



STANDING ORDER NO. L&O/70/2024

GUIDELINES FOR ARREST

1. INTRODUCTION:

Arrest means a seizure or restraint; an exercise of the power to deprive a person of his or her liberty, the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge. The arrestee is taken into custody for questioning, to prevent him from influencing/threatening witnesses or destruction of evidence, to prevent his escape or for evading the due process of law etc. Probable cause of an arrest is a reasonable belief of the police officer in the guilt of the suspect, based on the facts and information prior to the arrest. For instance, an arrest may be legitimate in situations where the police officer has a reasonable belief that the suspect has either committed a crime or is about to commit a crime. Police and various other officers have powers of arrest although certain conditions must be met before taking such action. As a safeguard against the abuse of power, it requires that an arrest must be justified thoroughly for a reason and not to be arbitrary.

The procedures and precautions to be observed while effecting arrest are listed out in Chapter V of the Bharatiya Nagrik Suraksha Sanhita, 2023. In addition, in a number of cases the Hon'ble Supreme Court have laid down additional guidelines to be followed by police officers while making arrests.

2. OFFENCES IN WHICH ARREST CAN BE MADE

The offences in which arrest can be made can be summarized as follows:-

- i) In all cognizable offences committed in presence of a police officer, arrest can be made without warrant.
- ii) **Cognizable offences with punishment less than 7 years-**
 - a. The police officer may arrest without warrant only if any of the conditions in Section 35 (1)(b) of BNSS are fulfilled. **The police officer must record the reasons of arrest in writing.**

- b. In all other cases, **after recording the reasons for not making the arrest**, only a notice can be issued to the person to appear before the police officer

- i. If he complies and continues to comply; he shall not be arrested. However, if the police officer is of the opinion that he ought to be arrested, he shall record the reasons in writing.

- ii. If he fails to comply with the terms of the notice, the police officer shall seek orders from the competent Court to arrest him.

- c. **Cognizable offences with punishment less than 3 years and the accused is infirm or is above 60 years of age** – Arrest can be made after obtaining permission from an officer not below the rank of ACP.

iii) Cognizable offences with punishment of more than 7 years

- a. Arrest can be made without warrant and the reason for arrest should be recorded in writing.

- b. If arrest not required, the reasons shall be recorded in writing

iv) Non-Cognizable Offences-

- a. Arrest can be made only under a warrant or order of a Magistrate.

Exception- if the accused refuses to give his name and residence or gives a false name or residence to the police officer, he can be arrested in order to ascertain his name and residence.

3. ARRESTS IN NON-COGNIZABLE OFFENCES

No arrest shall be made in non-cognizable offence without prior written permission from the Court or in circumstances provided by section 39 of BNSS i.e when the person committing non-cognizable offence refuses to give his name and residence or gives a name or residence which such officer has reason to believe to be false.

4. ARRESTS IN COGNIZABLE OFFENCES

- 1. 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.

2. **Cognizable Offence with punishment less than 7 years:**

As per section 35 of BNSS, in cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine –

(I) Any police officer may without an order from 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 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 that 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 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,

and the police officer **shall record while making such arrest, his reasons in writing.**

Provided that a police officer shall, **in all cases where the arrest of person is not required under the provisions of sub-section 35 (b) (ii) BNSS, record the reasons in writing for not making the arrest.**

(II) The Honorable Supreme Court in *Arnesh Kumar vs State of Bihar and Anr.*, has further directed that the police officer shall enter the details in check list specifying the reasons and materials which necessitated the arrest. He shall also enclose a copy of check list duly filled in while producing the accused before the Magistrate for further detention. The check list is enclosed herewith as **Annexure "A"**.

- (III) In case a decision is made not to arrest an accused, the same shall be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate. This period may be extended by the Addl.CP/DCP of the District concerned for the reasons to be recorded in writing;
- (IV) Notice of appearance in terms of section 35(3) to 35 (6) BNSS be served on the accused within two weeks from the date of institution of case which may be extended by the Addl. CP/DCP of the District concerned for the reasons to be recorded in writing.
- (V) Further Section 35(3) BNSS reads as under:-
- (A) 35(3) BNSS.: Notice of appearance before a police officer:
- (1) The police officer shall, in all cases, where the arrest of a person is not required under the provisions of sub-section (1) of Section 35, issue the notice (**As per Annexure-E**) directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.
- (2) Where such a notice is issued to any person, it shall be the duty of the person to comply with the terms of the notice.
- (3) 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.
- (4) Where such person, at any time, fails to comply with the terms of the notice or is unwilling to identify himself, the police officer may, subject to such orders as may have been passed by a competent Court in this behalf, arrest him for the offence mentioned in the notice." Arrest in the aforesaid provision has to be followed in context of Section 35 BNSS.
- (VI) No arrest shall be made without prior permission of the officer not below the rank of Deputy Superintendent of Police/Assistant Commissioner of Police in case of an offence which is punishable for less than three years and
- a. such person is infirm or
b. is above sixty years of age.

On failure to comply with the above directions laid down by the Hon'ble Supreme Court, the police Officers concerned shall be liable for departmental action and shall also be liable for

punishment for contempt of court to be instituted before High Court having territorial jurisdiction.

3. **Cognizable Offence with punishment more than 7 years:**

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.**

5. **ARRESTS IN OTHER SCENARIOS**

Any police officer may without an order from a Magistrate and without a warrant, arrest any person

- a. in **whose possession anything is found suspected to be stolen property** and who may reasonably be suspected of having committed an offence.
- b. **who obstructs a police officer** while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody.
- c. who has been declared as **Proclaimed Offender** either by court or by order of State Government.
- d. who is reasonably suspected of being a **Deserter** from any of the Armed Forces of the Union.
- e. who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been concerned in, any act committed at any place out of India which, if committed in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India.
- f. who, being a released convict, commits a breach of any rule made under sub-section (5) of section 394.
- g. for whose arrest any requisition, whether written or oral, has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made, and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

6. **PRECAUTIONS WHILE MAKING ARREST**

PRECAUTIONS

- 1) The police officer making arrest shall bear an accurate, visible clear identification of his name which will facilitate easy identification. If the officer is not in uniform, he should show his identity card to the arrestee.
- 2) In making an arrest, the police officer or other person making the same, shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action. Only minimum physical force or restraint shall be exercised for such arrest.
- 3) In case of **arrest of women** :
 - a. The arresting officer shall not touch the women unless arresting officer is a female.
 - b. If the arresting officer is male, he shall be accompanied by woman police officer.
 - c. Force shall not be used unless required.
 - d. When it is necessary to search the female accused it shall be made by another female with strict regard to decency.
 - e. Except in exceptional circumstances, women shall not be arrested after sunset and before sunrise. In case of such exceptional circumstances, the woman police officer shall, by making a written report, obtain the prior permission of the Magistrate of the first class within whose jurisdiction the offence is committed, or the arrest is to be made.
 - f. All arrests of women whether without or with warrant (bailable or non-bailable) shall be carried out by a police officer not below the rank of Assistant Sub-Inspector, who shall be accompanied by a lady constable/head constable. Similar procedure shall be adopted when women in police custody have to be escorted/ interrogated for purposes of investigation. If lady police is not available, the arrest shall be effected in the presence of responsible persons of the locality (preferably women), male relatives of the person to be arrested or village/Town officials. A report regarding the result of interrogation, if done, shall also be sent to the ACP concerned on the same day through SHO.
 - g. When the arrest of a woman is made under compelling circumstances by an officer lower in rank than an Assistant Sub-Inspector, reasons shall be clearly explained. SHO concerned shall forward special reports (**Annexure-D**) as required under PPR 24.12 to DCP, a copy of which shall be sent to the Joint/Addl. Commissioner of Police concerned.

- h. Where bail is admissible, women shall not be detained longer than is necessary for the production of bonds or sureties.
 - i. In cases where imprisonment is less than or extends up to seven years, the procedure laid down in section 35(3) of BNSS as well as the guidelines issued by Hon'ble supreme court of India in Arnesh Kumar Vs State of Bihar case shall be followed before effecting arrest of a women.
- 4) If any person forcibly resists the arrest or tries to evade the arrest, arresting officer may use all means necessary to effect the arrest.
- 5) **Use of Handcuffs:** The police officer may, keeping in view of 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. A Habitual Offender or
 - b. Who escaped from custody or
 - c. Who has committed offence of Organized Crime (Section 111 BNSS), terrorist act, drug related crime or
 - d. In illegal possession of Arms and Ammunition, murder, rape, acid attack, counterfeiting of coins and currency notes, human trafficking, sexual offence against children or
 - e. Offence against the state.
- 6) 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 the death, only under two circumstances i.e the person is involved in an offence punishable with death or imprisonment for life.
- 7) The Officer making arrest shall make Arrest Memo (**Annexure-B**). The officer making arrest shall obtain signature on Arrest Memo of family member of person arrested or respectable person of the locality where arrest is made or a person nominated by arrestee who is to be informed of his arrest. Further the officer making arrest shall obtain signatures of the arrested person on Arrest Memo.
- 8) 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.
- 9) Arresting Officer shall inform the arrestee about his right to meet his advocate of his choice after arrest and during interrogation (though not throughout interrogation).
- 10) Arresting Officer shall inform arrested person about full particulars of the offence for which he is arrested.

MANUAL AND SOP OF ARREST

PART - A

ARREST IN CASES SPECIFIED IN SECTION 35(1) OF BNSS OTHER THAN CASES SPECIFIED IN 35(1)(b) OF BNSS WHICH DEALS WITH COGNIZABLE CASES PUNISHABLE WITH IMPRISONMENT OF SEVEN YEARS OR LESS

Question 1. What are those situations in which a police officer may arrest without warrant which are outside the purview of the conditions imposed in section 35(1)(b)(i) and section 35(1)(b)(ii) of BNSS?

Answer: In the following cases mentioned in section 35(1):

1	When someone is committing a cognizable offence in the presence of the police officer itself.	35(1)(a)
2	When police have reasons to believe based on credible information that the person has committed a cognizable offence for which imprisonment may extend to more than 7 years (>7 years).	35(1)(c)
3	A proclaimed offender .	35(1)(d)
4	A thing which is reasonably suspected to be stolen property is found in possession of somebody. AND There is reasonable suspicion that he has committed an offence wrt such thing.	35(1)(e)
5	5.1 Who is obstructing a police officer to execute his duty . 5.2 Who escaped from lawful custody or attempted so.	35(1)(f)
6	A deserter of armed forces (based on reasonable suspicion).	35(1)(g)
7	An act is committed out of India which would have been an offence if committed in India . AND A person is concerned in such act (based on reasonable complaint / suspicion, credible info and past involvement in	35(1)(h)

	such act) AND This person is liable to be apprehended or detained (based on extradition law or otherwise)	
8	A released convict who violates 394(5) BNSS [it is about state rules regarding residence of released convicts]	35(1)(i)
9	On requisition of another police officer . What type of requisition? • Can be oral or written • Specifies person to be arrested • Specifies offence • Specifies causes of arrest • It should appear that officer giving requisition can lawfully arrest such person	35(1)(j)

Question 2. So, in all above cases of section 35(1), is it mandatory that an arrest has to be made?

The answer is "No". It totally depends on the police officer when the necessity of arrest is felt.

Question 3. If the officer decides that arrest of a person is not required in a particular case of section 35(1). But this person has committed a cognizable offence (based on reasonable complaint or reasonable suspicion or credible information). Then what would be the course of action?

Answer: Then give a notice as per section 35(3) in Form - 1 of the second schedule of BNSS. Ask such a person to appear.

The IO can put terms and conditions in the notice to be complied by the noticee. If the person noticed does not comply with terms and conditions of notice, the IO can arrest him.

The person noticed should be asked to submit a written acknowledgement to the police officer after receiving notice. This could be by way of an endorsement on the notice also.

When the suspected accused appears before the police officer in compliance to notice given, the police officer shall issue a written acknowledgement to him, if he/she requests for. This can be done by giving a copy of the GD entry also.

A Register of notice issued U/s 35 (3) BNSS shall be maintained at Police station for keeping record of accused/suspect persons.

Question 4. This person is complying with the terms of notice given under section 35(3). Can the police officer still arrest wrt the offence mentioned in the notice?

Answer: YES. But the police officer would have to write reasons as to why in its opinion the person ought to be arrested.

Question 5. What are some other situations in which the person to whom the notice under section 35(3) is given may be arrested?

Answer: When

1. Terms of notice are not complied.
2. Person is unwilling to identify himself.

Question 6. In all above cases of arrest under section 35(1), is the police officer concerned the sole decision making authority?

Answer: As per section 35(7) of BNSS, a prior permission is required to arrest of an officer of DySP or above rank in following cases:

Answer: When the offence is such in which imprisonment is less than 3 years (<3 years) AND

1. Such a person is infirm; OR

2. Such a person is above 60 years of age.

Question 7. Is there any requirement to write reasons for making or not making arrests in above cases?

Answer: For offences with imprisonment of more than 7 years, there is no such requirement to record reasons (see para 22 of Satender Kumar vs CBI).

PART - B

ARREST IN NON COGNIZABLE CASES

Question. What about arrest in non cognizable cases without a warrant from the magistrate? Can it be done?

Answer: Arrest in non cognizable cases can be done without warrant (section 35(2) read with 39 BNSS) if:

A person has committed non cognizable offence in presence of police or there are accusations against the person of committing non cognizable offence

AND

Person is not telling his name and residence or giving false name and residence

THEN

Such a person may be arrested.

What to do after the arrest of such a person?

1. Shall be released if name and residence ascertained.
2. Take bond or bail bond to appear before a magistrate, if necessary.
3. If it is an NRI, take a resident Indian surety.
4. Forward to nearest judicial magistrate in following cases:
 - 4.1 True name and residence not ascertained in 24 hours of arrest
 - 4.2 Not executing bond or bail bond
 - 4.3 to furnish sufficient sureties

PART - C

Arrest without warrant by police in cases of cognizable offences punishable with imprisonment upto 7 years or less than 7 years and guidelines of Arnesh Kumar vs State of Bihar

Question 1. Can police arrest in offences with imprisonment of 7 years or less after the Arnesh judgement?

Answer: YES! As per the process specified in section 35(1)(b) BNSS.

Question 2. What is the process of arrest in section 35(1)(b) and what are the conditions?

Answer: First condition is the "**Reasons to believe**" [section 35(1)(b)(i)].

It means that a police officer should have reason to believe that a **person has committed the said offence**.

And such reason to believe should be based on a reasonable complaint or credible information or a reasonable suspicion.

