etc.
- The person on whom the summon served shall sign on the back of the other duplicate.
- After serving the Summons, the person who served the summon should attach the photograph of served summon, as proof of service for submitting the same before the court.
- If the witness refused to take a summon issued by a court in an electronic communication, the court issued summons deems fit that the summons has been duly served for example if summons sent to the

Head of the Office in which a person on whom a summons shall be served on him actively working or to the court out of his Jurisdiction and in turn the court deputed any Officer to serve the summon on a witness in its Jurisdiction but a witness refuses to take the summons, the same has to be reported by the Head of the Office or the Officer deputed by the court on that sent the report with regard to refusal of a witness to receive the summons to the official website or email address of the concerned court which issued the summons shall be deemed to be duly served by the Officer or by the court as the case may be.

**SEC.63 FORM OF SUMMONS: - PROFORMA FOR
ACKNOWLEDGEMENT OF ELECTRONIC FORM OF SUMMONS**

PROFORMA

IN THE COURT OF
AT

CC. No SC. No

Between:
SHO, PS _____

AND

ACCUSED

Acknowledgment of summon to accused

I _____ S.H.O. of PS _____ received the summons of the accused for the offence U/s _____ on _____ from the court with a seal /Digital Signature and served on him/her in an encrypted mode / Electronic Communication mode on _____ and the same was served through _____ and received the copy of the acknowledgment of the same is U/s 70 (3) of BNSS and duly attested by me and filing before the court with a copy of the Online acknowledgment.

Date:

Signature

Station House Officer

**SEC.64 (2)-FORM OF SUMMONS:- PROFORMA FOR
ACKNOWLEDGEMENT OF ELECTRONIC FORM OF SUMMONS**

**PROFORMA
IN THE COURT OF AT
CC. No SC. No**

Between:

SHO, PS _____

AND

ACCUSED

ACKNOWLEDGMENT OF SUMMON OF WITNESS

I _____ S.H.O. of PS _____ received the summons of the witness for the offence U/s _____ on _____ from the court with a seal /Digital Signature and served on him/her in an encrypted mode / Electronic Communication mode on _____ and the same was served through _____ and received the copy of the acknowledgment of the same is U/s 70 (3) of BNSS and duly attested by me and filing before the court with a copy of the Online acknowledgment.

Date:

Signature
Station House Officer

SOP ON SECTION 152 – ORDERS WILL BE RECEIVED FROM DISTRICT MAGISTRATE OF SUB DIVISIONAL MAGISTRATE TO STOP CONSTRUCTION OF BUILDINGS

- According to section 152 of BNSS – any
 - A District Magistrate or
 - Sub-Divisional Magistrate or
 - Any other Executive Magistrate specially empowered in this behalf by the state Government

on receiving report from Police officer or other information (information from any corner either by way of complaint or letter addressed to such authority or personal information i.e. *suo moto*) has power to pass conditional order in the form of removal, prohibition, regulation, stoppage of public nuisance.

- Section 152(1) from clauses (a) to (f) enumerates items (**construction of any building, disposal of substances likely to cause conflagration and explosion**) that constitute Public Nuisance.
- Once the Magistrates mentioned above receives a report from Police or other information, the Magistrate may take evidence if he thinks necessary.
- After consideration of report or information and evidence if any taken, that Magistrate may pass a conditional order, directing the person causing the Public Nuisance to remove, desist, prevent, stop, repair etc such nuisance.
- This order should mention the timeline within which that conditional order has to be implemented.
- In case the person against whom the order is passed, objects to such order, the Magistrate should pass an order, directing that person, to appear before him or some other Executive Magistrate subordinate to him, at a

specific time and place, and to show cause, why that order should not be made absolute. (This order cannot be questioned in a Civil Court)

- The procedure to be followed for show cause is provided under section 157 of BNSS. Accordingly, the Magistrate before whom such person appears in obedience of that show cause notice, shall take evidence in that matter as in a summons case.
- After considering the evidence, the Magistrate may make the original conditional order as an absolute order with or without modifications.
- If the Magistrate after the considering the evidence feels that, conditional order is not necessary, he may not proceed further.
- The show cause proceedings, shall be completed within 90 days, however they may be extended up to 120 days by recording reasons in writing.
- The stipulated period of 90 or 120 days, shall commence from the day the person appears before the Magistrate to show cause why the conditional order shall not be made absolute.

SOP - SEC 162 DCP MAY ORDER NOT TO REPEAT OR CONTINUE NUISANCE

- “Public Nuisance” is defined Under Section 270 of BNS.
- Any act of a person which causes injury or danger or annoyance :-
 - a) To the Public.
 - b) To the people in general who reside in the vicinity.
- The act of the person should cause
 - a) injury.
 - b) obstruction.
 - c) danger.
 - d) annoyance.

To persons who are using any public right.

- Common Nuisance is not excused on the ground that it causes some convenience or advantage.
- The Police Officer has to identify the person or persons creating public nuisance.
- The Police Officer should take steps to prevent or stop the public nuisance.
- He should forward a detailed report to the DCP in written or by electronic communication.
- The DCP should enquire in detail regarding the public nuisance.
- He should satisfy himself that, indeed, there was a Public Nuisance, and there is every likelihood of public nuisance being continued or repeated in his territorial jurisdiction.
- The DCP may pass detailed orders, prohibiting the repetition or continuance of public nuisance.

SOP CHANGE IN JURISDICTION JJB'S

Q) Section.27 of Cr.PC was deleted so what is the impact on jurisdiction of juvenile cases?

Section-27Cr.PC Says:- Jurisdiction in the case of juveniles.—Any offence not punishable with death or imprisonment for life, committed by any person who at the date when he appears or is brought before the Court is under the age of sixteen years, may be tried by the Court of a Chief Judicial Magistrate, or by any Court specially empowered under the Children Act, 1960 (60 of 1960), or any other law for the time being in force providing for the treatment, training and rehabilitation of youthful offenders.

- Here we should consider age of a juvenile.
- In S.27 CrPC age is prescribed 16 years but now this was deleted in BNSS which means we should consider the age of a juvenile or child who is not completed age of 18 years as defined in S.2(13) of Juvenile Justice (Care and Protection of Children) Act, 2015

A) Removal of Section 27 of CrPC in BNSS will not have any effect in the present scenario as JJ Act being special enactment prevail over BNSS.

- 'CHILD' is defined under Sec 2 (12) of Juvenile Justice Act, 2015.

A Person who has not completed 18 years of age is a child and the same definition is assigned for child in sec 2(3) of BNS, 2023.

- Sec 27 of CrPC says
 - a) Any offence not Punishable with death/life imprisonment.
 - b) Any person who at the date when he appears or is brought before JJB is under 16 years of age

- c) May be tried by chief Judicial Magistrate (or) Court specially empowered under Children Act 1960 or any other law.
- Under BNSS, this sec 27 CrPC has been removed entirely but this will not impact the current scenario since the provision regarding the same Section 27 CrPC has to be incorporated in JJ Act 2015.
- Sec 20 (20) of JJ act, children Court “ is defined in JJ Act
 - a) Court established under the commission for protection of Child Rights Act 2005
 - b) Court established under special Court under POCSO act 2012
 - c) Whenever, any Courts, not existing or designated, the Court of Session will have Jurisdiction to try offences under this Act.
- Section 4 JJ Act 2015,
 - a) Notwithstanding anything contained in CrPC.
 - b) State Government shall constitute JJB in every District.
 - c) A board shall consist of metropolitan Magistrate or CJM along with 02 members.
 - d) Bench has powers conferred by CrPC on Metropolitan Magistrate or JFCM.
- Section 86 (4) JJ Act,
 - a) Notwithstanding anything contained in CrPC, or protection of child Rights Act 2005, or POCSO Act or offences under this Act shall be triable by Childrens Court.

SYNOPSIS :-

- Definition of Child under JJ Act and BNS are one and the same.
- JJ Act defines the constitution of children’s Court JJ Act also discusses the power of MM/JFCM who is chairman of the board.

- S.86 (4) clearly states that, offences under JJ Act i.e., Offences committed by children “ **punishable under any penal act**”shall be triable by children Court/Board established under JJ Act.
- Section 2 (20) JJ Act defines Children Court.
- S.2(35) defines "juvenile" means a child below the age of eighteen years;
- Removal of Section 27 of CrPC in BNSS will not have any effect in the present scenario as JJ Act being special enactment prevails over BNSS.
- So all cases relating to Juvenile shall be dealt with as per the procedure of Juvenile Justice (Care and Protection of Children) Act, 2015

**TREATMENT OF CASES WHERE CC NUMBERS ARE
RELEASED AFTER GO-LIVE DATE FROM JUDICIARY BUT
WERE REGISTERED EARLIER**

As per clause (a) sub-section (2) of Section 531 of BNSS, 2023, any appeal, application, trial, inquiry or investigation pending, then, such appeal, application, trial, inquiry or investigation shall be disposed of, continued, held or made, as the case may be, in accordance with the provisions of the Code of Criminal Procedure, 1973... as if this Sanhita has not come into force.

This means that all the proceedings of case at whatever stage it may be i.e. from registration of FIR to final disposal of the case, if initiated under Cr.P.C. 1973 before BNSS, 2023 came into force. Then such proceedings at whatever stage it may be continued and disposed off as per the provisions of Cr.P.C 1973 only.

Therefore, it is opined that if a case is registered under IPC, 1860, however the CC number is given after BNSS, 2023 comes into force (1st July 2024) the case shall be tried as per the provisions of Cr.P.C 1973.

BAIL PROFORMA FOR BAIL SEC 2 (1) (B) BNSS
(SEE SECTION 478 BNSS)

To _____ (name of person arrested or detained by
Officer Incharge of Police Station) _____ (address of
person arrested or detained) by Officer Incharge ofPolice
Station

I am the accused /suspect of committing the offences U/S
and required to give security for my attendance, on condition that I shall attend
before you, on or whenever my presence is required for investigation
with regard to such Crime, and in case I make any default herein, I bind myself
to forfeit to Government the sum of rupees.....

Dated, this day of 20....

(Signature)

I hereby declare myself (or we jointly and severally declare ourselves and
each of us) surety (or sureties) for the above said (name) that he shall attend the
Officer in charge of police station or the Court of on every day on
which, any investigation into the charge is made or any trial on such charge is
held, that he shall be, and appear, before such Officer or Court for the purpose
of such investigation or to answer the charge against him (as the case may be),
and, in case of his making default herein, I hereby bind myself (or we, hereby
bind ourselves) to forfeit to Government the sum of rupees

Dated, this day of, 20

(Signature)

BAIL PROFORMA OF CONDITIONS BOTH GENERAL AND CRIME
OF HEAD WISE SEC 2 (1) (B) BNSS
(SEE SECTION 478 BNSS)

I _____ (name of person arrested or detained by
Officer Incharge of Police Station) _____ (address of
person arrested or detained) arrested by Officer Incharge of
.....Police Station, in a crime punishable for the
offence.....

I hereby give security and undertake that:-

- xv) I will not commit any offence.
- xvi) I will not make any direct or indirect inducement to any
person or witness acquainted with the facts of the above case.
- xvii) I will not make any threat, promise or inducement to any
person or witness who are acquainted with the facts of the
above case.
- xviii) I will in no way involve myself in preventing the witness
from disclosing facts to the Court or Police.
- xix) I will not tamper with or destroy the evidence relating to
above case.
- xx) I will not leave the Country without Intimation to the Police
or Court.
- xxi) I will cooperate with the Investigation.

In case, I violate any of the above conditions, I bind myself to forfeit to
Government the sum of rupees.....

Dated, this day of 20...

(Signature)

BAIL BOND - PROFORMA FOR BAIL BOND SEC 2 (1) (D) BNSS
(SEE SECTION 478 BNSS)

I hereby declare myself (or we jointly and severally declare ourselves and each of us) for the above said (Name of Accused) that, he shall attend before you police station whenever his presence is required for purpose of investigation, that he shall be, and appear, before you for the purpose of such investigation or to answer the charge against him (as the case may be), and, in case of his making default herein, I/We bind myself/ourselves to forfeit to Government the sum of rupees.....

Dated, this day of 20....

(Signature)

BAIL BOND - PROFORMA FOR SURETY SEC 2 (1) (D) BNSS
(SEE SECTION 478 BNSS)

I hereby declare myself (or we jointly and severally declare ourselves and each of us) surety (or sureties) for an amount of Rupees..... for (Name of Accused) that, he shall attend the Officer in charge of police station on every day on which, any investigation into the charge is made, that, he shall be, and appear, before you for the purpose of such investigation or to answer the charge against him (as the case may be), and, in case of his making default herein, I/We bind myself/our self to forfeit to Government the sum of rupees.....

Dated, this day of 20....

(Signature)

BAIL BOND - PROFORMA FOR SURETY SEC 2 (1) (E) BNSS
(SEE SECTION 478 BNSS)

I hereby declare myself (or we jointly and severally declare ourselves and each of us) surety (or sureties) for an amount of Rupees..... for (Name of Accused) that he shall attend the Officer in charge of police station on every day on which any investigation into the charge is made, that he shall be, and appear, before you for the purpose of such investigation or to answer the charge against him (as the case may be), and, in case of his making default herein, I/We bind myself/our self to forfeit to Government the sum of rupees.....

Dated, this day of 20....

(Signature)

BAIL BOND - PROFORMA FOR SURETY SEC 2 (1) (e) BNSS
(SEE SECTION 478 BNSS)

I _____ (name of person arrested or detained by
Officer Incharge of Police Station) _____ (address of
person arrested or detained) by Officer Incharge ofPolice
Station, charged with the offence.....

I request your kind authority to release me on personal bond without
surety for which, I hereby give personal bond and undertake that:-

- xxii) I shall not commit an offence, similar to the offence
aforesaid mentioned.
- xxiii) I shall not make any direct or indirect inducement to any
person or witness acquainted with the facts of the above
case.
- xxiv) I shall not make any threat, promise or inducement to any
person or witness who are acquainted with the facts of the
above case.
- xxv) I shall in no way involve myself in preventing the witness
from disclosing facts to the Court or Police.
- xxvi) I will not tamper with or destroy the evidence relating to
above case.
- xxvii) I will not leave the Country without Intimation.
- xxviii) I will cooperate with the Investigation.

In case I violate any of the above conditions, I bind myself to forfeit to
Government the sum of rupees.....

Dated, this day of 20...

(Signature)

(MODEL PROFORMA)
OFFICE OF THE STATION HOUSE OFFICER, POLICE STATION...
... HYDERABAD

GD Entry No. _____

Dated _____

: _____

P.S. _____

Acknowledgment of Arrest U/s 40(2) B.N.S.S.

(Memo of custody)

Sir ,

This is to inform you that you viz. Mr. _____ S/o. _____ R/o. _____ (name of the arrested person) are arrested by Mr. _____ S/o. _____ R/o. _____ at _____ PM/AM on _____ (D/M/Y) in connection with offence of _____ eg. committing Murder, assault, snatching etc., in his presence.

The investigation of the case is being carried by the undersigned and the investigating officer have a reason to believe that you have committed the Non bailable and cognizable offence punishable U/Sec . _____ of BNS -2023 and for the purpose of investigation, you are hereby taken into the custody by the undersigned officer at _____ PM/AM on _____ (D/M/Y) (Note: Time of taking custody shall be within 6 hours)

Signature of the arrestee
Private Person

signature of the

Date: _____

Time: _____

of Police officer/

Signature

Investigation officer/SHO

The information of custody given to the
Parents/relative/Friend of the arrested person

1. (signature)

2. (Signature)

ANNEXURE

JUDICIAL FIRST CLASS MAGISTRATE / NAME OF THE COURT

FORM-I

DESCRIPTION OF SEIZED PROPERTY

5. Dist.....P.S.....Year.....FIRNo.....Date...
.....
6. Acts and sections.....
.....
7. Name of Property seized.....
.....
8. Details of the property seized with description –

S. No.	Name of the property	Quantity	Description of the property	Remarks

Signature of the Magistrate with seal

FORM II
CORRECTNESS CERTIFICATE BY PHOTOGRAPHER

I, _____ (Name), Son/daughter/spouse of
_____ residing/employed at _____
do hereby solemnly affirm and sincerely state and submit as follows:—

I have produced electronic record/output of the digital record taken from the
following device/digital record source (tick mark):—

Computer / Storage Media DVR Mobile Flash Drive CD/DVD Server Cloud
Other

Other: _____

Make & Model: _____ Color: _____

Serial Number: _____

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

and any other relevant information, if any, about the device/digital
record____(specify).

The digital device or the digital record source was under the lawful control for
regularly creating, storing or processing information for the purposes of
carrying out regular activities and during this period, the computer or the
communication device was working properly and the relevant information was
regularly fed into the computer during the ordinary course of business. If the
computer/digital device at any point of time was not working properly or out of
operation, then it has not affected the electronic/digital record or its accuracy.
The digital device or the source of the digital record is:—

Owned Maintained Managed Operated by me (select as applicable).

I state that the HASH value/s of the electronic/digital record/s is _____, obtained through the following algorithm:—

- SHA1
- SHA256
- MD5
- Other_____ (Legally acceptable standard)

(Hash report to be enclosed with the certificate)

Date (DD/MM/YYYY): _____

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

(Name and signature)

THE SCHEDULE

[See section 63(4)(c)]

CERTIFICATE

PART A

(To be filled by the Party)

I, _____ (Name), Son/daughter/spouse of _____
residing/employed at _____ do hereby solemnly affirm and
sincerely state and submit as follows:—

I have produced electronic record/output of the digital record taken from the following
device/digital record source (tick mark):—

Computer / Storage Media ☐ DVR ☐ Mobile ☐ Flash Drive ☐

CD/DVD ☐ Server ☐ Cloud ☐ Other ☐

Other: _____

Make & Model: _____ Color: _____

Serial Number: _____

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

and any other relevant information, if any, about the device/digital record _____ (specify).