Second condition is that police should be satisfied with the "**necessity of arrest**" [section 35(1)(b)(ii)].

This necessity of arrest would be justified if **any one of the following 5** condition is met:

1. Arrest is necessary to prevent such a person from committing any **further offence**.
2. Arrest is necessary **for proper investigation** of the offence.

3. Arrest is necessary to prevent such a person from causing the evidence of the offence to disappear or **tampering with such evidence** in any manner.
4. Arrest is necessary 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.
5. Arrest is necessary as unless such person is arrested, his **presence in the Court** whenever required cannot be ensured.

Note: Police officers **shall write the reasons** as to why the arrest is made. The written reasons should clearly elicit both the components i.e. **Reasons to believe** and **necessity of arrest**.

[For this fill the checklist given]

Question 3. What are the other directions to be complied other than conditions specified in section 35(1)(b) BNSS as per guidelines of supreme court?

Answer: Some added compliance as per law laid down in Arnesh Kumar vs state of Bihar is:

1. Fill the checklist of Arnesh Kumar which mentions the conditions as specified in section 35(1)(b)(ii). **[For this fill the checklist given]**
2. While forwarding the accused to the magistrate, send a copy of the filled checklist and also furnish the materials, facts and reasons which necessitated the arrest.
3. Case diary should not mechanically produce all reasons as mentioned in section 35(1)(b)(ii).

Also, police officers **shall write the reasons** as to why the arrest is made. The written reasons should clearly elicit both the components i.e. **Reasons to believe** and **necessity of arrest** (Satender kumar vs CBI).

[For this fill the checklist given]

Question 4. Is there any other requirement to arrest in cognizable cases with imprisonment of upto 7 years?

Answer : As per section 35(7) of BNSS, a prior permission is required to arrest from officer of DySP or above rank when the offence is such in which imprisonment is less than 3 years (<3 years) and such a person is either infirm or is above 60 years of age.

So this also has to be taken care of.

Question 5. What is the process if the police officer decides that arrest is not necessary in a cognizable case with imprisonment of upto 7 years?

Answer: The police officer shall record the reasons for not making the arrest (section 35(1)(b) BNSS). The decision not to arrest has to be communicated to the magistrate within 2 weeks from the date of institution of the case. This time can be extended by the superintendent of police (SP) for reasons to be recorded in writing.

Then give a notice as per section 35(3) in Form - 1 of the second schedule of BNSS. Ask such a person to appear. Notice under section 35(3) has to be given within 2 weeks from the date of institution of the case. This time can be extended by the superintendent of police (SP) for reasons to be recorded in writing.

The IO can put terms and conditions in the notice to be complied by the noticee. If the person noticed does not comply with terms and conditions of notice, the IO can arrest him.

The person noticed should be asked to submit a written acknowledgement to the police officer after receiving notice. This could be by way of an endorsement on the notice also.

When the suspected accused appears before the police officer in compliance to

notice given, the police officer shall issue a written acknowledgement to him, if he/she requests for. This can be done by giving a copy of the GD entry also.

A Register of notice issued U/s 35 (3) BNSS shall be maintained at Police station for keeping record of accused/suspect persons.

Question 6. Any other compliance as laid down by the Supreme court?

Answer: YES! As per Arnesh Kumar:

1. The decision not to arrest has to be communicated to the magistrate within 2 weeks from the date of institution of the case. This time can be extended by the superintendent of police (SP) for reasons to be recorded in writing.
2. Notice under section 35(3) has to be given within 2 weeks from the date of institution of the case. This time can be extended by the superintendent of police (SP) for reasons to be recorded in writing.

Question 7. This person is complying with the terms of notice given under section 35(3). Can the police officer still arrest wrt the offence mentioned in the notice?

Answer: YES. But the police officer would have to write reasons as to why in its opinion the person ought to be arrested.

Note: In this case also, all the processes as specified in 35(1)(b) have to be followed.

[For this fill the checklist given]

Question 8. What are some other situations in which the person to whom the notice under section 35(3) is given may be arrested?

Answer: When

1. Terms of notice are not complied.
2. Person is unwilling to identify himself.

Question 9. What are all the cases on which the guidelines laid in Arnesh Kumar are applicable?

Answer: Only in these cases:

1. 498A IPC or section 85 and 86 of BNS
2. Section 4 of Dowry prohibition act
3. Cases in which offence is punishable with imprisonment for a term which may be less than 7 years or which may extend to 7 years; with or without fine.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 13/2024

Sub: Standard Operating Procedure on Arrest

1. Objective

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

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

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

2. Process

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

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

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

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

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

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

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

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

D. Arrest during investigation:

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

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

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

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

Register of Persons to Whom Notice issued

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

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

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

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

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

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

E. Rights of the Arrested person:

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

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

Actual arrest can be effected by the following means:

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

G. General Exceptions to Arrest:

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

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

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

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

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

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

I. Procedure After Arrest:

The police officer making the arrest:

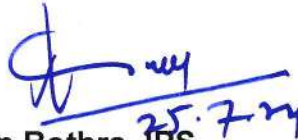
- i. Can enter any place to arrest a person (Sec 44 BNSS).
- ii. Not subject the arrestee to more restraint than necessary to prevent escape (Sec. 46 of BNSS).
- iii. Immediately search the arrestee and seize all articles found upon them, placing them in safe custody (Sec. 49(1) of BNSS).
 - a) Provide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

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

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

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

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


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

Memo No. 8447 /CID-Law

Date: 25.07.2024.

Copy forwarded to:

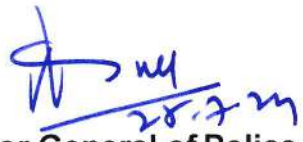
- All Dist. SsP including DCsP, Bhubaneswar / Cuttack, SsRP Cuttack/ Rourkela, SsP HRPC/ CAW & CW/ EOW/ STF
- IGP Training, IGP CAW & CW, IGP EOW, IGP STF
- All Range IsGP / DIsGP
for information and necessary action.


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

Memo No. 8448 /CID-Law

Date: 25.07.2024.

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


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

ANNEXURE-1**CHECK LIST**

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

ANNEXURE-2

THE SECOND SCHEDULE

(See section 522)

Form No. 1

NOTICE FOR APPEARANCE BY THE POLICE

[See section 35(3) BNSS]

Serial No:

Police

Station.....

To

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

.....
[Last known Address]

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

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

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

ANNEXURE-2 A

TERMS AND CONDITIONS OF NOTICE FOR COMPLIANCE

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

Serial No:

Police Station.....

To

.....

[Name of the Accused/Notice]

.....

[Last known Address]

.....

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

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

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

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

ANNEXURE-2 B

ACKNOWLEDGEMENT OF THE NOTICEE

_____ Police Station Case Ref _____
Offence _____

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

Signature of the Noticee

Date:

ANNEXURE-2 C

ACKNOWLEDGEMENT

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

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

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

Signature of accused

Investigating officer

Signature of independent witness

ANNEXURE- 3

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

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



UT Administration of Dadra and Nagar Haveli and Daman and Diu,

Office of the Inspector General of Police,
Police Headquarters, Dunetha,
Daman

STANDING ORDER No: 02 / 2024

Subject: Standing Order for Standard Operation procedure (SOP) for **execution of Summon, Warrants and Notice** under Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023.

1. **Introduction:** Consequent to the enactment of "Bharatiya Nagarik Suraksha Sanhita" (BNSS) 2023, it has replaced the Criminal Procedure Code (Cr.P.C) 1973. This Act will come into force from the 1st of July 2024. This being a completely new Act, there are various amendments made to the earlier Cr.P.C. These amendments are new to the investigation officers, hence need arise to appraise the SOP for Summons, Warrant and Notice under the Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023 for the police officials of UT of DDD in order to have a uniform way of working.
2. **Notice for Appearance before Police Officer [Section 35(3)]:** Police officer must ensure that a notice directing the person(s) against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists regarding the commission of a cognizable offence, provided that his/her arrest is not required immediately. The notice shall include specific details of the alleged offence, alongwith date, time and place for appearance before the police officer. Compliance of the notice is mandatory. Failure to comply the notice may result in arrest. A model format provided in the second schedule of the BNSS may be referred for issuance of the notice.
3. **Summons to Produce Document or Other Thing [Section 94]:** Any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices which is likely to contain digital evidence or other thing is necessary or

desirable, for the purposes of any investigation, inquiry, trial or for other proceeding, under this Sanhita by or before such Court or officer, such Court or officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order. Summons may be served personally or through electronic communication, as well. Service methods vary for corporate bodies, firms, and societies and should adhere to the prescribed guidelines.

4. **Police Officer's power to require attendance of witnesses [Section 179]:** Any police officer making an investigation may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case and such person shall attend as so required. Payment of the reasonable expenses may be made to such person, for attending at any place other than his residence as per State Government may, by rules made in this behalf, if any. Certain exemptions apply to specific categories of individuals, such as minors (under the age of 15 years), elderly individuals (above the age of 60 years), women, mentally and physically disabled and individuals with acute illnesses. Such person(s) if willing to attend the police station or at any other place within the limits of such police station, such person(s) may be permitted so to do.
5. **Power to summon Persons [Section 195]:** A police officer proceeding under section 194 may, by order in writing, summon two or more persons for the purpose of the investigation. A police officer may summon any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions subject to certain exemptions. Certain exemptions apply to specific categories of individuals, such as minors (under the age of 15 years), elderly individuals (above the age of 60 years), women, mentally and physically disabled and individuals with acute illnesses.
6. **Service of Summons: Forms of Summons [Section 63]:** Every summons issued by a Court shall be in writing, in duplicate, signed by the

presiding officer of such Court or by such other officer as the High Court may, from time to time, by rule direct, and shall bear the seal of the Court.

- **Methods of Service [Sections 64-71]:** Whenever possible, summons shall be served personally to the individual named. Every person on whom a summons is so served, if so required by the serving officer, may get sign on the back of the other duplicate summon. When persons summoned cannot be found, it may be served by leaving one of the duplicates for him with some adult member of his family residing with him. If service of summons, after exercise of due diligence, be effected, as provided in section 64, , 65 , 66, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides. Service of summons on Government servant shall be sent it in duplicate to the head of the office in which such person is employed. Service of summons outside local limits Procedures for serving summons outside the Court's local jurisdiction must be followed meticulously, ensuring proper documentation for proof of service.
- 7. **Warrant of Arrest [Section 72]:** Every warrant of arrest issued by a Court under shall be in writing, signed by the presiding officer shall bear the seal of the Court and it remain in force until canceled by the issuing court or executed
- **Execution of Warrants [Sections 73-81]:-** Warrants may be executed by police officers or authorized individuals, as directed by the court. In warrant for the arrest of any person, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody. Endorsement of warrant shall state number of sureties, amount and time at which such person is to attend before the Court. Whenever security is taken, the officer to whom the warrant is directed shall forward the bond to the Court. A warrant directed to any police officer may also be executed by any other police officer. Police office shall notify the substance of the warrant and, if so required, shall show him the warrant. Person arrested to be brought before Court without delay (such delay shall not, in any case, exceed twenty-four hours).

- **Procedure on arrest of person against whom warrant issued [Sections 82]:** When a warrant of arrest is executed outside the district, the arrested person shall, if not, within thirty kilometers of the place of arrest or is nearer than the Executive Magistrate or District Superintendent of Police or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 73, be taken before such Magistrate or District Superintendent or Commissioner. On the arrest of any such person, 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.

8. In view of above, all SDPOs/SHOs are hereby directed to ensure strict & meticulously compliance of above guidelines/procedure/ directions.


(**Milind Mahadeo Dumbere**) IPS
Inspector General of Police
Dadra & Nagar Haveli and
Daman and Diu
Daman.

No. 2584/PHQ/SO-IG(P)/SOP/Summons & Warrant/2024/

Date: -05/09/2024

Copy forwarded for information and strict compliance to:

1. The Deputy Inspector General of Police, DNH/ Daman.
2. The Superintendent of Police, Diu.
3. The Superintendent of Police (HQ), DNH & DD
4. The Deputy Superintendent of Police (HQ), DNH & DD
5. The Sub Divisional Police Officer, DNH/Daman/Diu.
6. PI (PHQ), DNH/Daman/Diu.
7. All SHOs & Outposts Incharges.
8. Records Branch, PHQ, Daman.
9. Office Copy.



**ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH**

CRIME BRANCH CIRCULAR NO. 05 /2024

Sub: Standard Operating Procedure for Handcuffing

1. Introduction

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

2. Process

A. The police officer may, keeping in view the nature and gravity of the offences, use handcuff for the following category of accused person.

- (a) who is a habitual, repeat offender
- (b) who escaped from custody
- (c) Accused of the following offences

Sec in BNS	Nature of Offence under BNS
Sec. 71	Repeat offender
Sec. 145	Habitual offender
Sec. 253,	Escaped from custody
Sec. 111 (1) to (7)	Offence under organized crime
Sec. 113 (1) to (7)	Offence under Terrorist Acts
Sec. 123, 276, 277 & 278	Offence of drug related crime

	Illegal Possession of Arms and Ammunitions
Sec. 63, 67, 68, 69, 70	Offence of Rape
Sec. 101	Offence of murder
Sec. 124 (1) & (2)	Offence of acid attack
Offence under Chapter-X	Offence of Counterfeiting of Coins and Currency Notes
Sec. 111 (1)	Offender of human trafficking
POCSO Act	Sexual Offence against Children
Sec. 147- 157	Offence against the State

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

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

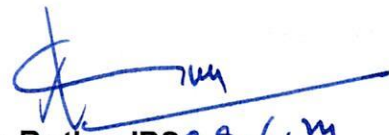
It may be noted that in any other demanding circumstances like taking the accused for medical examination, recovery of weapon or stolen property or crime scene recreation etc. handcuffing can be done only with orders of the court.

3. Guidelines For Handcuffing

- (i) Handcuff should not be used in a routine manner.
- (ii) Handcuffs must not be used in a manner that causes unnecessary pain or injury, as this could constitute excessive force, violating the right to be free from torture and inhumane treatment.
- (iii) Prolonged handcuffing of individuals without sufficient reason must be avoided.
- (iv) Handcuffing must not be used as a form of punishment and to denigrate the dignity of the individual.
- (v) Using handcuffs may be avoided when the individual poses no threat to self or others, including police.

- (vi) Handcuffing individuals with certain medical conditions, where it poses health risks, may violate their right to health and safety and therefore should be ordinarily avoided.
- (vii) While handcuffing, it is to be ensured that the provisions of Article-21 of the Constitution of India is not violated in any manner and all decency and decorum keeping in view the human dignity should be ensured.
- (viii) The provision of use of handcuff u/s-43(3) of BNSS 2023 is not mandatory but obligatory.
- (ix) Whenever handcuffing of a person is required entries should be made in the Station Diary with sufficient justification and clear orders in the command certificate.

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

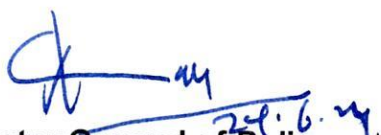

Arun Bothra IPS 29.6.24
Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 7344 /CID-Law
Copy forwarded to:

Date: 29 .06.2024.

- All Dist. SsP including DCsP, Bhubaneswar / Cuttack, SsRP Cuttack/ Rourkela, SsP HRPC/ CAW & CW/ EOW/ STF
- Spl. D.G of Police, HRPC, Commissioner of Police, Bhubaneswar- Cuttack, ADGP Railways & Coastal Security
- IGP Training, IGP CAW & CW, IGP EOW, IGP STF
- All Range IsGP / DIsGP

for information and necessary action.


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



LEGAL CELL/PHQ	
Dy. No.	692
Date	20/02/25
DCP/Legal Cell	
ACP/Legal Cell	
Inspr./Legal Cell	
Seat	102

STANDING ORDER NO. L&O/83/2025

TIMELINES FOR POLICE OFFICERS INTRODUCED IN BHARTIYA NAGRIK SURAKSHA SANHITA (BNSS)-2023

India's new criminal laws, which came into force on 1st July 2024, replaced the following three existing criminal laws of British era:-

- Bharatiya Nyaya Sanhita (BNS) replaced Indian Penal Code (IPC)
- Bharatiya Nagarik Suraksha Sanhita (BNSS) replaced Code of Criminal Procedure (Cr.P.C.)
- Bharatiya Sakshya Adhinyam (BSA) replaced Indian Evidence Act

In the new laws, timelines for various activities have been incorporated to improve the procedural aspect of the criminal justice system. In order to ensure correct compliance with the law, this S.O. hereby reiterates the law as under:

NEWLY INTRODUCED TIMELINES IN DIFFERENT SECTIONS OF BNSS

1. Arrest by Private Persons

Section 40 BNSS empowers the private persons to arrest any person who has committed a "cognizable" and "non-bailable" offence or who is a Proclaimed Offender. However, the person so arrested shall be handed over to the Police Officer or nearest police station **within 6 hours**, who shall take him in custody if there is reason to believe that such person comes under the provisions of sub-section (1) of section 35 BNSS (Arrest without warrant). A restriction of 6 hours has been added in BNSS, which was not there in the corresponding section (Section 43) of Cr.P.C.

2. Power to Seize Offensive Weapons

Section 50 BNSS suggests (as the word used is **may**) that the search of the person arrested **immediately after the arrest**, will be conducted and any offensive weapon shall be seized which he has about his person. The word "immediately after the arrest" is a new addition in BNSS.

3. Information in cognizable offences

- a) **Section 173 BNSS** added that the information regarding a cognizable offence can be given to the officer in-charge of the police station through **electronic communication** also. However, in such a scenario, the

information so received, shall be taken on record on being signed by the person giving it **within three days**.

- b) Without prejudice to the provisions of Section 175 of BNSS, with the permission of an officer not below the rank of Dy. SP (ACP in Delhi), the in-charge of the police station may conduct **preliminary enquiry** into a matter to ascertain if prima facie a case is made out, **if the punishment for that is between three and seven years**. However, such enquiry should be concluded **within 14 days**. Investigation of the case may also be taken up straight away if prima facie a case is made out.

Thus, sending the information of Cognizable offence through electronic communication is a new addition in BNSS. Further, in BNSS, there is scope of conducting preliminary enquiry in cases having punishment from three years to seven years, which was not there in corresponding section (Section 154) of Cr.P.C.

4. Information as to non-cognizable cases and investigation of such cases

Section 174 BNSS prescribes that a daily diary of all non-cognizable cases (NCRs) shall be forwarded to the Magistrate on **fortnightly** basis. Earlier, no time frame was specified to send this report to the concerned Magistrate.

5. Procedure for investigation

Section 176 BNSS mentions that in case of the offence of Rape, the recording of the statement of the victim may also be done **through any audio-video electronic means**, including mobile phone.

For the crimes which are not serious in nature or if there is no sufficient ground to proceed with investigation or the crime against a specific person is not of serious nature, it is not mandatory to take up investigation. Thus, if SHO of police station receives information of commission of offence that is of no serious nature, he need not proceed in person or depute a subordinate officer to make an investigation on the spot. Further, if there is no sufficient ground to initiate an investigation, he shall not investigate the case.

SHO of police station shall mention in the report the reason for not proceeding with investigation. Further, he shall forward the daily diary of such report **fortnightly to the Magistrate**.

Further, in the offences having punishment of 7 years or more, SHO of a police station shall cause the forensic expert to visit the crime scene to collect the forensic evidence. Inspection of crime scene has to be videographed on mobile phone or any other electronic device. These provisions are newly added to BNSS which were not there in corresponding section (Section 157) of Cr.P.C.

Now, in all cases having punishment of 7 years or more, forensic expert has to visit the scene of crime for collecting forensic evidence. To avoid any spoilage of scene of crime, the forensic expert has to be called without any delay.

6. **Medical examination of the victim of Rape**

Section 184 BNSS mandates that the registered medical practitioner shall, ***within a period of seven days***, forward the medical examination report of the victim to the investigating officer who shall forward it to the Magistrate as per the prescribed procedure and proforma. Earlier in Cr.P.C. (Section 164A), there was not a time limit for forwarding the report.

7. **Search by police officer**

Section 185 BNSS mandates that the search conducted by a Police Officer ***shall be recorded by the audio-video electronic means*** preferably by mobile phone. Copy of this record shall be sent to the Magistrate ***not later than forty-eight hours***.

8. **Procedure when investigation cannot be completed in twenty-four hours**

Section 187 BNSS mentions that the Magistrate can authorize from time to time the detention of the accused in police custody ***for a term not exceeding 15 days*** in the whole or in parts at any time ***during the initial 40 days or 60 days out of the detention period of 60 days or 90 days as the case may be***. Earlier, taking police remand beyond 14 days of arrest was not allowed.

9. **Report of police officer on completion of investigation**

As per **Section 193 (3) (ii) BNSS**, the Police Officer investigating the case shall inform the informant/victim about progress of the investigation by any means including through electronic communication ***within 90 days***.

10. As per **Section 193 (9) BNSS**, further investigation shall be conducted with the permission of the court trying the case, which shall be completed ***within 90 days*** and can only be extended with the further permission of the court.

11. **Police to enquire and report on suicide etc.**

Section 194 BNSS mandates that the report regarding the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted, shall be forwarded to the District Magistrate (DM) or the Sub-Divisional Magistrate (SDM) ***within 24 hours***.

12. **Supply to accused of copy of police report and other documents**

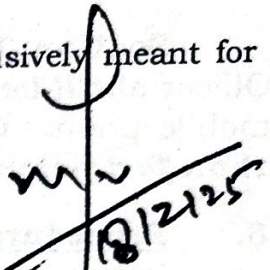
Section 230 BNSS mentions that where the proceeding has been instituted on a police report, the Magistrate shall without delay, and ***in no case beyond fourteen days from the date of production or appearance of the accused***, furnish to the accused and the victim (if represented by an advocate) free of cost, copy of the relevant documents.

The time limit for furnishing relevant documents to the accused and the victim is a new addition in BNSS, which was not there in corresponding section (Section 207) of Cr.P.C.

This standing order is issued with an objective to ensure the compliance of newly added timelines to be complied by the stakeholders of investigation including medical practitioner.

DISCLAIMER

It is made clear that this Standing Order is exclusively meant for internal smooth functioning of the Police Department.


(SANJAY ARORA)
COMMISSIONER OF POLICE:
DELHI

No. 751 - 900 /Record Branch/PHQ, Delhi, dated 19/02/2025

Copy to: -

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. OSD to C.P., Delhi.
5. All Deputy Commissioners of Police, Districts/Units including PHQ, FRRO and Deputy Director/Delhi Police Academy, Delhi/New Delhi.
6. DCP/HQ(IV)/PHQ with the direction to upload the Circular Order on Intra-DP.
7. LA to CP and FA to C.P., Delhi.
8. All ACsP/Insprs. /PHQ.
9. PS/Reader to C.P., Delhi.
10. HAR/PHQ.
11. Inspr./Knowledge Centre/PHQ.

GOVERNMENT OF MANIPUR

POLICE DEPARTMENT

OFFICE OF THE DIRECTOR GENERAL OF POLICE, MANIPUR

Imphal, the 2nd March, 2025.

STANDING ORDER NO...198

In view of the implementation of the Three New Criminal Laws i.e Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023 and Bharatiya Sakshya Adhiniyam 2023, Standard Operating Procedure (SOP) for execution of Summon and Warrants under section 63-82 of Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023 is adopted in order to have a uniform way of working.

1. Summons to Produce Document or Other Thing [Sec. 94]: Any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices which is likely to contain digital evidence or other thing is necessary or desirable, for the purposes of any investigation, inquiry, trial or for other proceeding, under this Sanhita by or before such Court or officer, such Court or officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order. Summons may be served personally or through electronic communication, as well. Service methods vary for corporate bodies, firms, and societies and should adhere to the prescribed guidelines.

2. Police Officer's power to require attendance of witnesses [Sec. 179]: Any police officer making an investigation may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case and such person shall attend so as required. Payment of the reasonable expenses may be made to such person, for attending at any place other than his residence as per State Government may, by rules make in this behalf, if any. Certain exemptions apply to specific categories of individuals, as no male person under the age of 15 years or above the age of 60 years or a woman or a mentally and physically disabled or individuals with acute illnesses shall be

required to attend at any place other than the place in which such persons reside. Such person(s) if willing to attend the police station or at any other place within the limits of such police station, such person(s) may be permitted to do so.

3. Power to summon Persons [Sec. 195]: A police officer proceeding under section 194 may, by order in writing, summon two or more persons for the purpose of the investigation. A police officer may summon any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions. Certain exemptions apply to specific categories of individuals, as no male person under the age of 15 years or above the age of 60 years or a woman or a mentally and physically disabled or individuals with acute illnesses shall be required to attend at any place other than the place in which such persons reside. Such person(s) if willing to attend the police station or at any other place within the limits of such police station, such person(s) may be permitted to do so.

4. Service of Summons: Forms of Summons [Sec. 63]: Every summon issued by a Court shall be (a) in writing, in duplicate, signed by the presiding officer of such Court or by such other officer as the High Court may, from time to time, by rule direct, and shall bear the seal of the Court or (b) in any encrypted or any other form of electronic communication and shall bear the image of the seal of the Court or digital signature.

5. Methods of Serve [Secs 64-71 BNSS]: Regarding serving of Summon, the Police Station or the Registrar in the court shall maintain a register to enter the address, e-mail address, phone number and such other details. Summons bearing the image of the 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.

Whenever possible, summons shall be served personally to the individual named. Every person on whom a summon is served, if so required by the serving officer, may get signature on the back of the other duplicate summon. When persons summoned cannot be found, it may be served by leaving one of the duplicates for him with some adult member of his family residing with him and get signature of receipt therefore on the back of other duplicate (servant is not a member of the family).

If service of summons, after exercise of due diligence, be effected, as provided in section 64, 65, 66, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides.

Service of summons on Government servant shall be sent in duplicate to the head of the office in which such person is employed and such head shall cause the summon to be served as u/s 64. Procedure for serving summons outside the Court's local jurisdiction must be followed meticulously, ensuring proper documentation for proof of service.

All summons served through electronic communication under sections 64-71 (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 summon.

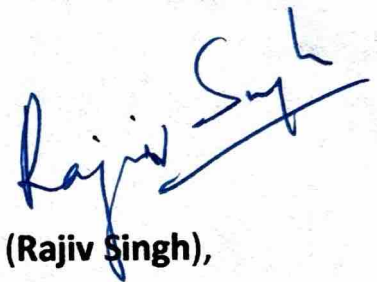
6. Warrant of Arrest [Sec. 72 BNSS]: Every warrant of arrest issued by a Court under shall be in writing, signed by the presiding officer shall bear the seal of the Court and it remains in force until canceled by the issuing court or executed.

7. Execution of Warrants [Secs 73-83 BNSS]: Warrants may be executed by police officers or authorized individuals, as directed by the court. In warrant for the arrest of any person, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody. Endorsement of warrant shall state the number o sureties, amount and time at which such person is to attend before the Court. Whenever security is taken, the officer to whom the warrant is directed shall forward the bond to the Court which issued the warrant. A warrant directed to one or more police officers may also be executed by any one or more of the police officers. Police officer shall notify the substance of the warrant and, if so required, shall show him the warrant. Person arrested to be brought before Court without unnecessary delay (such delay shall not, in any case, exceed twenty-four hours exclusive of the time necessary for journey from the place of arrest to the Magistrate).

8. Procedure on arrest of person against whom warrant issued [Sec. 82]:

When a warrant of arrest is executed outside the district, the arrested person shall, if not, within thirty kilometers of the place of arrest or is nearer than the Executive Magistrate or District Superintendent of Police or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 73, be taken before such Magistrate or District Superintendent of Police or Commissioner. On the arrest of any such person, 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.

Note:- This SOP is subject to modifications on the basis of feedback from the field units/ investigating officers.



(Rajiv Singh),
Director General of Police,
Manipur, Imphal

Copy to:-

1. Addl. Directors General of Police (Int.)/(Law & Order)/(Trg.), Manipur.
2. Inspectors General of Police (Int.)/(Trg.), Manipur.
3. All Superintendents of Police, Manipur including NAB & Cyber Crime.
4. Staff Officer to DGP, Manipur.
5. All Officers-in-charge of Police Stations.
6. In-charge Manipur Police Computer Centre.
7. Guard File.

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, March 12, 2025

No. 2/12/2025-Leg/L(2): In exercise of the powers conferred by sub-section(1) of section 64 and clause(i) of section 530 and other enabling provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), in its application to the State of Manipur, the Government of Manipur, after consultation with the High Court of Manipur, hereby, makes the following rules, namely:-

The Manipur Electronic Processes (Issuance, Service and Execution) Rules, 2025

1. Short title and commencement-

- (1) These rules may be called the Manipur Electronic Processes (Issuance, Service and Execution) Rules, 2025.
- (2) They shall come into force from the date of their publication in the Official Gazette of Manipur.