The digital device or the digital record source was under the lawful control for regularly
creating, storing or processing information for the purposes of carrying out regular
activities and during this period, the computer or the communication device was working
properly and the relevant information was regularly fed into the computer during the
ordinary course of business. If the computer/digital device at any point of time was not
working properly or out of operation, then it has not affected the electronic/digital
record or its accuracy. The digital device or the source of the digital record is:—

Owned ☐ Maintained ☐ Managed ☐ Operated ☐

by me (select as applicable).

I state that the HASH value/s of the electronic/digital record/s is _____,
obtained through the following algorithm:—

☐ SHA1:

☐ SHA256:

☐ MD5:

☐ Other _____ (Legally acceptable standard)

(Hash report to be enclosed with the certificate)

(Name and signature)

Date (DD/MM/YYYY): _____

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

Place: _____

**(PROFORMA OF INFORMATION OF ARRESTED PERSONS
MAINTAINED BY DESIGNATED POLICE OFFICER)
(U/SEC. 37 OF BNSS)**

Photograph

- Name _____ S/o/. _____
- Age _____, Occ: _____ r/o. _____

- N/o. _____ Phone No. _____
- Blood Group. _____ Caste _____ Community _____
_____ Aadhar No. _____
- Passport No. _____ Driving Licence No. _____
_____ PAN: _____
- Physical Description of the accused :
 - Height _____, Weight : _____ ; Complexion : _____ ;
 - Built : _____ ; Special identification Marks: _____
 - Identification marks of the accused : _____
 - Date & time of arrest : ____/____/____ ; _____ AM/PM
 - Place of arrest : _____
 - Name & details including email id, contact number of the person to whom arrest intimation is given : _____

- Finger print impressions of arrested person (Enclose Sheet on which FP obtained : _____)
- Crime number : _____ PS : _____
- Section of Law _____

- Name of the officer effected arrest : _____
- Name of the Investigating officer: _____
- M.O of arrested person (offence) : _____

- Previous Criminal antecedents with case numbers if any.

- Nature of offence in which arrest is effected (snatching/ assault/theft/ etc)
: _____

Signature of Designated Police Officer

_____ District

PROFORMA REGISTER OF WITNESSES

		Sl No.
		Crime No.
		CC/ SC No.
		Name of the Court issued Summons
		Name & Number of witness
		Address
		Email id & mobile no.
		Capacity of witness (Public servant or not)
		Date of issuance of summons
		Date of service of summons
		Date of appearance before court
		Mode of Service (Electronic / physical)
		To whom summons served / relation with witness

PROFORMA REGISTER OF ACCUSED

		Sl No.	
		Crime No.	
		CC/ SC No.	
		Name of the Court issued Summons	
		Name & Number of ACCUSED	
		Address	
		Email id & mobile no.	
		Date of issuance of summons	
		Date of service of summons	
		Date of appearance before court	
		Mode of Service (Electronic / physical)	

**PROFORMA OF INFORMATION OF ARREST TO THE DESIGNATED
POLICE OFFICER AT DISTRICT LEVEL
(U/sec. 37 (b) of BNSS)**

Dt. _____

To,
The Designated Police officer,
_____ District,

Photograph
of the
Arrested
person

Whereas during my investigation, a prima facie case is established against name _____ age _____ Occ _____ R/O _____ for offences under section _____ of BNSS.

Kindly take into record the following particulars of arrested person U/s 37(b) of BNSS 2023.

- Name _____ S/o/. _____
- Age _____, Occ : _____ r/o. _____
N/o. _____
- Caste _____ Community _____
- Aadhar No. _____ Phone No _____
- Blood Group _____ Passport No. _____
Driving Licence No. _____ PAN: _____
- Physical Description of the accused :
 - Height _____, Weight : _____; Complexion : _____;
 - Built : _____; Special identification Marks: _____
- Identification marks of the accused : _____
- Date & time of arrest : ____/____/____; _____ AM/PM
- Place of arrest : _____
- Name & details including email id, contact number of the person to whom arrest intimation is given : _____

- Finger print impressions of arrested person (Enclose Sheet on which FP obtained :
 - Crime number : _____ PS : _____
 - Section of Law _____
 - Name of the officer effected arrest : _____
 - Name of the Investigating officer: _____
 - M.O of arrested person (offence) : _____

- ---

Previous Criminal antecedents with case numbers if any.

Nature of offence in which arrest is effected (snatching/ assault/theft/ etc)
:

Signature of IO/SHO

INTIMATION TO THE DESIGNATED POLICE OFFICER
REGARDING INTIMATION OF ARREST ON WARRANT OF ARREST
(U/sec. 82 (1) of BNSS)

Dt. _____

To,

1. The Designated Police officer,

_____ District,

(Place of Arrest)

2. The Designated Police officer,

_____ District,

(Residence of Arrestee)

Whereas the Hon'ble _____ Court, At
_____ issued warrant against Accused name _____
age _____ Occ _____ R/O _____ for
offences under section _____ of BNSS in CC/SC
No. _____. Warrant was issued on _____.

Kindly take into record the following particulars of arrested person
U/s 82(2) of BNSS 2023.

- Name _____ S/o/. _____
- Age _____, Occ _____ : _____ r/o.

- N/o. _____
- Caste _____ Community _____
- Aadhar No. _____
- Passport No. _____ Driving Licence No.
_____ PAN: _____
- Physical Description of the accused :

- Height _____, Weight : _____ ; Complexion : _____;
- Built : _____; Special identification Marks: _____
- Identification marks of the accused: _____
- Date & time of arrest : ____/____/____; _____ AM/PM
- Place of arrest : _____
- Name & details including email id, contact number of the person to
whom arrest intimation is given :

- Name of the officer effected arrest : _____

Signature of IO/SHO

PROFORMA
OF SEC 94 BNSS - SUMMONS TO PRODUCE THING
(See Section 94 BNSS)

To _____ (name of the person)
_____ (address), whereas, during
Investigation/Inquiry/Trial. It has been established that, you are in possession of
_____ which contains _____ (Digital
Evidence) _____ other thing necessary for purpose of
Investigation/Inquiry/Trial/ any other proceeding.

You are hereby required to appear in person and produce
_____ (Digital Evidence) _____ other
thing necessary for purpose of Investigation/Inquiry/Trial/ any other proceeding
at _____ (time) (place) on _____.

Signature

**PROFORMA FOR WARRANT OF COMMITMENT OF WITNESS NOT
PRODUCING DOCUMENT OR THING
(Section 388 BNSS)**

To _____ (name and designation of officer of Court) whereas _____ (name and description), being summoned (or brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (or certain questions) put to him touching the said alleged offence, and duly recorded, or having been called upon to produce any document has refused to produce such document, without alleging any just excuse for such refusal, and for his refusal has been ordered to be detained in custody for(term of detention adjudged);

This is to authorise and require you to take the said (name) into custody, and him safely to keep in your custody for the period of days, unless in the meantime he shall consent to be examined and to answer the questions asked of him, or to produce the document called for from him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law, returning this warrant with an endorsement certifying the manner of its execution.

Dated, this day of, 20

(Seal of the Court)

(Signature)

PROFORMA OF SEC 94 BNSS - SUMMONS TO PRODUCE
(ELECTRONIC)THING
(SECTION 94 (1) BNSS)

To _____ (name of the person)
_____ (address), whereas, during
Investigation/Inquiry/Trial. It has been established that, you are in possession of
_____ which contains _____ (Digital
Evidence) _____ Electronic Device necessary for purpose
of Investigation/Inquiry/Trial/ any other proceeding.

You are hereby required to appear in person and produce
_____ (Digital Evidence) _____
Electronic Device necessary for purpose of Investigation/Inquiry/Trial/ any
other proceeding at _____ (time) (place) on
_____.

Signature

- If any witness or person called to produce a document, thing or electronic device fails or refuses to produce document or thing in his possession. The presiding magistrate or judge may commit him to custody of an officer of the Court not exceeding 7 days.
- And the Proforma for such is as below.

**PROFORMA FOR WARRANT OF COMMITMENT OF WITNESS NOT
PRODUCING DOCUMENT, THING OR ELECTRONIC DEVICE**
(See Section 388 BNSS)

To _____ (name and designation of officer of Court) whereas _____ (name and description), being summoned (or brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (or certain questions) put to him touching the said alleged offence, and duly recorded, or having been called upon to produce any document, thing or electronic device, has refused to produce such document, thing or electronic device without alleging any just excuse for such refusal, and for his refusal has been ordered to be detained in custody for(term of detention adjudged);

This is to authorise and require you to take the said (name) into custody, and him safely to keep in your custody for the period of days, unless in the meantime he shall consent to be examined and to answer the questions asked of him, or to produce the document called for from him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law, returning this warrant with an endorsement certifying the manner of its execution.

Dated, this day of, 20

(Seal of the Court)

(Signature)

PROFORMA ON PROCLAIMED OFFENDER

S.34 of BNSS

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.....