2. Definitions-

- (1) In these rules, unless the context otherwise requires-

- (a) "CCTNS" means Crime and Criminal Tracking Network and Systems, a system software used by the Police for the collection of data and execution of instructions;
- (b) "CIS" means Case Information System, a system software used by the District Judiciary and High Courts for the collection of data and execution of instructions;
- (c) "Disclosed Electronic Mail Address" means the email account of a person or organization that is used by the person or organisation to send and receive messages over internet, and is shown to be admitted, or provided by such person or organization either personally or on a website or portal;
- (d) "Electronic Communication" as defined in Section 2(1)(i) of the Sanhita;
- (e) "eSign" means authentication of any electronic record by a subscriber or court, by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000 (21 of 2000) and includes digital signature. Also, when a process or report generated in electronic form is authenticated by means of electronic signature, it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;
- (f) "High Court" means the High Court of Manipur;



- (g) "Process" includes summons, warrant or any other forms set forth in the Second Schedule of the Sanhita, with such variations as the circumstances of each case may require, issued for the respective purposes as mentioned in the Sanhita;
 - (h) "Rules and Orders" means the High Court of Manipur Criminal Rules and Orders, 2021 and the Gauhati High Court Criminal Rules and Orders as applicable to the High Court of Manipur.
 - (i) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023);
 - (j) "Seal" means image of the seal of the Court;
 - (k) "State" means the State of Manipur;
 - (l) "Summons" means any summons issued under the Sanhita;
 - (m) "Warrant" means a warrant issued under the Sanhita and includes bailable warrant and non-bailable warrant.
- (2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023); the Bharatiya Nyaya Sanhita, 2023 (45 of 2023); the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023) and the Information Technology Act, 2000 (21 of 2000).
3. The Courts shall generate and issue process in electronic mode through CIS in such forms as set forth in the Second Schedule of the Sanhita, with such variations as the circumstances of each case may require. The same shall be served by an officer of the Court issuing it.
 4. When the Court does not possess required electronic address/contact details of the person to whom such process is intended to be served or when the process issued as per rule 3 is not served, it may direct the same to be served by a police officer or other public servant.
 5. Every process issued in form of electronic communication under the Sanhita must ordinarily be written in the language of the court and shall be in an encrypted form of electronic communication and shall bear the image of the seal of the Court and eSign.
 6. Every process issued electronically shall contain eSign in such a manner that the name of the Court and the capacity in which the signatory or subscriber acts, should be clearly mentioned. The summons generated in electronic form shall bear image of the seal of the court and eSign of the appropriate officer of the Court or the Reader or any person authorized in writing in this regard as the case may be. Every warrant of arrest in electronic form shall be issued by eSign of the Presiding Officer of the Court and shall also bear the seal of the Court.
 7. Where the processes generated in electronic form are received on CCTNS through a secured system, in an encrypted or any other form of electronic communication, it shall



be presumed to be issued by the Court. Further, any printout of such process shall have the same effect as issued in original for the purpose of its execution.

8. The Officer-in-charge of the Police Station shall ensure that the verified details relating to address, disclosed electronic mail address, phone number and messaging application used by the accused or witnesses, as the case may be, are recorded during arrest, investigation or inquiry and entered in CCTNS. Such details shall also be entered in the Register maintained at the Police Station in compliance with sub-section (1) of section 64 of the Sanhita. If any of such details is not available, the Officer-in-charge of the Police Station shall make an endorsement to that effect in the Register:

Provided that any such details may be amended on the basis of further verification or on the basis of an application by such person.

9. Where a case is filed on the basis of a private complaint, the complainant shall provide the details relating to address, disclosed electronic mail address, phone number and messaging application of the accused and witnesses along with the complaint. If any of such information is not available, the complainant shall make an endorsement to that effect.
10. The details relating to address, disclosed electronic mail address, phone number and messaging applications shall be transmitted in electronic form and maintained in CIS and may be used for issuance of process. Such digital information shall form part of the register under Section 64 of the Sanhita.
11. The details relating to disclosed electronic mail address, phone number and messaging application of the victim and witnesses shall not be disclosed to the accused.
12. The Officer-in-charge of the Police Station or any Sub-ordinate Officer deputed by him upon receipt of summons issued in pursuance of rule 4 may forward the summons on the disclosed electronic mail address, phone number or messaging application of the person summoned.
13. (1) Where summons are served by way of electronic mail, service shall be deemed to have been made if the service provider generates acknowledgement of the delivery.
- (2) When any summon is sent to a person or organization on disclosed electronic mail address, unless the delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, the delivery shall be deemed to be effected; and unless the contrary is proved, be deemed to have been effected at the time at which the electronic mail would be delivered.
14. (1) Where summons are served by way of any other electronic communication including messaging application, the acknowledgment shall form part of the report of the service and the report shall contain details including mobile number, messaging application and screenshot/photo of the application reflecting delivery of the communication.



(2) Such delivery may be deemed to be due service of summons/process and a copy of such summons/process along with report of service shall be kept in record as a proof of service of summons/process.

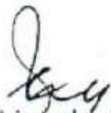
Explanation- Acknowledgement under this rule or under rule 14 include an acknowledgement given by-

- (a) any communication by the addressee, automated or otherwise; or
- (b) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.

15. In case verified details of the email address, phone number or messaging application relating to the person summoned are not available, the officer-in-charge of the police station or any police officer deputed shall make an entry in that regard and after taking printout in duplicate of the summons issued in electronic mode, shall execute the same in accordance with procedure prescribed under the Sanhita.
16. When summons are not served by an electronic mail or other mode of electronic communication, or delivery is disrupted and undelivered or bounced back for any other reason, the concerned officers shall prepare a report in that regard containing all details including mobile number, messaging application and screenshot/photo of the application confirmation of delivery and may proceed as per applicable process.
17. In case of warrant or any other process required to be served in person is issued in electronic mode, the officer-in-charge of the police station or any police officer deputed by him shall take a printout of the warrant or process and execute the same in accordance with the Sanhita and rules made therein.
18. Where any process is served or executed other than through electronic mode, the Police Officer while making service or executing the process shall take acknowledgement of the Recipient and may capture photograph, which shall form part of the report of the service.
19. Upon due service or non-service of the warrant, the serving officer of the concerned Police Station shall transmit the service along with relevant documents including bail bonds, photographs, acknowledgment, if any, to the concerned Court in electronic form through CCTNS /NSTEP.
20. The Court, upon receiving the report in electronic form under rule 19, may act upon such report as deemed appropriate. Such report or printout of such report shall be deemed to be original for the purpose of satisfaction as the service/execution of the process.
21. Where any process is issued in cases relating to offences under sections 64 to 71 of The Bharatiya Nyaya Sanhita (45 of 2023) or offences against woman or child or offences under The Protection of Children from Sexual Offences Act, 2012 and Juvenile Justice (Care and Protection of Children) Act, 2015, the concerned officers shall ensure that the identity of the victim is not revealed in any manner in course of service or execution.



22. Any rule made in this behalf shall be in addition to, not in derogation of, any other law or rules made by the High Court to specify for the time being in force for issuance, service and execution of process by the Court.


(Nungshitombi Athokpam)
Commissioner (Law)
Government of Manipur

Copy to:

1. The Secretary to Governor of Manipur, Raj Bhawan, Imphal.
2. Staff Officer to Chief Secretary, Government of Manipur.
3. The Director General of Police, Manipur.
4. The Commissioner-cum-Secretary (Home), Government of Manipur.
5. All Administrative Secretaries, Government of Manipur.
6. All Deputy Commissioners/ District Magistrates, Manipur.
7. All the District & Sessions Judges, Manipur
8. The Registrar General, High Court of Manipur. This has reference to his letter No. HCM/Misc./89-Estt(V)/4801 dated 12.03.2025.
9. The Director of Prosecution, Manipur.
10. The Director of Printing and Stationery, Manipur with request for kindly publishing the above Notification in the Official Gazette Extra-ordinary and uploading in the Official Website.
11. The Government Advocate (HC), Manipur.
12. The Public Prosecutor (District), Manipur.
13. Guard File.

-163-

GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

No. 2/30/2024-Leg/L:

Imphal, March 10, 2025

To

The Joint Secretary (Home)
Government of Manipur

Subject : Review of Implementation of Three New Criminal Laws by Union Home Minister.

Sir,

I am directed to refer to the above subject and to intimate that Law Department has issued notifications (i) in pursuance of the suggestive template issued by the Ministry of Home Affairs vide D.O. No. 01/03/2023-Judl.Cell-I dated 17.02.2025 under the heading "Data processed under New Criminal Laws" and (ii) providing Form under section 330(2) of the BNSS, 2023.

Copies of the above Notifications are enclosed for information and record.

2. Further, it is to intimate that the High Court of Manipur informed that no Form under section 63(i) of BNSS has been prescribed by the High Court of Manipur and only Presiding Officers of Courts are allowed to sign summon in criminal cases. The High Court has not choose the second option (signing of summon by other officer) and as such does not frame any rule in that regard. Also, it is to intimate that Form No. 2 under the said section is already appended in BNSS.

Encl.: As stated above.

Yours faithfully,


(Patience Panmei)
Deputy Secretary (Law)
Government of Manipur.

Copy to:

1. Staff Officer to Chief Secretary, Government of Manipur.
2. The Commissioner-cum-Secretary (Home), Government of Manipur.

- 16 -

No. H-2001/69/2025-HD-HD
GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT

NOTIFICATION NO. 1

Imphal, the 10th March, 2025

Subject: Proclamation for person absconding arrest and attachment of property of proclaimed persons/offenders - regarding.

Whereas, Section 84 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (46 of 2023) prescribes the procedures to be followed for proclamation for person absconding. Section 84 of BNSS, 2023 is reproduced as below:

"Section 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.

(2) The proclamation shall be published as follows: —

(i) (a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;

(c) a copy thereof shall be affixed to some conspicuous part of the Court-house;

ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub-section (2), shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

(4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence which is made punishable with imprisonment of ten years or more, or imprisonment for life or with death under the Bharatiya Nyaya Sanhita, 2023 or under any other law for the time being in force, and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

(5) The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1)."

2. Whereas, Section 85 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2023 (46 of 2023) prescribes the procedures to be followed for attachment of property of person absconding.

"Section 85. (1) The Court issuing a proclamation under section 84 may, for reasons to be recorded in writing, at any time after the issue of the proclamation, order the attachment of any property, movable or immovable, or both, belonging to the proclaimed person:

Provided that where at the time of the issue of the proclamation the Court is satisfied, by affidavit or otherwise, that the person in relation to whom the proclamation is to be issued, —

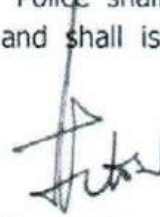
- (a) is about to dispose of the whole or any part of his property; or*
- (b) is about to remove the whole or any part of his property from the local jurisdiction of the Court, it may order the attachment of property simultaneously with the issue of the proclamation.*
- (2) Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district when endorsed by the District Magistrate within whose district such property is situate.*
- (3) If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made—*
 - (a) by seizure; or*
 - (b) by the appointment of a receiver; or*
 - (c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or*
 - (d) by all or any two of such methods, as the Court thinks fit.*
- (4) If the property ordered to be attached is immovable, the attachment under this section shall, in the case of land paying revenue to the State Government, be made through the Collector of the district in which the land is situate, and in all other cases—*
 - (a) by taking possession; or*
 - (b) by the appointment of a receiver; or*
 - (c) by an order in writing prohibiting the payment of rent on delivery of property to the proclaimed person or to any one on his behalf; or*
 - (d) by all or any two of such methods, as the Court thinks fit.*
- (5) If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.*
- (6) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under the Code of Civil Procedure, 1908."*

3. Whereas, Section 86 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (46 of 2023) prescribes the procedures to be followed for Identification and attachment of property of proclaimed person.



4. Whereas, Section 86 provides that the Court may, on the written request from a police officer not below the rank of the Superintendent of Police or Commissioner of Police, initiate the process of requesting assistance from a Court or an authority in the contracting State for identification, attachment and forfeiture of property belonging to a proclaimed person in accordance with the procedure provided in Chapter VIII.

5. All District Magistrates and District Superintendents of Police shall ensure strict compliance of the provisions of Sections mentioned above; and shall issue necessary instructions to that extent.



(Dr. Mayengbam Veto Singh)
Joint Secretary (Home), Government of Manipur

Copy to:

1. Secretary to Governor, Manipur.
2. Staff Officer to Chief Secretary, Manipur.
3. Commissioner (Home), Government of Manipur.
4. Director General of Police, Manipur.
5. Commissioner (Law), Government of Manipur.
6. All District Magistrates/ADMs, Manipur.
7. All Superintendents of Police, Manipur.
8. Registrar General, High Court of Manipur, Imphal.
9. Director, Printing and Stationery, Manipur for publication in the Extra-Ordinary Gazette, Manipur.
10. Notice Board.
11. Guard file.



STANDING ORDER NO. Lic. & Leg./ 07/2024

PROCEDURE FOR ISSUANCE OF NOTICES OR ORDERS BY POLICE OFFICERS

I. INTRODUCTION

It has been noticed that some investigating officers do not comply with the legal requirements of Sections 35 (3), 94, 179, & 195 of Bharatiya Nagarik Suraksha Sanhita, 2023 with regard to summoning of witnesses or suspects in the course of an investigation or in connection with an inquest held u/s 194 B.N.S.S. These sections of the Bharatiya Nagarik Suraksha Sanhita empower investigating officers to examine orally any person who is believed to be acquainted with the facts and the circumstances of the case(s).

Section 35 (3) B.N.S.S stipulates issuance of notice for appearance before a Police Officer in all cases where the arrest of person is not required. *The Hon'ble High Court of Delhi in its Judgement titled Amandeep Singh Johar Vs State of NCT of Delhi* dated 07.02.2018, has categorically explained about the procedure to be mandatorily followed by Police Officers as has been mentioned in Section 41A Cr.P.C **now Section 35 (3) B.N.S.S also**. A Model format for notice under section 35 (3) B.N.S.S and directions of Hon'ble High Court of Delhi are enumerated in this S.O. and also enclosed as **Annexure - A**.

Section 94 B.N.S.S stipulates issuance of summons to produce document or other things before a Police Officer and as per directions of Hon'ble High Court of Delhi, a model format for notice under this section is enclosed as **Annexure - B**.