(Seal of the Court)

(Signature)

**PROFORMA AND REQUISITION FOR ARREST, FROM DSP
FOR OFFENCES BELOW 3 YEARS REQUISITION BY IO TO THE
DEPUTY SUPERINTENDENT OF POLICE U/S 35 (7) BNSS**

To the Deputy Superintendent of Police,
Hyderabad

Whereas during my investigation, a primacy case is established against name _____ age _____ Occ _____ R/O _____ for offences under section _____ of BNSS, which is punishable for imprisonment of less than 3 years.

That the detention of the above mentioned person is required for further investigation into the case, that the person mentioned above is infirm _____ (description of infirmity) / (above sixty years of age) and permission is sought from your good self as per provisions under section 35 (7) of B N S S

Permission may kindly be granted to arrest name _____ age _____ Occ _____ R/O _____ for further investigation of the case.

Signature / seal of
IO/SHO

PROFORMA BY DEPUTY SUPERINTENDENT OF POLICE TOIO U/S
35 (7) BNSS

PROFORMA

To,
The SHO/IO
Hyderabad.

Sub:- Grant of permission to Arrest _____ for
the offence u/s _____ in Cr. No _____ of
_____ PS – Reg.

Ref:- Letter Dated

In response to the reference cited above, on verification of the
details available permission is hereby accorded in compliance with
section 35 (7) of BNSS to arrest _____ (Name of the
Accused)

Communication of details of Arrest or further action should be sent
to this office.

Deputy Superintendent of Police,

Signature/Seal

PROFORMA FOR ARREST FOR FAILING TO IDENTIFY HIMSELF
U/S 35 (6) BNSS&SECTION 35 (7) BNSS

Whereas notice was issued directing you _____ (name)
_____ age _____ Occ _____ R/O
_____ to appear before the _____ (IO Name)
at _____ (place).

That you failed to comply with the terms of notice/were unwilling
to identify yourself. The Orders of the Court were obtained to arrest you
_____ (name) _____ for the offences u/s
_____ of _____.

Arrest Report U/S 35 (6) of BNSS

- 1) Name of Accused :
- 2) Place of Arrest :
- 3) Date of Arrest :
- 4) Time of Arrest :
- 5) Court Order :
- 6) Identity of Officer making Arrest :
- 7) Grounds of Arrest :
- 8) Name of Witness present at the
Time of Arrest :
- 9) Name of Relations Present :
- 10) Medical Examination of Accused :
- 11) Signature of Witness :
- 12) Signature of Accused :

THE SECOND SCHEDULE
(SEE SECTION 522)
FORM NO.1
NOTICE FOR APPEARANCE BY THE POLICE

[See section 35(3)]

Serial No.....

Police

Station.....

To,

[Name of the Accused/Noticee]

[Last known Address]

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

In pursuance of sub-section (3) of section 35 of the BharatiyaNagarik
Suraksha Sanhita, 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 question you to ascertain facts and circumstances from
you, in relation to the present investigation. Hence you are directed to appear
before me at AM/ PM on..... at

Police Station.

Name and Designation of the Officer In charge

(Seal)

PROFORMA ON REASONS FOR ARREST WITHOUT WARRANT
SECTION 35 BNSS

You _____ son of _____ age _____
resident of _____ occupation _____ are accused of an
offence in crime number _____ under section _____ of
PS _____

You are here by arrested for the reasons mentioned below:-

- 1) You have committed a cognizable offence under section – in my presence
- 2) A complaint/credible information information/reasonable suspicion that you have committed a cognizable offence less than seven years.
 - a) And I have reason to believe that you have committed this offence.
 - b) I am satisfied that such arrest is necessary.
 - (i) To prevent you from committing any further offence.
 - (ii) For proper investigation of the offence.
 - (iii) To prevent you from causing disappearance and tampering with evidence.
 - (iv) To prevent you from making any inducement, threat, so as to obstruct him from disclosing facts.
 - (v) Your presence cannot be secured in court, unless you are arrested.

- 3) Information has been received that you have committed a cognizable offence, punishable for an imprisonment for a term extending more than seven years or death sentence.
- 4) I have reason to believe that, you have committed this offence as mentioned above, based on the information received by me.
- 5) You have been declared as a proclaimed offender.
- 6) You have been found in possession of stolen property, and that, there is a reasonable belief that, you have committed an offence.
- 7) You have obstructed me while executing my duty/you have escaped from lawful custody.
- 8) You are suspected of being a deserter from armed forces of the union.
- 9) There is a reasonable belief that, you have committed an offence at a place outside of India.
- 10) You being a released convict, has committed breach of rule made under subsection (5) of section 394 of BNSS.
- 11) Requisition has been received from another police officer that you are to be arrested without warrant.

Signature/seal

PROFORMA OF REASONS NOT MAKING ARREST SECTION 35 OF
BNSS

Reasons for not making Arrest:-

In exercise of the powers under sub-section (3) of section 35 of BNSS, the arrest of the accused is not made in crime number _____ under section _____ of _____ police station as mentioned below.

- The accused is involved in a crime where the imprisonment is less than seven years.
- That there is a reasonable ground for the accused for not committing an offence in future.
- The accused as assured that he will appear before the IO and co-operate with the investigation.
- There is no threat to the victim or witness.
- The IO has confidence that, there will be no destruction/tampering with evidence by accused.
- The accused has no criminal history.
- The case is in quasi civil in nature.
- The role of accused is not clearly established.
- Evidence is not sufficient to arrest the accused.
- He resides within the territorial jurisdiction of the police station.

**ARREST INTIMATION TO FAMILY MEMBER/FRIEND/PERSON
NOMINATED BY ARRESTEE UNDER SECTION 36(b) of BNSS 2023**

This is to inform that your _____ (Specify the relationship) _____ S/o _____, age: _____ years, Occ: _____, R/o _____, who was arrested on ____/____/____ at _____ hours in Crime No. ____/____ U/Sec. _____ of P.S. _____, and to be produced before the Honorable _____ for Judicial remand.

Acknowledge the receipt of the intimation

Investigation officer/Arresting officer/SHO

To

_____ S/o. _____

Aged about ____ years, Occ: _____,

R/o _____,

Contact No. _____

Relationship with arrestee _____

(Person Nominated by Accused/Friend)

Signature of relative with date & time

Counter Signature of arrested person

with date & time

GOVERNMENT OF TELANGANA

(Police Department)

ARREST INTIMATION U/Sec.47 (1) of BNSS TO PERSON ARRESTED

You indulged in _____ offence. Accordingly, a case in crime No. _____/_____ U/sec _____ P.S. _____, on report given by _____ (Name of the informant) and took up investigation.

In the above case on _____ at _____ hours you are here by arrested and being produced before the Hon'ble _____ Court for judicial remand.

Acknowledge the receipt of the intimation.

Investigation officer/Arresting officer/SHO

To,

_____ S/o. _____

Aged about ____ years, Occ: _____,

R/o _____,

Contact No. _____

(Details of arrested person)

Signature of arrested person with date & time

Encl : Copy of FIR.

GOVERNMENT OF TELANGANA

(Police Department)

Office of the

Dated: ____ - ____ - ____

Inspector of Police,

P.S. _____ Hyd.

ARREST INTIMATION IN BAILABLE OFFENCE TO PERSON

ARRESTED

(Sec.47 (2) of BNSS)

You indulged in _____ offence. Accordingly, a case in crime No. ____ / ____ U/sec _____ P.S. _____, on report given by _____ (Name of the informant) and took up investigation.

In the above case on _____ at _____ hours you are here by arrested.

This is further to inform you that the above offence is Bailable and you are entitled to be released on bail. You will be released on bail on furnishing sureties of bond of Rs. _____ with _____ sureties to the satisfaction of SHO.

Acknowledge the receipt of the intimation.

Investigation officer/Arresting officer/SHO

To,

____ S/o. _____

Aged about ____ years, Occ: _____,

R/o _____,

Contact No. _____

(Details of arrested person) Signature of arrested person with date & time

Encl : Copy of FIR.

PROFORMA U/S 58 BNSS FOR PRODUCING AN ACCUSED BEFORE
JURISDICTIONAL MAGISTRATE
PRODUCTION ON TRANSIT WARRANT

In the court of the
Hon'ble _____

At: _____

Cr.No./C.C.No./S.C.No. : _____

Between:

The S.H.O of P.S
Complainant.

AND

Accused.

I S.H.O of P.S. _____ here with producing the accused on
Transit warrant from the Hon'ble _____ in a
Cr.No./C.C.No./S.C.No. _____ U/s _____ To a
Jurisdictional court i.e. Hon'ble

Which has jurisdiction to remand him/her for judicial custody in conforming
with provision U/s 58 of BNSS.

And the accused is produced within 24 hrs of his/her arrest.

Date:

Signature

S.H.O of P.S _____

**SEC.63 FORM OF SUMMONS: - PROFORMA FOR
ACKNOWLEDGEMENT OF ELECTRONIC FORM OF SUMMONS**

PROFORMA

IN THE COURT OF
AT

CC. No SC. No

Between:
SHO, PS _____

AND

ACCUSED

Acknowledgment of summon to accused

I _____ S.H.O. of PS _____ received the summons of the accused for the offence U/s _____ on _____ from the court with a seal /Digital Signature and served on him/her in an encrypted mode / Electronic Communication mode on _____ and the same was served through _____ and received the copy of the acknowledgment of the same is U/s 70 (3) of BNSS and duly attested by me and filing before the court with a copy of the Online acknowledgment.

Date:

Signature

Station House Officer

**SEC.64 (2)-FORM OF SUMMONS:- PROFORMA FOR
ACKNOWLEDGEMENT OF ELECTRONIC FORM OF SUMMONS**

**PROFORMA
IN THE COURT OF AT
CC. No SC. No**

Between:

SHO, PS _____

AND

ACCUSED

ACKNOWLEDGMENT OF SUMMON OF WITNESS

I _____ S.H.O. of PS _____ received the summons of the witness for the offence U/s _____ on _____ from the court with a seal /Digital Signature and served on him/her in an encrypted mode / Electronic Communication mode on _____ and the same was served through _____ and received the copy of the acknowledgment of the same is U/s 70 (3) of BNSS and duly attested by me and filing before the court with a copy of the Online acknowledgment.

Date:

Signature
Station House Officer

BHARATIYA NAGARIK SURAKSHA SANHITA,2023
NEW ADDED IN BNSS(CR.PC)

NEWLY ADDED AREAS:

TOTAL: 75

SECTIONS	CONTENT
<u>DEFINITIONS</u>	
<u>2(1)(a)</u>	(a) "audio-video electronic means"
<u>2(1)(b)</u>	(b) "bail"
<u>2(1)(d)</u>	(c) "bail bond"
<u>2(1)(e)</u>	(d) "bond"
<u>2(1)(i)</u>	(i) "electronic communication"
<u>2(1)(l)</u>	<i>"Investigation"</i> <i>Explanation.—</i> Where any of the provisions of a special Act are inconsistent with the provisions of this Sanhita, the provisions of the special Act shall prevail;
<u>18</u>	Provided that for National Capital Territory of Delhi, the Central Government shall, after consultation with the High Court of Delhi, appoint the Public Prosecutor or Additional Public Prosecutors for the purposes of this sub-section.
<u>20(1)(b)</u> Directorate of Prosecution	<u>District Directorate:</u> b) a District Directorate of Prosecution in every district consisting of as many Deputy Directors and Assistant Directors of Prosecution, as it thinks fit.
<u>20(2)(b)</u> <u>ELIGIBILITY</u>	(2) <u>A person shall be eligible to be appointed:</u> (b) as an Assistant Director of Prosecution, if he has been in practice as an advocate for not less than seven years or has been a Magistrate of the first class.
<u>20(7)(8)(9)</u>	(7) The powers and functions of the Director of Prosecution shall be to monitor cases in which offences

<u>Powers & Functions</u> <u>23</u>	are punishable for ten years or more, or with life imprisonment, or with death; to expedite the proceedings and to give opinion on filing of appeals. (8) The powers and functions of the Deputy Director of Prosecution shall be to examine and scrutinise police report and monitor the cases in which offences are punishable for seven years or more, but less than ten years, for ensuring their expeditious disposal. (9) The functions of the Assistant Director of Prosecution shall be to monitor cases in which offences are punishable for less than seven years. <i>Explanation.</i>—"Community service" shall mean the work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration.
<u>35(7)</u>	<u>When Police may arrest without warrant</u> (7) No arrest shall be made without prior permission of an officer not below the rank of Deputy Superintendent of Police in case of an offence which is punishable for imprisonment of less than three years and such person is infirm or is above sixty years of age.
<u>43(3)</u> <u>HANDCUFF</u>	<u>Arrest how made</u> (3) The police officer may, keeping in view the nature and gravity of the offence, use handcuff while making the arrest of a person or while producing such person before the court who is a habitual or repeat offender, or who escaped from custody, or who has committed offence of organised crime, terrorist act, drug related crime, or illegal possession of arms and ammunition, murder, rape, acid attack, counterfeiting of coins and currency-notes, human trafficking, sexual offence against children, or offence against the State.
<u>51(3)</u>	<u>Examination of accused by medical practitioner at request of police officer</u> (3) The registered medical practitioner shall, without any delay, forward the examination report to the

	investigating officer.
<u>53</u>	Provided that if the medical officer or the registered medical practitioner is of the opinion that one more examination of such person is necessary, he may do so:
<u>64(1)</u>	Provided that the police station or the registrar in the Court shall maintain a register to enter the address, email address, phone number and such other details as the State Government may, by rules, provide.
<u>64(2)</u>	Provided that summons bearing the image of Court's seal may also be served by electronic communication in such form and in such manner, as the State Government may, by rules, provide.
<u>65(2)</u>	<u>Service of summons on corporate bodies, firms and societies</u> (2) Service of a summons on a firm or other association of individuals may be effected by serving it on any partner of such firm or association, or by letter sent by registered post addressed to such partner, in which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.
<u>70(3)</u>	<u>Proof of service in such cases and when serving officer not present</u> (3) All summons served through electronic communication under sections 64 to 71 (both inclusive) shall be considered as duly served and a copy of such summons shall be attested and kept as a proof of service of summons.
<u>82(2)</u>	<u>Procedure on arrest of person against whom warrant issued</u> (2) On the arrest of any person referred to in sub-section (1), the police officer shall forthwith give the

	information regarding such arrest and the place where the arrested person is being held to the designated police officer in the district and to such officer of another district where the arrested person normally resides.
<u>107(4)</u>	<u>Attachment, Forfeiture or Restoration of Property</u> Provided that if such person does not appear before the Court or the Magistrate or represent his case before the Court or Magistrate within a period of fourteen days specified in the show-cause notice, the Court or the Magistrate may proceed to pass the ex parte order.
<u>157(3)</u>	Provided that the proceedings under this section shall be completed, as soon as possible, within a period of ninety days, which may be extended for the reasons to be recorded in writing, to one hundred and twenty days
<u>173(1)(ii)</u>	<u>Information in cognizable cases</u> (ii) by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may by rules prescribe in this behalf:
<u>173(3)</u>	<u>Information in cognizable cases</u> (3) Without prejudice to the provisions contained in section 175, on receipt of information relating to the commission of any cognizable offence, which is made punishable for three years or more but less than seven years, the officer in charge of the police station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence,—
<u>174((1)(ii)</u>	<u>Information as to non-cognizable cases and</u>

	<u>investigation of such cases:</u> (ii) forward the daily diary report of all such cases fortnightly to the Magistrate.
<u>175(1)</u>	<u>Police officer's power to investigate cognizable case:</u> Provided that considering the nature and gravity of the offence, the Superintendent of Police may require the Deputy Superintendent of Police to investigate the case.
<u>175(4)</u>	(4) Any Magistrate empowered under section 210, may, upon receiving a complaint against a public servant arising in course of the discharge of his official duties, order investigation, subject to— (a) receiving a report containing facts and circumstances of the incident from the officer superior to him; and (b) after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged.
<u>176(1)(b)</u>	<u>Procedure for investigation:</u> Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality and such statement may also be recorded through any audio-video electronic means including mobile phone.
<u>176(3)</u>	(3) On receipt of every information relating to the commission of an offence which is made punishable for seven years or more, the officer in charge of a police station shall, from such date, as may be notified within a period of five years by the State Government in this regard, cause the forensic expert to visit the crime scene to collect forensic evidence in the offence and also cause videography of the process on mobile phone or any other electronic device:

	Provided that where forensic facility is not available in respect of any such offence, the State Government shall, until the facility in respect of that matter is developed or made in the State, notify the utilisation of such facility of any other State.
<u>179</u>	Provided further that if such person is willing to attend at the police station, such person may be permitted so to do.
<u>183(6)</u>	Provided that such statement shall, as far as practicable, be recorded by a woman Magistrate and in her absence by a male Magistrate in the presence of a woman: Provided further that in cases relating to the offences punishable with imprisonment for ten years or more or with imprisonment for life or with death, the Magistrate shall record the statement of the witness brought before him by the police officer:
<u>185(2)</u>	Provided that the search conducted under this section shall be recorded through audio-video electronic means preferably by mobile phone.
<u>187(5)</u>	Provided further that no person shall be detained otherwise than in police station under police custody or in prison under judicial custody or a place declared as prison by the Central Government or the State Government.
<u>190</u>	Provided that if the accused is not in custody, the police officer shall take security from such person for his appearance before the Magistrate and the Magistrate to whom such report is forwarded shall not refuse to accept the same on the ground that the accused is not taken in custody.
<u>193(3)(ii)</u>	<u>Report of police officer on completion of investigation:</u> (ii) the police officer shall, within a period of ninety days, inform the progress of the investigation by any

	means including through electronic communication to the informant or the victim;
<u>193(8)</u>	<u>Report of police officer on completion of investigation:</u> (8) Subject to the provisions contained in sub-section (7), the police officer investigating the case shall also submit such number of copies of the police report along with other documents duly indexed to the Magistrate for supply to the accused as required under section 230:
<u>193(9)</u>	Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court.
<u>195(1)</u>	Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place where such person resides: Provided further that if such person is willing to attend and answer at the police station, such person may be permitted so to do.
<u>218(1)(b)</u>	Provided further that such Government shall take a decision within a period of one hundred and twenty days from the date of the receipt of the request for sanction and in case it fails to do so, the sanction shall be deemed to have been accorded by such Government:
<u>223(1)</u>	Provided that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard:
<u>223(2)</u>	(2) A Magistrate shall not take cognizance on a complaint against a public servant for any offence alleged to have been committed in course of the discharge of his official functions or duties unless—