According to Sections 179 and 195 B.N.S.S. an officer making an investigation or enquiry shall invariably issue an order in writing to any person summoned to attend such investigation or enquiry and shall endorse on the copy of the order retained by the person so summoned, the date and time of his arrival and the date and time of his departure from the place where he is summoned. The Model Forms regarding the

instant sections as per the directions of Hon'ble Delhi High Court, are also enclosed with this Standing Order at **Annexure C & D** respectively.

II. RELEVANT STATUTORY PROVISIONS

Prior to examining the Judgement in case titled *Amandeep Singh Johar Vs Govt. of NCT of Delhi & Ors.* passed by Hon'ble Delhi High Court, it would be useful to set out the statutory provisions which relates to requirement of appearance before a Police Officer of any person. For ready reference, the extract of provisions of Sections 35 (3), 94, 179 and 195, B.N.S.S is reproduced as below:-

Section 35 (3) B.N.S.S (Notice of appearance before police officer)

- (1) The police officer shall, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of 35 issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.
- (2) Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.
- (3) 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.
- (4) Where such person, at any time, fails to comply with the terms of the notice or is unwilling to identify himself, the police officer may, subject to such orders as may have been passed by a competent Court in this behalf, arrest him for the offence mentioned in the notice."

Section 94 B.N.S.S. (Summons to produce document or other thing)

- (1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other

proceeding under this Sanhita by or before such Court or officer, such Court may issue a summon or such officer may, by a written order, either in physical form or in electronic form require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

- (2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.
- (3) Nothing in this section shall be deemed-
 - (a) Sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023 or the Bankers' Books Evidence Act, 1891 (13 of 1891) or
 - (b) To apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the postal or telegraph authority.

Section 179, B.N.S.S (Police officer's power to require attendance of witnesses)

- (1) Any police officer, making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:

Provided that no male person under the age of fifteen years or above the age of sixty-five years or woman or a mentally or physically disabled persons or a person with acute illness shall be required to attend at any place other than the place in which such person or resides :

Provided further that if such person is willing to attend at the police, such person may be permitted so to do.

- (2) The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub- section (1) at any place other than his residence.

Section 195 B.N.S.S (Power to summon persons)

- (1) A police officer proceeding under section 194 of B.N.S.S may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case and every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

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 reside :

Provided further that if such person is willing to attend and answer at the police stations, such person may be permitted so to do

- (2) If the facts do not disclose a cognizable offence to which section 190, B.N.S.S applies, such persons shall not be required by the police officer to attend a Magistrate's Court."

III. PROCEDURE FOR ISSUANCE OF NOTICES/ORDERS

Upon consideration of the Judgement in case titled *Amandeep Singh Johar Vs Govt. of NCT of Delhi* passed by Hon'ble High Court of Delhi, it is directed that as far as working of Section 41A Cr.P.C **now Section 35 (3) of B.N.S.S.** is concerned, the following procedure shall be strictly followed by the police in Delhi: -

- (i) Police officers should be mandatorily required to issue notices under Section 41A Cr.P.C. **now 35 (3) B.N.S.S** (in the prescribed format) formally to be served in the manner and in accordance with the terms of the provisions contained in Chapter VI of Bharatiya Nagarik Suraksha Sanhit Model form of notice under Section 41A Cr.P.C **now Section 35 (3) B.N.S.S** & its acknowledgement is enclosed herewith as **Annexure-A**.
- (ii) The concerned suspect or accused person will necessarily need to comply with the terms of the notice under section 41 A Cr.P.C **Now Section 35 (3) of B.N.S.S** and make himself available at the requisite time and place.

- (iii) Should the accused be unable to present himself at the given time for any valid and justifiable reason, the accused should in writing immediately, intimate the investigating officer and seek an alternative time within a reasonable period, which should ideally not exceed a period of four working days, from the date on which he was required to attend, unless he is unable to show justifiable cause for such non-attendance.
- (iv) Unless it is detrimental to the investigation, the police officer may permit such rescheduling, however only for justifiable causes to be recorded in the case diary. Should the IO believe that such extension is being sought to cause delay to the investigation or the suspect or accused person is being evasive by seeking time, (subject to intimation to the SHO/DCP of the concerned Police Station), deny such request and mandatorily require the said person to attend.
- (v) A suspect/accused on formally receiving a notice under Section 35 (3) of B.N.S.S and appearing before the concerned officer for investigation or interrogation at the police station, may request the concerned IO for an acknowledgement.
- (vi) In the event the suspect or accused is directed to appear at a place other than the police station (as envisaged under Section 35 (3) of B.N.S.S the suspect will be at liberty to get the acknowledgement receipt attested by an independent witness if available at the spot in addition to getting the same attested by the concerned investigating officer himself.
- (vii) A duly indexed booklet containing serially numbered notices in triplicate carbon copy format should be issued by the SHO of the Police Station to the Investigating Officer. The Notice should necessarily contain the following details:
 - (a) Serial Number
 - (b) Case Number
 - (c) Date and time of appearance
 - (d) Consequences in the event of failure to comply
 - (e) Acknowledgment slip
- (viii) The Investigating Officer shall follow the following procedure:-
 - a) The original is served on the accused or suspect;
 - b) A carbon copy (on white paper) is retained by the IO in his or her case diary, which can be shown to the concerned Magistrate as and when required;

- c) Used booklets are to be deposited by the IO with the SHO of the Police Station who shall retain the same till the completion of the investigation and submission of the final report under section 173 (2) of the Cr.P.C **now Section 193 (3) of the B.N.S.S.**
- d) The Police department shall frame appropriate rules for the preservation and destruction of such booklets.

IV. DIRECTIONS OF THE HON'BLE HIGH COURT OF DELHI

- (a) The Hon'ble Delhi High Court further directed that the above procedure shall apply also to the working of Sections 91, 160 and 175 of the Cr.P.C **now Sections 94, 179 and 195 of B.N.S.S.** as well. The above procedure shall be mandatorily followed by Delhi Police when working the requirements of all the above noted sections.
- (b) The format of notices to be issued u/s 41-A, 91, 160 & 175 Cr.P.C. **now Section 35 (3), 94, 179, & 195** have been enclosed as **Annexure A, B, C & D.**
- (c) A Non-PPR Register as per **Annexure-E** shall be maintained year-wise by the Duty Officer in each Police Station containing the relevant details of the Notices issued by Investigating Officers.

V. AREA OF RESPONSIBILITY

- 1. While issuing such notices, the concerned Investigating Officer must ensure his or her presence on the given date and time and if due to any unforeseen circumstances or official exigencies, the he is required to be away, the Inspector (Investigation) or SHO will take the needful action in respect of the noticee. However, in a rare situation of serious exigency of an operational nature, where none of the above officers is present, while recording the presence of the noticee, the Duty Officer will issue the necessary acknowledgement and also record a DD entry to this effect. The Duty Officer will also collect a copy of self-attested ID proof from the noticee and inform the IO or SHO accordingly. A copy of DD entry and ID proof shall be handed over to the Investigating Officer upon his or her arrival.
- 2. The Investigating Officers are responsible for exercising full care and precautions with regard to the personal safety of persons summoned by them. They should guard against the possibility of

such witness or suspect attempting to commit suicide or causing any bodily harm to himself. The task of IO should as far as possible be carried out in Sankraman Kaksha or on the ground floor of the Police Stations.

3. When a woman has to be questioned or interrogated and a notice under section 179 of B.N.S.S needs to be served, the IO must keep in mind that a woman cannot be summoned to the police station. However, the notice can mention the details and time where the women will be questioned, which should ordinarily be where the women resides, preferably in the presence of other family members or women police personnel.
4. As per section 179 of B.N.S.S, no male person under the age of fifteen years or above the age of sixty years or 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 in which such person resides, if such person willing to attend at the police station, such person may be permitted so to do. As per Juvenile Justice Act, such person under the age of eighteen years be questioned where he resides and preferably in the presence of other family members, guardians, fit persons or Juvenile Welfare Officers.
5. Procedure booklets (containing serially numbered notices in triplicate) in format identical to the above prescription in guidelines (vii) & (viii) with modifications having regard to the statutory provisions in the forms for notices and acknowledgment shall be maintained.
6. Failure on the part of IO, to comply with the mandate of provisions of B.N.S.S and the above procedure, shall render him liable for appropriate disciplinary proceedings under the applicable rules.
7. Wide publicity should be given for educating the public at large through various modes of Public Advocacy.
8. This Standing Order shall also be posted on the official website of Delhi Police in Hindi as well as English language to ensure that public is apprised of the procedure that has to be followed.
9. The above information should be displayed at prominent places in Police Stations, Subordinate Courts and the Hon'ble High Court and made available to State and District Legal Services Authorities, in order to inform the public of their rights and recourses available to them.

10. Training programmes be specially formulated for police officers and judicial officers to sensitize them towards effective compliance of Section 35 (3), 94, 179, & 195 of Bharatiya Nagarik Suraksha Sanhit.
11. DCsP Districts/Units in coordination with DCP/GA shall prepare standardized pamphlets/posters carrying essential points of judgment for displaying at prominent places/Notice Board in all the Police Stations in order to inform the General Public of their rights.

VI. RETENTION/DESTRUCTION OF RECORD

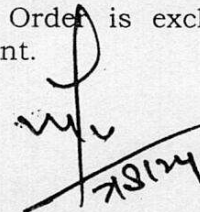
Used booklets deposited by the IO with the SHO of the Police Station shall be retained for 03 years after the completion of the investigation and submission of the final report under section 193 (3) and 193 (9) of the B.N.S.S for any requirement during the trial of the cases. If the record is to be retained beyond specified period, concurrence of the concerned ACP will be required. In any case, the concurrence of ACP be taken for final disposal of such records.

VII. SUPERSESSION CLAUSE

This Standing Order supersedes the previous Standing Order No. Lic. & Leg. /07/2022 issued vide No. 20501-20650/Record Branch/PHQ dated 29.04.2022

VIII. DISCLAIMER

It is made clear that this Standing Order is exclusively for internal smooth functioning of Police Department.



(SANJAY ARORA)
COMMISSIONER OF POLICE:
DELHI

No. 5957-6100 /Record Branch/PHQ dated Delhi, the 7/8/24.

Copy forwarded to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.

3. All Additional Commissioners of Police, Delhi.
4. OSD to C.P., Delhi.
5. All Deputy Commissioners of Police, Districts/Units including PHQ, C.P. Sectt., FRRO and Deputy Director/Delhi Police Academy, Delhi/New Delhi.
6. DCP/HQ(IV)/PHQ with the direction to upload the Standing Order on Intra-DP.
7. LA to CP and FA to C.P., Delhi.
8. All ACsP/Insprs./PHQ.
9. PS/Reader to C.P., Delhi.
10. HAR/PHQ.
11. Librarian/PHQ.

No. 14/3 (NCLs-SOPs)/2024-CB/ 253

GOVERNMENT OF MANIPUR

POLICE DEPARTMENT

OFFICE OF THE DIRECTOR GENERAL OF POLICE, MANIPUR

Imphal, the 2nd March, 2025.

STANDING ORDER NO.....197.....

Subject: Standard Operating Procedure (SOP) on Audio-Visual Recording

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

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

Objective

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

Applicability

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 mandates andidentification of person arrested u/s 54 BNSS, provides for audio-video recording of processes of search u/s 105 BNSS, procedure of investigation u/s 176 BNSS, recording of statement u/s 180 BNSS, recording of confession u/s 183 BNSS, search and seizure u/s 185 BNSS. The relevant sections are reproduced hereunder.

Section 54 BNSS – Identification of person arrested

Test identification parade involving identifying witnesses with temporary or permanent physical or medical disabilities. In this particularcontext, the identification process shall be recorded by any audio-video electronic means.

Contd...../-

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

Under this section

- The process of conducting search of a place.
- Taking possession of any property, article or thing
- Preparation of the list(s) of all things seized in the course of such search and seizure.
- Signing of such list(s) by witnesses shall be recorded through audio-video electronic means preferably a mobile phone and the police officer shall without delay forward such recording to the District Magistrate, Sub-divisional Magistrate or Judicial Magistrate of the first class.

Section 176 BNSS- Procedure for investigation

(b) In relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or at the place of her choice and as far as practicable by a woman police officer **in the presence of her parents or guardians 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.

(3) Mandatory requirement for videography of the process of collecting of forensic evidence on mobile phone or any other electronic device from the scene of crime by forensic experts, for offences punishable with 7 years or more.

Section 180 BNSS-Examination of witnesses by police

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

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

Section 183 BNSS – Recording of confession

(6) Process of recording of statement before the Magistrate of temporarily or permanently, physically or mentally disabled victims of certain offences including crimes against women. In this particular context, the statements made before the magistrate shall be recorded through audio-video electronic means preferably cell phone.

Section 185 BNSS - Search by police officer.

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

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

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

Procedure to be adopted

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

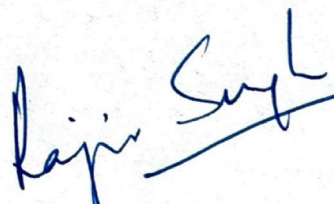
1. The Mobile phone(s) used should have sufficient memory capacity and extra memory slot.
2. Such mobile phone should be authenticated by making a station diary entry containing make, model, IMEI nos. etc of the mobile phone.
3. Officer In-Charge/ Investigating Officer/Police Officer can use their personal mobile phone for the purpose of audio-video recording.
4. Whenever Investigating Officer is proceeding for audio visual recording means he/she shall keep in mind the following points
 - a. Phone should be functional and fully charged.
 - b. No SIM card is inserted in the phone. In case of unavoidable circumstances where SIM card is inserted, the mobile phone should be kept in Airplane mode.
 - c. Mobile phone should not be connected to any *wi-fi* network or *li-fi* (light fidelity) system or NFC (Near field Communication) technology.

Contd..../-

- d. Apart from the phone memory there should be another memory card.
- e. Investigating Officer should keep one power bank to avoid low battery situation.
- f. Investigating Officer should be careful in handling the phone in different weather conditions.
- g. Investigating Officer should ensure that proper lighting arrangements are there for proper recording.
5. Before starting the audio-visual recording, Investigating Officer shall introduce himself/herself with the case reference in presence of two witnesses whose name, address and purpose of their presence will be mentioned by the Investigating Officer while looking towards the camera.
(E.g:- I, Shri/Smt.designation, Investigating officer of the case No.....starting search/recording of statement in presence of witnesses. Shri/Smt.(complete address) is/are present as witnesses for search/recording of statement.
6. Investigating Officer shall examine at least two witnesses relating to search and seizure/recording of statement of accused/victim.
7. Investigating Officer shall request the witnesses to look into the camera and make a declaration that the search/recording of statement is done in their presence.
(eg. I, Shri/Smt.....(complete address) is present as witnesses in connectionfor search/recording of statement in case no.....
8. After completion of search and audio-video recording IO shall finish it with the closure statement in presence of witnesses.
(E.g- I, Shri/Smt.designation, Investigating Officer of the case no.ending search/recording of statement in presence of witnesses.
9. The recording shall be done uninterruptedly from the beginning to end.
10. During the process of search/seizure/recording of statement (victim/accused) other available phones shall be in silent mode so that the audio recording is done without disturbance.
11. If photographed, the photograph shall include dead body (if present) to show locations, injuries and condition.
12. After completion of search and seizure operation, the Investigating Officer shall bring the audio-video electronic device which was used for recording, to the police station.
13. At the police station, the audio-video recording is transferred to the local designated desktop either directly through device insertion or via cable or Bluetooth. This is to be clearly mentioned in the case diary.
14. The officer-in-charge of the concerned police station shall purchase blank/new pen drives, DVDs, CDs, Hard disk from police station's fund.

15. After completion of the data transfer process, Investigating Officer shall keep the recording in his/her safe custody with at least three copies in external storage device (Pendrive/DVD/CD/Memory card/Hard disk).
16. Investigating Officer shall keep the external storage media where the recordings are available in a sealed cover taking signature of both witnesses, concerned person (accused/victim) and Investigating Officer himself/herself.
17. After completion of the search proceedings, the Investigating Officer shall deposit the sealed items/documents/properties/material objects into the Malkhana by making proper entry in Malkhana Register to maintain the chain of custody.
18. Investigating Officer shall immediately send the electronic means of recorded copies to the concerned court with record chalan within 48 hours.
19. Investigating Officer shall mention the mobile phone details and hash value in the case diary through which the recording was prepared.
20. Investigating Officer shall ensure to keep certificate under section 63 BSA to substantiate the electronic means of recording.
21. Investigating Officer shall maintain records of the handling, packaging, and transportation of seized items meticulously. He shall diligently document the chain of custody, including the identity of individuals handling evidence, dates and times of transfers, and any changes in custody.
22. All the above guidelines regarding transfer and preservation of data will also be followed in cases where a device other than mobile phone, such as video camera is used for the audio visual recording.

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



(Rajiv Singh),

Director General of Police,
Manipur, Imphal

Copy to:-

1. Addl. Directors General of Police (Int.)/(Law & Order)/(Trg.), Manipur.
2. Inspectors General of Police (Int.)/(Trg.), Manipur.
3. All Superintendents of Police, Manipur including NAB & Cyber Crime.
4. SO to DGP, Manipur.
5. All Officers-in-charge of Police Stations.
6. In-charge Manipur Police Computer Centre.
7. Guard File.

MANIPUR GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 396

Imphal, Wednesday, March 12, 2025

(Phalguna 21, 1946)

GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, March 12, 2025

No. 2/12/2025-Leg/L: The Governor of Manipur is pleased to make the following rules under the Bharatiya Nagarik Suraksha Sanhita, 2023 (No. 46 of 2023) after consultation with the High Court of Manipur:

The Manipur eSakshya Management Rules, 2025

1. Short title and commencement.-

- (1) These rules may be called the Manipur eSakshya Management Rules, 2025.
- (2) They shall come into force from the date of their publication in the Official Gazette of Manipur.

2. Definitions.-

- (1) In these rules, unless the context otherwise requires,-
 - (a) "CCINS" means Crime and Criminal Tracking Network and Systems, a system software used by the Police for the collection of data and execution of instructions;
 - (b) "CIS" means Case Information System, a system software used by the District Judiciary and High Courts for the collection of data and execution of instructions;
 - (c) "eSign" means authentication of any electronic record by a subscriber or court, by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000(21 of 2000) and includes digital signature. Also, when a process or report generated in electronic form is authenticated by means of electronic signature, it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;
 - (d) "High Court" means the High Court of Manipur;
 - (e) "ICJS" shall mean Inter-operable Criminal Justice System, a software presently in operation for transfer of information among various pillars of criminal justice system, which includes investigating agencies, courts, correctional homes, forensic laboratories, prosecution; and any other stakeholder as notified by the central government;
 - (f) "Investigating Officer" means any police officer or any other person authorized by a competent authority or empowered to undertake investigation for any offence;
 - (g) "Sakshya" means any evidence collected/recorded as a document through eSakshya Mobile Application. Sakshya consists of video recording(s).

photograph(s), photograph(s) of witness(s) and photograph of the investigating/recording officer. All evidence recorded through eSakshya Mobile Application shall generate a secure packet of the event (hereinafter referred to as "eSakshya Packet") with a unique ID called SID, a unique 16 digit ID (SID) with opening, closing time stamp and geo-location. Each SID and its contents will have unique hash value to ensure integrity. Sakshya will be stored in immutable storage;

(h) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023);

(2) Words and expressions used, but not defined in these rules shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023); the Bharatiya Nyaya Sanhita, 2023 (45 of 2023); the Bharatiya Sakshya Adhiniyam, 2023, (47 of 2023) and the Information Technology Act, 2000 (21 of 2000).

3. Every Investigating Officer shall record all video and photo evidence as required under section 105, 173, 176, 180, 185 and 497 of the Sanhita through the eSakshya Mobile Application.

4. Investigating Officer shall generate a certificate 63(4)(c) Part A of the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023) through the eSakshya Mobile Application. All Certificates will be eSigned.

5. Investigating Officer shall link SID with the concerned FIR number/GD number generated through CCTNS.

6. The Sakshya uploaded to immutable storage shall be construed to be forwarded to Magistrate as required under section 105 and 185 of the Sanhita.

7. The courts can view and manage all Sakshya concerning to their jurisdiction in the CIS application/Sakshya portal on ICJS.

8. The court may permit sharing of Sakshya with accused and the victim (if represented by an advocate) as per the provisions under section 230 of the Sanhita.

9. eSakshya packet will be archived after completion of trial and will be moved to Archival mode.

10. Nothing in these rules shall be deemed to limit the power of the Courts to view the Sakshya by the Court.

11. These rules shall be in addition to, not in derogation of any other law or rules for time being in force for accepting and managing Sakshya by the Court in terms of the provisions of Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023).

NUNGSHITOMBI ATHOKPAM,
Commissioner (Law),
Government of Manipur.

450 -

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION
Imphal, March 12, 2025

No. 2/12/2025-Leg/L: The Governor of Manipur is pleased to make the following rules under the Bharatiya Nagarik Suraksha Sanhita, 2023 (No. 46 of 2023) after consultation with the High Court of Manipur:

The Manipur eSakshya Management Rules, 2025

1. Short title and commencement.-

- (1) These rules may be called the Manipur eSakshya Management Rules, 2025.
- (2) They shall come into force from the date of their publication in the Official Gazette of Manipur.

2. Definitions.-

- (1) In these rules, unless the context otherwise requires,-
 - (a) "CCTNS" means Crime and Criminal Tracking Network and Systems, a system software used by the Police for the collection of data and execution of instructions;
 - (b) "CIS" means Case Information System, a system software used by the District Judiciary and High Courts for the collection of data and execution of instructions;
 - (c) "eSign" means authentication of any electronic record by a subscriber or court, by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000(21 of 2000) and includes digital signature. Also, when a process or report generated in electronic form is authenticated by means of electronic signature, it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;
 - (d) "High Court" means the High Court of Manipur;
 - (e) "ICJS" shall mean Inter-operable Criminal Justice System, a software presently in operation for transfer of information among various pillars of criminal justice system, which includes investigating agencies, courts, correctional homes, forensic laboratories, prosecution; and any other stakeholder as notified by the central government;
 - (f) "Investigating Officer" means any police officer or any other person authorized by a competent authority or empowered to undertake investigation for any offence;
 - (g) "Sakshya" means any evidence collected/recorded as a document through eSakshya Mobile Application. Sakshya consists of video recording(s).



photograph(s), photograph(s) of witness(s) and photograph of the investigating/recording officer. All evidence recorded through eSakshya Mobile Application shall generate a secure packet of the event (hereinafter referred to as "eSakshya Packet") with a unique ID called SID, a unique 16 digit ID(SID) with opening, closing time stamp and geo-location. Each SID and its contents will have unique hash value to ensure integrity. Sakshya will be stored in immutable storage;

(h) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023);

(2) Words and expressions used, but not defined in these rules shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023); the Bharatiya Nyaya Sanhita, 2023 (45 of 2023); the Bharatiya Sakshya Adhiniyam, 2023, (47 of 2023) and the Information Technology Act, 2000 (21 of 2000).

3. Every Investigating Officer shall record all video and photo evidence as required under section 105, 173, 176, 180, 185 and 497 of the Sanhita through the eSakshya Mobile Application.

4. Investigating Officer shall generate a certificate 63(4)(c) Part A of the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023) through the eSakshya Mobile Application. All Certificates will be eSigned.

5. Investigating Officer shall link SID with the concerned FIR number/GD number generated through CCTNS.

6. The Sakshya uploaded to immutable storage shall be construed to be forwarded to Magistrate as required under section 105 and 185 of the Sanhita.

7. The courts can view and manage all Sakshya concerning to their jurisdiction in the CIS application/Sakshya portal on ICJS.

8. The court may permit sharing of Sakshya with accused and the victim (if represented by an advocate) as per the provisions under section 230 of the Sanhita.

9. eSakshya packet will be archived after completion of trial and will be moved to Archival mode.

10. Nothing in these rules shall be deemed to limit the power of the Courts to view the Sakshya by the Court.

11. These rules shall be in addition to, not in derogation of any other law or rules for time being in force for accepting and managing Sakshya by the Court in terms of the provisions of Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023).


(Nungshitombi Athokpam)
Commissioner (Law)
Government of Manipur

Copy to:

1. The Secretary to Governor of Manipur, Raj Bhawan, Imphal.
2. Staff Officer to Chief Secretary, Government of Manipur.
3. The Director General of Police, Manipur.

4. The Commissioner-cum-Secretary (Home), Government of Manipur.
5. All Administrative Secretaries, Government of Manipur.
6. All Deputy Commissioners/ District Magistrates, Manipur.
7. All the District & Sessions Judges, Manipur
8. The Registrar General, High Court of Manipur. This has reference to his letter No. HCM/Misc./89-Estt(V)/4801 dated 12.03.2025.
9. The Director of Prosecution, Manipur.
10. The Director of Printing and Stationery, Manipur with request for kindly publishing the above Notification in the Official Gazette Extra-ordinary and uploading in the Official Website.
11. The Government Advocate (HC), Manipur.
12. The Public Prosecutor (District), Manipur.
13. Guard File.



-52-

No. H-2001/69/2025-HD-HD
GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT

NOTIFICATION No. 20
Imphal, the 10th March, 2025

Subject: Opinions of experts, Electronic or digital record, Special provisions as to evidence relating to electronic record and Admissibility of electronic records - regarding.

Whereas, Section 39 of the Bharatiya Sakshya Adhiniyam, 2023, is related to Opinion of experts.

"Section 39. Opinions of experts —(1) When the Court has to form an opinion upon a point of foreign law or of science or art, or any other field, or as to identity of handwriting or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or any other field, or in questions as to identity of handwriting or finger impressions are relevant facts and such persons are called experts.

(2) When in a proceeding, the court has to form an opinion on any matter relating to any information transmitted or stored in any computer resource or any other electronic or digital form, the opinion of the Examiner of Electronic Evidence referred to in section 79A of the Information Technology Act, 2000 (21 of 2000), is a relevant fact.

Explanation.—For the purposes of this sub-section, an Examiner of Electronic Evidence shall be an expert.

2. Whereas, Section 61 of the BSA (Electronic or digital record) reads as —Nothing in this Adhiniyam shall apply to deny the admissibility of an electronic or digital record in the evidence on the ground that it is an electronic or digital record and such record shall, subject to section 63, have the same legal effect, validity and enforceability as other document.

3. Whereas, Section 62 of the BSA (Special provisions as to evidence relating to electronic record) reads as — The contents of electronic records may be proved in accordance with the provisions of section 63.

4. Whereas, Section 63 of the BSA (Admissibility of electronic records) reads as —

(1) Notwithstanding anything contained in this Adhiniyam, any information contained in an electronic record which is printed on paper, stored, recorded or copied in optical or magnetic media or semiconductor memory which is produced by a computer or any communication device or otherwise stored, recorded or copied in any electronic form (hereinafter referred to as the computer output) shall be deemed to be also a document, if the conditions mentioned in this section are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence or any contents of the original or of any fact stated therein of which direct evidence would be admissible

(2) The conditions referred to in sub-section (1) in respect of a computer output shall be the following, namely:—

(a) the computer output containing the information was produced by the computer or communication device during the period over which the computer or Communication device was used regularly to create, store or process information for the purposes of any activity regularly carried on over that period by the person having lawful control over the use of the computer or communication device;

(b) during the said period, information of the kind contained in the electronic record or of the kind from which the information so contained is derived was regularly fed into the computer or Communication device in the ordinary course of the said activities;

(c) throughout the material part of the said period, the computer or communication device was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents; and

(d) the information contained in the electronic record reproduces or is derived from such information fed into the computer or Communication device in the ordinary course of the said activities.

(3) Where over any period, the function of creating, storing or processing information for the purposes of any activity regularly carried on over that period as mentioned in clause (a) of sub-section (2) was regularly performed by means of one or more computers or communication device, whether—

(a) in standalone mode; or

(b) on a computer system; or

(c) on a computer network; or

(d) on a computer resource enabling information creation or providing information processing and storage; or

(e) through an intermediary,

all the computers or communication devices used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer or communication device; and references in this section to a computer or communication device shall be construed accordingly.

(4) In any proceeding where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things shall be submitted along with the electronic record at each instance where it is being submitted for admission, namely:—

(a) identifying the electronic record containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer or a communication device referred to in clauses (a) to (e) of sub-section (3);

(c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate,

and purporting to be signed by a person in charge of the computer or communication device or the management of the relevant activities (whichever is appropriate) and an expert shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it in the certificate specified in the Schedule.

(5) For the purposes of this section,—

(a) information shall be taken to be supplied to a computer or communication device if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(b) a computer output shall be taken to have been produced by a computer or communication device whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment or by other electronic means as referred to in clauses (a) to (e) of sub-section (3).