	(a) such public servant is given an opportunity to make assertions as to the situation that led to the incident so alleged; and (b) a report containing facts and circumstances of the incident from the officer superior to such public servant is received.
<u>227(1)(b)</u>	Provided that summons or warrants may also be issued through electronic means.
<u>230(v)</u>	Provided that summons or warrants may also be issued through electronic means.
<u>231(iii)</u>	Provided further that supply of documents in electronic form shall be considered as duly furnished.
<u>232(d)</u>	Provided that the proceedings under this section shall be completed within a period of ninety days from the date of taking cognizance, and such period may be extended by the Magistrate for a period not exceeding one hundred and eighty days for the reasons to be recorded in writing: Provided further that any application filed before the Magistrate by the accused or the victim or any person authorised by such person in a case triable by Court of Session, shall be forwarded to the Court of Session with the committal of the case.
<u>250(1)</u>	<u>Discharge:</u> (1) The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under section 232.
<u>252(1)</u>	Provided that evidence of a witness under this sub-section may be recorded by audio-video electronic means.
<u>254(2)</u>	<u>Evidence for Prosecution:</u> (2) The deposition of evidence of any public servant may

	be taken through audio-video electronic means.
<u>262(1)</u>	<u>When accused shall be discharged:</u> (1) The accused may prefer an application for discharge within a period of sixty days from the date of supply of copies of documents under section 230.
<u>265(2)</u>	(2) The Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing.
<u>269(7)</u>	<u>Procedure where accused is not discharged:</u> (7) Where, despite giving opportunity to the prosecution and after taking all reasonable measures under this Sanhita, if the attendance of the prosecution witnesses under sub-sections (5) and (6) cannot be secured for cross-examination, it shall be deemed that such witness has not been examined for not being available, and the Magistrate may close the prosecution evidence for reasons to be recorded in writing and proceed with the case on the basis of the materials on record.
<u>274</u>	Provided that if the Magistrate considers the accusation as groundless, he shall, after recording reasons in writing, release the accused and such release shall have the effect of discharge.
<u>283(2)</u>	(2) The Magistrate may, after giving the accused a reasonable opportunity of being heard, for reasons to be recorded in writing, try in a summary way all or any of the offences not punishable with death or imprisonment for life or imprisonment for a term exceeding three years: Provided that no appeal shall lie against the decision of

	a Magistrate to try a case in a summary way under this sub-section.
<u>316(4)</u>	Provided that where the accused is in custody and is examined through electronic communication, his signature shall be taken within seventy-two hours of such examination.
<u>330(1)</u>	Provided that the Court may, in its discretion, relax the time limit with reasons to be recorded in writing: Provided further that no expert shall be called to appear before the Court unless the report of such expert is disputed by any of the parties to the trial.
<u>336(iii)</u>	<u>Evidence of public servants, experts, police officers in certain cases:</u> Provided that no public servant, scientific expert or medical officer shall be called to appear before the Court unless the report of such public servant, scientific expert or medical officer is disputed by any of the parties of the trial or other proceedings: Provided further that the deposition of such successor public servant, expert or officer may be allowed through audio-video electronic means.
<u>346(2)</u>	Proviso-(b) where the circumstances are beyond the control of a party, not more than two adjournments may be granted by the Court after hearing the objections of the other party and for the reasons to be recorded in writing;
<u>349</u>	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.
<u>355(2)</u>	<i>Explanation.</i> —For the purpose of this section, personal attendance of the accused includes attendance through

	audio-video electronic means.
<u>356(1)</u>	<u>Inquiry, trial or judgment in absentia of Proclaimed Offender:</u> Provided that the Court shall not commence the trial unless a period of ninety days has lapsed from the date of framing of the charge.
<u>356(4)</u>	Provided that if the proclaimed offender is arrested and produced or appears before the Court during such trial, the Court may, in the interest of justice, allow him to examine any evidence which may have been taken in his absence.
<u>356(7)</u>	Provided that no appeal against conviction shall lie after the expiry of three years from the date of the judgment.
<u>360(iv)</u>	Provided further that no Court shall allow such withdrawal without giving an opportunity of being heard to the victim in the case.
<u>392(4)</u>	Provided that the Court shall, as far as practicable, upload the copy of the judgment on its portal within a period of seven days from the date of judgment.
<u>404(5)</u>	Provided further that the Court may, on an application made in this behalf by the Prosecuting Officer, provide to the Government, free of cost, a certified copy of such judgment, order, deposition or record.
<u>474(c)</u>	<u>Power to commute sentence:</u> (c) a sentence of imprisonment for seven years or more, for imprisonment for a term not less than three years;
<u>474(d)</u>	<u>Power to commute sentence:</u> (d) a sentence of imprisonment for less than seven years,

	for fine;
<u>479(1)</u>	Provided that where such person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law:
<u>479(2)</u>	<u>Maximum period for which undertrial prisoner can be detained:</u> (2) Notwithstanding anything in sub-section (1), and subject to the third proviso thereof, where an investigation, inquiry or trial in more than one offence or in multiple cases are pending against a person, he shall not be released on bail by the Court.
<u>479(3)</u>	<u>Maximum period for which undertrial prisoner can be detained:</u> (3) The Superintendent of jail, where the accused person is detained, on completion of one-half or one-third of the period mentioned in sub-section (1), as the case may be, shall forthwith make an application in writing to the Court to proceed under sub-section (1) for the release of such person on bail.
<u>497(2)</u>	<u>Order for custody and disposal of property pending trial in certain cases:</u> (2) The Court or the Magistrate shall, within a period of fourteen days from the production of the property referred to in sub-section (1) before it, prepare a statement of such property containing its description in such form and manner as the State Government may, by rules, provide
<u>497(3)</u>	<u>Order for custody and disposal of property pending trial in certain cases:</u> (3) The Court or the Magistrate shall cause to be taken the photograph and if necessary, videograph on mobile

	phone or any electronic media, of the property referred to in sub-section (1).
<u>497(4)</u>	<u>Order for custody and disposal of property pending trial in certain cases:</u> (4) The statement prepared under sub-section (2) and the photograph or the videography taken under sub-section (3) shall be used as evidence in any inquiry, trial or other proceeding under the Sanhita.
<u>497(5)</u>	<u>Order for custody and disposal of property pending trial in certain cases:</u> (5) The Court or the Magistrate shall, within a period of thirty days after the statement has been prepared under sub-section (2) and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the property in the manner specified hereinafter.
<u>514</u>	<i>Explanation.</i>—For the purpose of computing the period of limitation, the relevant date shall be the date of filing complaint under section 223 or the date of recording of information under section 173.

TOTAL : 14

SECTION	
2(f)	(f) “India” means the territories to which this Code extends;
2(k)	(k) “metropolitan area” means the area declared, or deemed to be declared, under section 8, to be a metropolitan area;
2(q)	(q) “pleader”, when used with reference to any proceeding in any Court, means a person authorised by or under any law for the time being in force, to practise in such Court, and includes any other person appointed with the permission of the Court to act in such proceeding;
8	Metropolitan areas.
10	Subordination of Assistant Sessions Judges.
16	Courts of Metropolitan Magistrates.
17	Chief Metropolitan Magistrate and Additional Chief Metropolitan Magistrate.
18.	Special Metropolitan Magistrates.
19	Subordination of Metropolitan Magistrates.
27	Jurisdiction in the case of juveniles.
144.A	Power to prohibit carrying arms in procession or mass drill or mass training with arms.
153	Inspection of weights and measures.
355	Metropolitan Magistrate's judgment.
404	Statement by Metropolitan Magistrate of ground of his decision to be considered by High Court

**AUDIO-VIDEO ELECTRONIC MEANS INTRODUCED
IN 26 AREAS**

SECTION	CONTENT
S.2:Definitions.	(a) " 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;
	(i) " 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 or camera or any other electronic device or electronic form as may be specified by notification, by the Central Government;
S.54	Identification of person arrested. Provided that if the person identifying the person arrested is mentally or physically disabled, such process of identification shall take place under the supervision of a Magistrate who shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with and the identification process shall be recorded by any audio-video electronic means.
S.105	Recording of search and seizure through audio- video electronic means. The process of conducting search of a place or taking possession of any property, article or thing under this Chapter or under section 185, including preparation of