5. The State Government hereby notified that all concerned Departments in the State including Forensic Science Dept, IT Department etc. shall corporate and coordinate, as and when required for invoking the above provisions of Bharatiya Sakshya Adhiniyam, 2023.



(Dr. Mayengbam Veto Singh)

Joint Secretary (Home), Government of Manipur

Copy to:

- 1) Secretary to Governor, Manipur.
- 2) Staff Officer to Chief Secretary, Manipur.
- 3) Commissioner (Home), Government of Manipur.
- 4) Director General of Police, Manipur.
- 5) Commissioner (Law), Government of Manipur.
- 6) All District Magistrates/ADMs, Manipur.
- 7) All Superintendents of Police, Manipur.
- 8) Registrar General, High Court of Manipur, Imphal.
- 9) Director, Printing and Stationery, Manipur for publication in the Extra-Ordinary Gazette, Manipur.
- 10) Notice Board.
- 11) Guard file.



**ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH**

CRIME BRANCH CIRCULAR No. 05 / 2025

**Sub: Standard Operating Procedure on Attachment, Forfeiture or
Restoration of Property**

Introduction

The procedure for attachment and forfeiture of properties of accused persons termed as “proceeds of crime” (derived from commission of offence and criminal activity) was not prescribed under Code of Criminal Procedure, 1973. The procedure of attachment and consequent forfeiture of the property acquired from the proceeds of the crime has been introduced in section 107 BNSS 2023. This section empowers law enforcement agencies and judicial authorities to dispose off the proceeds of crime in accordance with the laid down procedure.

I. Objective

- a. To ensure justice to the victims.
- b. To prohibit the offender to enjoy the benefits and fruits of the ill-gotten property.
- c. To deter the offender and other persons from committing such crimes.
- d. To compel the appearance of the offender/accused before the Court.
- e. To make the accused accountable for the crime and involve him/her in the legal process.

II. Legal Provision

Section 107(1) BNSS reads as follows; -

Where a police officer making an investigation has reason to believe that any property is derived or obtained, directly or indirectly, as a result of a criminal activity or from the commission of any offence, he may, with the approval of the Superintendent of Police or Commissioner of Police, make an application to the Court or the Judicial Magistrate, exercising jurisdiction to take cognizance of the offence or commit for trial or try the case, for the attachment of such property.

III. Procedure

For smooth and effective implementation of section 107, BNSS, 2023, the investigating officers are hereby directed to strictly follow the principles of law and the procedures explained hereunder:

1. The investigating officer should identify the properties, directly or indirectly, as to whether, it is derived out of the criminal activity or commission of offence.
2. Before making application to the Court having jurisdiction, the police officer conducting investigation should obtain approval from the Superintendent of Police or Commissioner of Police for filing of application for attachment.
3. After getting permission from the Superintendent of Police or Commissioner of Police, the investigating officer should make an application for attachment of the property before the Court having jurisdiction to take cognizance or commit for trial of the case.
4. The investigating officer should furnish all the relevant information related to the property in the application to be filed before the court, annexing all the requisite documents of the property in question and with proper justification.
5. The investigating officer should also furnish the details of the persons/ claimant/ persons affected by such crime to whom the proceeds of the crime would be distributed.
6. When the Court is 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".
7. The investigating officer should make all efforts to serve the notice timely to the accused, claimant and persons affected. The reply of accused, claimant in case the property is held by him on behalf of the accused and persons affected ought to be obtained within a period of 14 days from the receipt of the notice.
8. On receipt of the explanation and after reasonable opportunity is given to such person, the investigating officer should impress upon the court with adequate evidence for obtaining order of attachment in respect of property, found to be from proceeds of crime.
9. If such person fails to appear or represent his case before the Court within 14 days, the Court may also pass an *ex-parte* order.
10. In case, the investigating officer is of the opinion that the issuance of the notice would defeat the purpose of filing the application, the investigating officer should request the Court to pass an interim *ex-parte* order for directing attachment or seizure of such property.

11. If the Court finds that the attached or seized property are proceeds of crime, the investigating officer should request the Court to direct the concerned District Magistrate to distribute such proceeds of crime to the persons who are affected by such crime.
12. The investigating officer should submit the order of the Court to the District Magistrate without any delay for distribution of the proceeds of crime to the persons affected by such crime, within 60 days from the date of receipt of order of the Court.
13. If there are no claimants to receive such proceeds, then such proceeds of crime shall stand forfeited to the Government and the investigating officer should take steps for deposit of such proceeds of crime with the Government without any delay.
14. The investigating officer should note that the attachment, forfeiture or restoration of property can be done at any stage of the criminal proceeding.
15. In case of special laws, the provisions mentioned in the Act are to be followed.

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

16/1/25

(Vinaytosh Mishra IPS)
Director General of Police,
CID Crime Branch, Odisha.

Memo No. 830 /CID-Law

Date: 16 .01.2025.

Copy forwarded to:

- All Dist. SsP including DCsP, Bhubaneswar / Cuttack,
- SsRP Cuttack/ Rourkela, SsP HRPC/ CAW & CW/ EOW/ STF
- D.G of Police, HRPC, Director, SCRB, Addl. D.G of Police Railways & Coastal Security, Commissioner of Police, Bhubaneswar - Cuttack,
- IGP CAW & CW, IGP Training, IGP EOW, DIGP STF
- All Range IsGP / DIsGP
for information and necessary action.

16/1/25

Director General of Police,
CID Crime Branch, Odisha.



CHANDIGARH POLICE

OFFICE OF THE DIRECTOR GENERAL OF POLICE, U.T., CHANDIGARH
ADDL. DELUX BUILDING, SECTOR 9, CHANDIGARH-160009

CIRCULAR

Subject:- Guidelines under section 107 BNSS 2023 for Attachment, Forfeiture or Restoration of property.

Introduction:- The concept of attachment and consequent forfeiture of the property acquired from the proceeds of the crime has been introduced by way of section 107, BNSS 2023. 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. Various other penal statutes in the past have also provided such measures for attachment and forfeiture of properties derived from commission of crime. The attachment provisions under BNSS 2023 serves two primary objectives i.e. Firstly, to compel the appearance of the offender/accused before the judicial system in order to hold him/her accountable for the crime and involve him/her in the legal process and secondly, to deprive the offender of the benefits and fruits of his/her crime in order to deter the offender and other persons from committing the crime and to uphold the principles of justice and fairness. It is in the context of the aforesaid principles relating to attachment provisions under various criminal statutes. The introduction of Section 107 of BNSS thus seems to take the law forward for attachment of such properties. In order to achieve the aim of section 107, BNSS, 2023, the investigating officers are hereby directed to strictly follow the principle of law and the procedures explained hereunder:-

1. The investigating officer shall identify the Property as to whether it is derived directly or indirectly as a result of criminal activity or from commission of any activity as proceeds of crime.
2. On such Identification, the police officer making Investigation should obtain approval from the Superintendent of Police.
3. After obtaining permission, he should make an application for attachment of the property before the court, having jurisdiction to decide the matter.
4. The investigating officer shall furnish all the relevant information related to the property and shall annex all the requisite documents of the property in question before the court and will justify the request made in the application before the court.
5. The investigating officer shall also furnish the details of the persons/claimant to whom proceedings of the crime shall be distributed/ to the persons who are affected by such crime. When the Court is 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"
6. The reply should be made by the person within the period of 14 days and investigating officer shall make all efforts to serve the notice to the accused/ claimant, in case, such identified property is held by any other person on behalf of such person.
7. A copy of notice shall be served upon such other person.

8. On receipt of the explanation and after reasonable opportunity is given to such person, the investigating officer shall impress upon the court with all the possible evidence in favour of the application, so that, the court may pass an order of attachment in respect of property which is found to be proceeds of crime.
9. 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.
10. In case, the investigating officer is of the opinion that the issuance of the notice would defeat the purpose of filing the application, the investigating officer shall request the court to pass an ex-parte order. If on the application of investigating officer, 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.
11. In case, the Court finds that the attached or seized property are proceeds of crime, the investigating officer shall request the Court to direct the concerned District Magistrate to distribute such proceeds of crime to the person who are affected by such crime.
12. The investigating officer shall submit the order of the Court to the District Magistrate without any delay and shall request the District Magistrate to distribute the proceeds of crime within the period of 60 days from the date of receipt of order of the Court. The District Magistrate himself or authorize any officer subordinate to him to effect such distribution to the victims of crime.
13. If there are no claimants to receive such proceeds, then such proceeds of crime shall stand forfeited to the Government and the investigating officer shall make efforts for deposit of such proceeds of crime with the Government without any delay.
14. The investigating officer shall note that the attachment, forfeiture or Restoration of property can be done at any stage even before pronouncement of Judgment 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.
15. It is clear that the Investigating Officer has to obtain permission of the concerned SSP/SP and not the concerned Principal Secretary.

Issued for strict compliance.

Surendra Singh Yadav
04/10/24
(Surendra Singh Yadav, IPS)
Director General of Police,
Union Territory, Chandigarh

No. 9426-9476 /HAC/UT/Chandigarh dated:- 04/10/24

- Copy to all concerned
- I/C Computer Section (for uploading on official website)

Government of Odisha

Home Department

NOTIFICATION

Bhubaneswar, Dated the 05th March 2025

No.PT3-HOME-CPM-MISC-0213-2023 - 9971 /CP&M,

In exercise of the powers conferred by sub-section (2) of Section 153 of THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 Chapter XI (sections 152-163), read with Government of Odisha, Home Department vide Notification bearing No. PT3-HOME-CPM-MISC-0213-2023 22520/ dated 30.06.2024, the Government of Odisha is herewith pleased to frame the following rules:-

1. Short title and Commencement. - (i) These rules may be called as "Powers and duties of District Magistrate and other Magistrates in dealing with Public nuisance Rules 2025".

(ii) They shall come into force from the date of publication of this notification in the Odisha Gazette.

2. Definitions. -

In these rules, unless the context otherwise requires. -

- (i) **DM** means the **District Magistrate** of a revenue district duly appointed and notified by the State government;
- (ii) **ADM** means the **Additional District Magistrate** of a revenue or police district, duly appointed and notified by the State government;
- (iii) **SDM** means the **Sub-Divisional Magistrate** of a revenue sub division in a district, duly appointed and notified by the State government;
- (iv) **SP** means the **Superintendent of Police** of a revenue district, or a police district, duly appointed and notified by the State government;
- (v) **DCP** means the **Deputy Commissioner of Police** of an urban police district, duly appointed and notified by the State government; and
- (vi) **Special Executive Magistrate** means Executive Magistrate or any Police officer not below the rank of Superintendent of Police or equivalent, appointed by the state government for particular areas or for the performance of particular functions and conferred on such Special Executive Magistrate, such of the powers as are conferrable under BNSS on Executive Magistrates.

3. Relevant Procedure and Provisions. -

A District Magistrate, Sub-Divisional Magistrate, or any specially empowered Executive Magistrate has the authority to take action against the persons responsible for public nuisances or to issue directives in urgent cases where immediate preventive remedy is needed. Public nuisance has been divided into 6 categories viz.

- (i) Unlawful obstruction or nuisance to public places, ways, river or channel that should be removed;
- (ii) Conduct of any trade or occupation or keeping of any goods or merchandise which is injurious to the health or physical comfort of the community for which that trade or occupation should be regulated or prohibited or such merchandise should be removed or regulated;
- (iii) Construction of any building or disposal of any substance that is likely to cause conflagrations or explosion should be prevented;
- (iv) If any building, tent or structure or any tree is in such a condition that it is likely to fall or cause injury to person living or carrying on business nearby or the passersby should be removed or repaired;
- (v) Any tank, well or excavation adjacent to public place should be fenced to prevent danger; and
- (vi) Any dangerous animal should be destroyed, confined or otherwise disposed of.

4. Conditional Orders. -

Magistrate may pass conditional order to remove the public nuisance as mentioned above to remove such obstructions. (section 152) :-

- (i) **Service of Order.**- The order will be served personally. If not possible, it will be made public through a proclamation and a copy of the same shall be stuck up at such place or places for conveying information to the person. (section 153);
- (ii) **Compliance or Objection.** -The person directed must comply with the order. within the time and in the manner specified in the order, as directed or appear before the Magistrate to show cause. He may be permitted to appear through audio video conferencing. (section 154);
- (iii) **Failure to Comply.**- if no compliance or appearance is made, penalties under Section 223 BNS will apply, and the previous interim order will be made absolute. (section 155);
- (iv) **Appeals and Denial of Public Right.**- if the person objects to the existence of public rights, the Magistrate will inquire into the matter. If no evidence supports the denial, the Magistrate will proceed with enforcing the order. (section 156);
- (v) If the person, against whom an order is made, appears and produces show cause report against it, the magistrate shall take evidence in the matter, as in a summons case. Based on

it, he may pass an Absolute Order with or without modification of previous order. (section 157);

(vi) **Investigation and Expert Assistance.-** The Magistrate can direct a local investigation or summon an expert to gather evidence and assist in the decision-making process. The expenses for such investigations will be borne by the parties as would be directed by the Magistrate. (sections 158-159);

(vii) **Execution of Order.-** If the nuisance is not removed within the stipulated time, the Magistrate can take necessary action and recover the costs from the responsible party section 160), A

(viii) **Immediate Injunction.-** Magistrate can pass immediate order in the form of an injunction to the person against whom the order was made, to prevent imminent danger or injury of serious kind to the public. He can enforce such injunction to prevent such danger or prevent such injury to public. (section 161); and

(ix) The Magistrate will prevent repetition or continuance of public nuisance. (section 162).