S.154	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 any audio-video electronic means preferably 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. Person to whom order is addressed to obey or show cause. (b) appear in accordance with such order and show cause against the same; and such appearance or hearing may be permitted through audio-video conferencing.
176	Procedure for investigation. Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality and such statement may also be recorded through any audio-video electronic means including mobile phone.
S.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:
S.183	Recording of confessions and statements. Provided that any confession or statement made under this sub-section may also be recorded by audio-video

	electronic means in the presence of the advocate of the person accused of an offence: (6) (a) In cases punishable under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023, the Magistrate shall record the statement of the person against whom such offence has been committed in the manner specified in sub-section (5), as soon as the commission of the offence is brought to the notice of the police: Provided also that if the person making the statement is temporarily or permanently, mentally or physically disabled, the statement made by the person, with the assistance of an interpreter or a special educator, shall be recorded through audio-video electronic means preferably by mobile phone;
S.185	Search by police officer. (2) A police officer proceeding under sub-section (1), shall, if practicable, conduct the search in person: Provided that the search conducted under this section shall be recorded through audio-video electronic means preferably by mobile phone.
S.187	Procedure when investigation cannot be completed in twenty-four hours. (4) No Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, but the Magistrate may extend further detention in judicial custody on production of the accused either in person or through the audio-video electronic means. (5) No Magistrate of the second class, not specially empowered in this behalf by the High Court, shall

	authorise detention in the custody of the police. <i>Explanation I.</i>—For the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period specified in sub-section (3), the accused shall be detained in custody so long as he does not furnish bail. <i>Explanation II.</i>—If any question arises whether an accused person was produced before the Magistrate as required under sub-section (4), the production of the accused person may be proved by his signature on the order authorising detention or by the order certified by the Magistrate as to production of the accused person through the audio-video electronic means, as the case may be:
S.251	Framing of charge. (2) Where the Judge frames any charge under clause (b) of sub-section (1), the charge shall be read and explained to the accused present either physically or through audio-video electronic means and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.
S.254	Evidence for prosecution. (1) On the date so fixed, the Judge shall proceed to take all such evidence as may be produced in support of the prosecution: Provided that evidence of a witness under this sub-section may be recorded by audio-video electronic means. (2) The deposition of evidence of any public servant may be taken through audio-video electronic means.
S.262	When accused shall be discharged. (2) If, upon considering the police report and the documents sent with it under section 193 and making such examination, if any, of the accused, either physically

	or through audio-video electronic means, as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing.
S.265	Evidence for prosecution. 265. (1) If the accused refuses to plead or does not plead, or claims to be tried or the Magistrate does not convict the accused under section 264, the Magistrate shall fix a date for the examination of witnesses: Provided further that the examination of a witness under this sub-section may be done by audio-video electronic means at the designated place to be notified by the State Government.
S.266	Evidence for defence. (2) If the accused, after he has entered upon his defence, applies to the Magistrate to issue any process for compelling the attendance of any witness for the purpose of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice and such ground shall be recorded by him in writing: Provided further that the examination of a witness under this sub-section may be done by audio-video electronic means at the designated place to be notified by the State Government.
S.308	Evidence to be taken in presence of accused. 308. Except as otherwise expressly provided, all evidence taken in the course of the trial or other proceeding shall be taken in the presence of the accused, or, when his

	personal attendance is dispensed with, in the presence of his advocate including through audio-video electronic means at the designated place to be notified by the State Government:
S.310	Record in warrant-cases. (1) In all warrant-cases tried before a Magistrate, the evidence of each witness shall, as his examination proceeds, be taken down in writing either by the Magistrate himself or by his dictation in open Court or, where he is unable to do so owing to a physical or other incapacity, under his direction and superintendence, by an officer of the Court appointed by him in this behalf: Provided that evidence of a witness under this sub-section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of the offence.
S.336	Evidence of public servants, experts, police officers in certain cases. Provided further that the deposition of such successor public servant, expert or officer may be allowed through audio-video electronic means.
S.355	Provision for inquiries and trial being held in absence of accused in certain cases. <i>Explanation.</i>—For the purpose of this section, personal attendance of the accused includes attendance through audio-video electronic means.
S.356	Inquiry, trial or judgment in absentia of proclaimed offender. (5) Where a trial is related to a person under this section, the deposition and examination of the witness, may, as far as practicable, be recorded by audio-video electronic means preferably mobile phone and such recording shall be kept in such manner as the Court may direct.

S.392	Judgment. (5) If the accused is in custody, he shall be brought up to hear the judgment pronounced either in person or through audio-video electronic means.
530	Trial and proceedings to be held in electronic mode. All trials, inquires and proceedings under this Sanhita, including— (i) issuance, service and execution of summons and warrant; (ii) examination of complainant and witnesses; (iii) recording of evidence in inquiries and trials; and (iv) all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.

TIMELINES FIXED
TOTAL:68 AREAS:TIMELINES FIXED

SECTION	CONTENT
S.19	Assistant Public Prosecutors. (3) Without prejudice to provisions contained in sub-sections (1) and (2), where no Assistant Public Prosecutor is available for the purposes of any particular case, the District Magistrate may appoint any other person to be the Assistant Public Prosecutor in charge of that case after giving notice of fourteen days to the State Government:
S.84	Proclamation for person absconding. 84. (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.
107	Attachment, forfeiture or restoration of property. (2) If the Court or the Magistrate has reasons to believe, whether before or after taking evidence, that all or any of such properties are proceeds of crime, the Court or the Magistrate may issue a notice upon such person calling upon him to show cause within a period of fourteen days as to why an order of attachment shall not be made. Provided that if such person does not appear before the Court or the Magistrate or represent his case before the Court or Magistrate within a period of fourteen days specified in the show-cause notice, the Court or the Magistrate may proceed to pass the ex parte order.
S.117	Seizure or attachment of property. (2) Any order made under sub-section (1) shall have no

	effect unless the said order is confirmed by an order of the said Court, within a period of thirty days of its being made.
S.119	Notice of forfeiture of property. 119. (1) If as a result of the inquiry, investigation or survey under section 116, the Court has reason to believe that all or any of such properties are proceeds of crime, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within a period of thirty days specified in the notice to indicate the source of income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars, and to show cause why all or any of such properties, as the case may be, should not be declared to be proceeds of crime and forfeited to the Central Government.
144	Order for maintenance of wives, children and parents. Provided also that an application for the monthly allowance for the interim maintenance and expenses of proceeding under the second proviso shall, as far as possible, be disposed of within sixty days from the date of the service of notice of the application to such person.
S.157	Procedure where person against whom order is made under section 152 appears to show cause. (3) If the Magistrate is not so satisfied, no further proceedings shall be taken in the case: Provided that the proceedings under this section shall be completed, as soon as possible, within a period of ninety days, which may be extended for the reasons to be recorded in writing, to one hundred and twenty days.
S.173	Information in cognizable cases. (ii) by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such

	form as the State Government may by rules prescribe in this behalf: (3) Without prejudice to the provisions contained in section 175, on receipt of information relating to the commission of any cognizable offence, which is made punishable for three years or more but less than seven years, the officer in charge of the police station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence,— (i) proceed to conduct preliminary enquiry to ascertain whether there exists a <i>prima facie</i> case for proceeding in the matter within a period of fourteen days; or
S.184	Medical examination of victim of rape. (6) The registered medical practitioner shall, within a period of seven days forward the report to the investigating officer who shall forward it to the Magistrate referred to in section 193 as part of the documents referred to in clause (a) of sub-section (6) of that section.
S.187	Procedure when investigation cannot be completed in twenty-four hours. (2) The Magistrate to whom an accused person is forwarded under this section may, irrespective of whether he has or has no jurisdiction to try the case, after taking into consideration whether such person has not been released on bail or his bail has been cancelled, authorise, from time to time, the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole, or in parts, at any time during the initial forty days or sixty days out of detention period of sixty days or ninety days, as the case may be, as provided in sub-section (3), and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction. (3) The Magistrate may authorise the detention of the

	accused person, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this sub-section for a total period exceeding— (i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of ten years or more; (ii) sixty days, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXV for the purposes of that Chapter. (6) Notwithstanding anything contained in sub-section (1) to sub-section (5), the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Magistrate have been conferred, a copy of the entry in the diary hereinafter specified relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate, may, for reasons to be recorded in writing, authorise the detention of the accused person in such custody as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorised, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub-section, shall be taken into account in computing the period specified in sub-section (3):
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S.193	Report of police officer on completion of investigation (ii) the police officer shall, within a period of ninety days, inform the progress of the investigation by any means including through electronic communication to the informant or the victim; (9) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (3) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form as the State Government may, by rules, provide; and the provisions of sub-sections (3) to (8) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (3): Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court.
S.218	Prosecution of Judges and public servants. Provided further that such Government shall take a decision within a period of one hundred and twenty days from the date of the receipt of the request for sanction and in case it fails to do so, the sanction shall be deemed to have been accorded by such Government:
S.230	Supply to accused of copy of police report and other documents In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay, and in no case beyond fourteen days from the date of production or appearance of the accused, furnish to the accused and the victim (if represented by an advocate) free of cost, a copy of each of the following:—

	(i) the police report; (ii) the first information report recorded under section 173; (iii) the statements recorded under sub-section (3) of section 180 of all persons whom the prosecution proposes to examine as its witnesses, excluding there from any part in regard to which a request for such exclusion has been made by the police officer under sub-section (7) of section 193; (iv) the confessions and statements, if any, recorded under section 183; (v) any other document or relevant extract thereof forwarded to the Magistrate with the police report under sub-section (6) of section 193:
S.232	Commitment of case to Court of Session when offence is triable exclusively by it. Provided that the proceedings under this section shall be completed within a period of ninety days from the date of taking cognizance, and such period may be extended by the Magistrate for a period not exceeding one hundred and eighty days for the reasons to be recorded in writing:
S.250	Discharge. 250. (1) The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under section 232.
S.251	Framing of charge. (1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which— (b) is exclusively triable by the Court, he shall frame in

	writing a charge against the accused within a period of sixty days from the date of first hearing on charge.
S.258	Judgment of acquittal or conviction. (1) After hearing arguments and points of law (if any), the Judge shall give a judgment in the case, as soon as possible, within a period of thirty days from the date of completion of arguments, which may be extended to a period of forty-five days for reasons to be recorded in writing.
S.262	When accused shall be discharged. (1) The accused may prefer an application for discharge within a period of sixty days from the date of supply of copies of documents under section 230.
S.263	Framing of charge. (1) If, upon such consideration, examination, if any, and hearing, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused within a period of sixty days from the date of first hearing on charge.
S.272	Absence of complainant. 272. When the proceedings have been instituted upon complaint, and on any day fixed for the hearing of the case, the complainant is absent, and the offence may be lawfully compounded or is not a cognizable offence, the Magistrate may after giving thirty days' time to the complainant to be present, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.
S.273	Compensation for accusation without reasonable cause. (3) The Magistrate may, by the order directing payment of

	the compensation under sub-section (2), further order that, in default of payment, the person ordered to pay such compensation shall undergo simple imprisonment for a period not exceeding thirty days.
S.279	Non-appearance or death of complainant. (1) If the summons has been issued on complaint, and on the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, after giving thirty days' time to the complainant to be present, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks it proper to adjourn the hearing of the case to some other day:
S.290	Application for plea bargaining. (1) A person accused of an offence may file an application for plea bargaining within a period of thirty days from the date of framing of charge in the Court in which such offence is pending for trial. (4) When the Public Prosecutor or the complainant of the case and the accused appear on the date fixed under sub-section (3), the Court shall examine the accused in camera, where the other party in the case shall not be present, to satisfy itself that the accused has filed the application voluntarily and where— (a) the Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time, not exceeding sixty days, to the Public Prosecutor or the complainant of the case and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;
S.330	No formal proof of certain documents. (1) Where any document is filed before any Court by the

	prosecution or the accused, the particulars of every such document shall be included in a list and the prosecution or the accused or the advocate for the prosecution or the accused, if any, shall be called upon to admit or deny the genuineness of each such document soon after supply of such documents and in no case later than thirty days after such supply:
S.346	Power to postpone or adjourn proceedings. (2) If the Court, after taking cognizance of an offence, or commencement of trial, finds it necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, it may, from time to time, for reasons to be recorded, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody: Provided that no Court shall remand an accused person to custody under this section for a term exceeding fifteen days at a time:
S.356	Inquiry, trial or judgment in absentia of proclaimed offender. (1) Notwithstanding anything contained in this Sanhita or in any other law for the time being in force, when a person declared as a proclaimed offender, whether or not charged jointly, has absconded to evade trial and there is no immediate prospect of arresting him, it shall be deemed to operate as a waiver of the right of such person to be present and tried in person, and the Court shall, after recording reasons in writing, in the interest of justice, proceed with the trial in the like manner and with like effect as if he was present, under this Sanhita and pronounce the judgment: Provided that the Court shall not commence the trial unless a period of ninety days has lapsed from the date of framing of the charge. (2) The Court shall ensure that the following procedure has been complied with before proceeding under sub-section (1), namely:— (i) issuance of two consecutive warrants of arrest within

	the interval of at least thirty days; (ii) publish in a national or local daily newspaper circulating in the place of his last known address of residence, requiring the proclaimed offender to appear before the Court for trial and informing him that in case he fails to appear within thirty days from the date of such publication, the trial shall commence in his absence;
S.388	Imprisonment or committal of person refusing to answer or produce document. If any witness or person called to produce a document or thing before a Criminal Court refuses to answer such questions as are put to him or to produce any document or thing in his possession or power which the Court requires him to produce, and does not, after a reasonable opportunity has been given to him so to do, offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the Presiding Magistrate or Judge commit him to the custody of an officer of the Court for any term not exceeding seven days, unless in the meantime, such person consents to be examined and to answer, or to produce the document or thing and in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 384 or section 385.
S.392	Judgment. (1) The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court by the presiding officer immediately after the termination of the trial or at some subsequent time not later than forty-five days of which notice shall be given to the parties or their advocates,— (a) by delivering the whole of the judgment; or (b) by reading out the whole of the judgment; or

	(c) by reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his advocate. (4) Where the judgment is pronounced in the manner specified in clause (c) of sub-section (1), the whole judgment or a copy thereof shall be immediately made available for the perusal of the parties or their advocates free of cost: Provided that the Court shall, as far as practicable, upload the copy of the judgment on its portal within a period of seven days from the date of judgment.
S.399	Compensation to persons groundlessly arrested. (3) All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.
S.400	Order to pay costs in non- cognizable cases. (1) Whenever any complaint of a non-cognizable offence is made to a Court, the Court, if it convicts the accused, may, in addition to the penalty imposed upon him, order him to pay to the complainant, in whole or in part, the cost incurred by him in the prosecution, and may further order that in default of payment, the accused shall suffer simple imprisonment for a period not exceeding thirty days and such costs may include any expenses incurred in respect of process-fees, witnesses and advocate's fees which the Court may consider reasonable.
S.419	Appeal in case of acquittal. (5) No application under sub-section (4) for the grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of six months, where the complainant is a public servant, and

	sixty days in every other case, computed from the date of that order of acquittal.
S.435	Abatement of appeals. (2) Every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant: Provided that where the appeal is against a conviction and sentence of death or of imprisonment, and the appellant dies during the pendency of the appeal, any of his near relatives may, within thirty days of the death of the appellant, apply to the Appellate Court for leave to continue the appeal; and if leave is granted, the appeal shall not abate.
S.464	Suspension of execution of sentence of imprisonment. (1) When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine, and the fine is not paid forthwith, the Court may— (a) order that the fine shall be payable either in full on or before a date not more than thirty days from the date of the order, or in two or three installments, of which the first shall be payable on or before a date not more than thirty days from the date of the order and the other or others at an interval or at intervals, as the case may be, of not more than thirty days;
S.472	Mercy petition in death sentence cases. (1) A convict under the sentence of death or his legal heir or any other relative may, if he has not already submitted a petition for mercy, file a mercy petition before the President of India under article 72 or the Governor of the State under article 161 of the Constitution within a period of thirty days from the date on which the Superintendent of the jail,— (2) The petition under sub-section (1) may, initially be

	made to the Governor and on its rejection or disposal by the Governor, the petition shall be made to the President within a period of sixty days from the date of rejection or disposal of such petition. (3) The Superintendent of the jail or officer in charge of the jail shall ensure, that every convict, in case there are more than one convict in a case, also files the mercy petition within a period of sixty days and on non-receipt of such petition from the other convicts, Superintendent of the jail shall send the names, addresses, copy of the record of the case and all other details of the case to the Central Government or the State Government for consideration along with the said mercy petition. (4) The Central Government shall, on receipt of the mercy petition seek the comments of the State Government and consider the petition along with the records of the case and make recommendations to the President in this behalf, as expeditiously as possible, within a period of sixty days from the date of receipt of comments of the State Government and records from Superintendent of the Jail.
S.480	When bail may be taken in case of non-bailable offence. (1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but— (i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life; (ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable

	offence punishable with imprisonment for three years or more but less than seven years: Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm: Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason: Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation or for police custody beyond the first fifteen days shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court: (6) If, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.
S.483	Special powers of High Court or Court of Session regarding bail. (1) A High Court or Court of Session may direct,— (a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section; (b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

	Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023, give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.
S.497	Order for custody and disposal of property pending trial in certain cases. (2) The Court or the Magistrate shall, within a period of fourteen days from the production of the property referred to in sub-section (1) before it, prepare a statement of such property containing its description in such form and manner as the State Government may, by rules, provide. (5) The Court or the Magistrate shall, within a period of thirty days after the statement has been prepared under sub-section (2) and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the property in the manner specified hereinafter.

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BHARATIYA NYAYA
SANHITA, 2023**

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SAKSHYA
ADHINIYAM, 2023**

CRIME INVESTIGATION DEPARTMENT

 <https://cid.tspolice.gov.in/>  040-23242424  adgcid-ts@tspolice.gov.in