5. Process

(i) District Magistrate or Sub-Divisional Magistrate or any other Executive Magistrate specially empowered, upon information from Police or otherwise, about public nuisance, such as obstruction to public way, river or channel, nuisance of any trade or merchandise which is injurious to health or physical comfort of public, any construction or disposal of material likely to cause conflagration or explosion, any building, tent, structure or tree likely to fall or cause any injury to any person, any unfenced tank or well posing danger to public, any dangerous animal, may order to remove the nuisance directing the party causing it to remove it. This order shall not be questioned in any civil court. He may immediately pass Injunction Order if immediate danger or injury is posed to public directing such person to remove the nuisance;

(ii) Upon receipt of information for removing public nuisance and passing the order. the order shall be served to person against whom such order is passed by any means including that of affixing the copy of order at appropriate place;

(iii) The order shall be obeyed by the person, or the person may appear before magistrate with show cause report for a hearing. Failing to comply with the order will attract punishment under section 223 of Bharatiya Nyaya Sanhita, 2023;

(iv) The magistrate, upon hearing with evidence put up before him, shall enquire into the matter as in Summons Case. He may summon and examine expert or direct local investigation for the same. After hearing, based on evidence put forth, he may make an absolute Order affirming the previous interim order with modification;

(v) He shall give notice to the party (against whom absolute Order is made and require him to comply the order. If not, he may cause it to be performed and recover the cost incurred from the party;

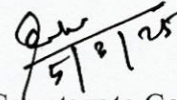
(vi) The cost may be recovered by the sale of any building, goods or other property removed by the order, or by the distress sale of any other movable property of such person within or without the jurisdiction of such magistrate's local jurisdiction. If such other property is without such jurisdiction, the order shall authorize its attachment and sale,

when endorsed by the magistrate within whose local jurisdiction, the property attached is found. No civil suit for this action is tenable in the court of law, when done in good faith;

(vii) Magistrate may pass an order for a person not to repeat or continue a public nuisance as described above; and

(viii) The District Magistrate, SDM or Deputy Commissioner of Police or any other Executive Magistrate specially empowered by the State government can pass a written order for immediate removal of public nuisance or apprehended danger.

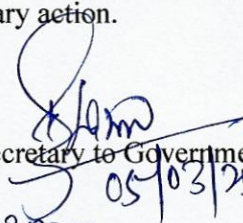
By order of the Governor



Additional Chief Secretary to Government

Memo No- 9972 /CP&M, Dated the 05th March 2025

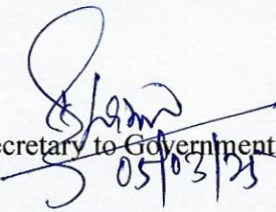
Copy forwarded to the D.G. & I.G. of Police, Odisha, Cuttack / D.G. of Police, CID, CB, Odisha, Cuttack/ All Collectors/ All SsP/ DY Commissioner of Police, Cuttack/ Dy Commissioner of Police, Bhubaneswar for information and necessary action.



Special Secretary to Government

Memo No- 9973 /CP&, Dated the 05th March 2025

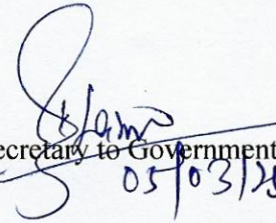
Copy forwarded to the Director, Printing, Stationery & Publications, Odisha, and Cuttack for information and necessary action. It is requested to kindly publish the notification in the extraordinary issue of Gazette of Odisha and Supply 50 (fifty) copies to Home Department.



Special Secretary to Government

Memo No- 9974 /CP&M, Dated the 05th March 2025

Copy forwarded to Home (IMU / VIP) Department for information and necessary action.



Special Secretary to Government

From

The Director General of Police,
Haryana, Panchkula.

To

1. DG/HSNCB, Madhuban.
2. ADGP/HSEnB, Haryana, Panchkula.
3. All CsP in Haryana.
4. All Ranges ADGsP/IGsP in Haryana.
5. ADGP/SCB, Haryana, Panchkula.
6. ADGP/Cyber, Haryana, Panchkula.
7. DIG/STF, Gurugram.
8. All District SsP in Haryana.
9. SP/GRP, Ambala.

No. 17704-39 /GA-1 dated 26-12-2024

Subject: - Guidelines on Preventive Action of Police under Section 172 of Bhartiya Nagarik Suraksha Sanhita, 2023.

Memo:

Chapter XII of Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'Suraksha Sanhita') deals with preventive action of police and has been incorporated with the intent to provide the police officials with adequate legal powers to maintain public order and to prevent the commission of a cognizable offence. Section 172 of Suraksha Sanhita bounds persons to conform to lawful directions of police given during the fulfilment of the duties enumerated under this chapter, which are as follows:

- Every police officer shall, to the best of his ability, prevent the commission of any cognizable offence (Section 168 of Suraksha Sanhita).
 - Every police officer upon receiving information of a design to commit any cognizable offence, shall communicate it to his superior and to any other officer whose duty it is to prevent or take cognizance of such offence (Section 169 of Suraksha Sanhita).
 - A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it cannot be otherwise prevented but no such person shall be detained in custody for more than 24 hours unless authorised otherwise (Section 170 of Suraksha Sanhita).
 - A police officer shall prevent any injury attempted to be committed to any public property, movable or immovable, or the removal or injury of any public landmark, buoy or other mark used for navigation (Section 171 of Suraksha Sanhita)
2. Section 172 (2) of Suraksha Sanhita further lays down that a police officer may detain or remove any person resisting, refusing, ignoring or disregarding to conform to any direction so given by him. He may-
- take such person before a Magistrate, or
 - in petty cases, release him as soon as possible within a period of 24 hours

3. The police officer detaining or removing a person under this section shall make an entry in the police station General Diary, mentioning the date, time, place and reasons necessitating his detention or removal. If he is released within a period of 24 hours without being taken before a magistrate, an entry in the General Diary shall also be made at the time of his release.

The above guidelines on preventive action of Police under Section 172 of Suraksha Sanhita may be brought to the notice of all concerned for compliance.

O/
/C



26/12/24

Dy. Superintendent

for Director General of Police, Haryana.



**OFFICE OF THE DIRECTOR GENERAL OF POLICE
Andaman & Nicobar Islands**

Sri Vijaya Puram, dated the

**Standard Operating Procedure for Registration of FIR
including zero FIR, e-FIR and online complaint**

Introduction: This standard operating procedure under 173 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is for the police officers in-charge/ SHOs of police stations.

Objectives:

- To streamline the process of FIR registration and make it accessible to all citizens.
- To ensure timely and efficient handling of complaints.
- To maintain a transparent and accountable system for FIR registration and management.

For ready reference, FIR related section, i.e., Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is reproduced here under: -

Information in cognizable cases. Section 173:

(1) Every information relating to the commission of a cognizable offence, irrespective of the area where the offence is committed, may be given orally or by electronic communication to an officer in charge of a police station, and if given—

(i) orally, it shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it;

(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:

Provided that if the information is given by the woman against whom an offence 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 is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:

Provided further that—

(a) in the event that the person against whom an offence 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 is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be videographed;

(c) the police officer shall get the statement of the person recorded by a Magistrate under clause (a) of sub-section (6) of section 183 as soon as possible.

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant or the victim.

(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 prima facie case for proceeding in the matter within a period of fourteen days: or

(ii) proceed with investigation when there exists a prima facie case.

(4) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1), may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Sanhita, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence failing which such aggrieved person may make an application to the Magistrate.

The flow of steps of registration of FIR are illustrated as below which may vary depending upon the actual circumstances of the case: -

1. An informant can approach any police station (PS) irrespective of the area where the offence is committed.

2. If the place of occurrence (PO) falls under the local jurisdiction of the same police station and the informant is physically present before him, gives the information orally, the SHO will take further action as per Section 173(1)(i) BNSS.

Step 1. Orally given information should be reduced to writing and be read over to the informant.

Step 2. Every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the informant.

Step 3. The substance of such information will be entered in a book in such form as the State Government may by rules prescribe in this behalf. Provided that if the information is given by a woman who is a victim of an offence under Section 64 - 71, 74 - 79 or Section 124 of BNS, then such information shall be recorded by a woman police officer or any woman officer:

Provided further that: -

(a) If the victim of an offence under Section 64 - 71, 74 - 79 or Section 124 of BNS is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be video graphed.

(c) the police officer shall get the statement of the person recorded by a Magistrate u/s 183 (6)(a) BNSS as soon as possible.

Step 4. A copy of the information as recorded (FIR) shall be given forthwith, free of cost, to the informant or the victim.

Note: If the SHO/ PS received any information about the commission of cognizable offence, in which no one is interested to lodge the complaint such as gambling, illegal possession of fire arms, drugs, etc, then the concerned SHO can take suo-motto action with the approval of Superintendent of Police.

3. Information given by electronic communication:

The SHO shall follow the procedure as stipulated under Section 173 (1)(ii) BNSS.

Step 1. Immediately after receiving such electronic communication, the same be entered in the General Diary (GD).

Step 2. An acknowledgement of the receipt of such information with specific mention of legal requirement of signature of the informant to be taken within three days should be immediately communicated to the informant preferably through the same mode of electronic communication through which the information was received.

Step 3. In the scenarios, where the informant or concerned victim may not be able to identify himself and/or physically come to the police station to sign within three days due to their vulnerable circumstances or any other valid reason, the officials from the concerned police station should proactively take measures to identify the victim or informant and obtain his/her signature for proceeding further. Needless to say, that the proviso given under Section 173 (1) are to be followed in letter and spirit.

Step 4. The substance of such information will be entered in the notified register for this purpose.

Step 5. A copy of the information as recorded (FIR) shall be given forthwith, free of cost, to the informant or the victim.

4. Information recorded irrespective of the area where the offence is committed (referred to as Zero FIR in common parlance):- If the Place of Occurrence (PO) of the incident does not fall under the local jurisdiction of the PS where information is given, the SHO will proceed to register an FIR without assigning it the regular number of FIR meant for the cases falling under the local jurisdiction of the PS. SHO will transfer the same at the earliest to the PS having the proper jurisdiction as per Section 175(1) BNSS through CCTNS. If provision of CCTNS is not available then it should be transferred through physical and electronic mode simultaneously.

Step 1. Immediately after receiving such information physically or by electronic communication, the same should be entered in the General Diary (GD).

Step 2. If the information is received by electronic communication, an acknowledgement, with specific mention of legal requirement of signature of the informant to be taken within three days, should be immediately communicated to the informant preferably through the same mode of electronic communication through which the information was received.

Step 3. The substance of such duly signed information will be entered as Zero FIR provided in CCTNS.

The National Crime Record Bureau (NCRB) has prepared three modules in CCTNS to handle such FIRs. These modules are Registration of Zero FIR, Search and view details of Zero FIR and transfer of Zero FIR respectively.

Note: In cases of injury, sexual assault, other circumstances where immediate intervention is required, it is advisable that medical treatment and examination, etc. should be facilitated by the PS where information is given and the record thereof be kept. Such necessary bonafide actions taken in the interest of justice are covered under Section 175(2) BNSS.

Step 4. SHO will transfer the same along with the above mentioned injury reports, etc. at the earliest to the PS having proper jurisdiction as per Section 175(1) BNSS. Simultaneously, the informant of the case should be duly informed about such transfer of the case to the PS having local jurisdiction.

Step 5. If FIR is transferred through electronic means, then all relevant physical documents be sent to the concerned police station.

Step 6. Destination PS officers will take further action as per Section 173 BNSS.

Step 7. All police stations in A&N Islands shall maintain a register as mentioned in **Annexure-A**.

5. General Instructions:

- i. If the information discloses commission of cognizable offence, FIR must be recorded. In all cases, whenever the FIR is registered, the SHO must mandatorily ensure that a copy of the FIR shall be given forthwith, free of cost, to the informant or the victim.
- ii. If any person aggrieved by a refusal on the part of SHO to record an FIR approaches the Superintendent of Police (SP) in manner stipulated under Section 173 (4) BNSS, the concerned SP shall take further action accordingly. The SOP issued in this regard shall be followed meticulously.

Hence, it is hereby directed to ensure strict & meticulously compliance of above guidelines/procedure/directions by all concern.

This issues with the approval of competent authority.


(Superintendent of Police)
Police Headquarters,
Andaman & Nicobar Islands.

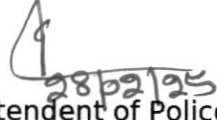
To

1. All District Superintendents of Police

2. The Superintendent of Police (CID), Port Blair
3. Principal, PTS, Port Blair
4. All SDPOs/Dy.SsP
5. All SHOs and In-Charges Out Posts

Copy to:-

1. SO to DGP
2. SO to IGP
3. R to DIGP (HQ)
4. R to DIGP (L&O)
5. R to SP(HQ)
6. R to All District, SP's
7. R to Dy.SP(HQ)
8. R to All Dy.SP's
9. Home Inspector (PHQ)
10. In-charge, Computer Cell PHQ


(Superintendent of Police)
Police Headquarters,
Andaman & Nicobar Islands.

Government of Odisha
Home Department

NOTIFICATION

Bhubaneswar, Dated the 28th February 2025

No. 8939, PT3-HOME-CPM-MISC-0213-2023

In exercise of the powers conferred by sub-section (1) of Section 173 of THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (ACT 46 of 2023) read with Government of Odisha, Home Department vide Notification bearing No. PT3-HOME-CPM-MISC-0213-2023 22520/ dated 30.06.2024, is pleased to frame the following rules, -

1. Short title and commencement. -

- (i) These rules may be called as "Odisha Registration of e-FIR Rules, 2025".
- (ii) They shall come into force from the date of publication of this notification in the Odisha Gazette.

2. Definitions. -In these rules, unless the context otherwise requires, -

- (i) **"Electronic Communication"** means the communication transmitted electronically to the official e-mail or mobile of the Police Station or Superintendent of Police of the district or through Citizen Portal of Crime and Criminal Tracking Network & Systems or through Sahayata Mobile App developed on the platform of Crime and Criminal Tracking Network & Systems;
- (ii) **"Cognizable Offence"** means an offence as defined in section 2(1)(g) of Bharatiya Nagarik Suraksha Sanhita 2023;
- (iii) **"Officer in-charge of a Police Station"** means the Police Officer as defined in Section 2(1)(r) of Bharatiya Nagarik Suraksha Sanhita 2023;
- (iv) **"Police Station"** means any post or place as defined in Section 2(1)(u) of Bharatiya Nagarik Suraksha Sanhita 2023; and
- (v) **"e-FIR"** means any information relating to the commission of the cognizable offence electronically transmitted to official e-mail id of an Officer in-charge of the Police Station;

3. General Principles for Registration of e-FIR. -

In the matter of registration of 'e-FIR' the Officer in-charge of the Police Station shall comply the following points, -

- (i) The Superintendent of Police of the district shall notify the official or registered Closed User Group (CUG) mobile number with WhatsApp and Govt. e-mail address of every Police Station under his jurisdiction;
- (ii) The Officer in-charge of the Police Station shall display the registered mobile number (CUG) with WhatsApp and Govt. e-mail ID of the Police Station outside the police station;
- (iii) Whenever any information on cognizable offence is received through official email or otherwise by any electronic means, Officer in-charge of Police Station shall maintain an e-FIR or e-Complaint register as prescribed in the Crime and Criminal Tracking Network & Systems (CCTNS) or in the form appended to these rules, vide Annexure-A;
- (iv) If the e-FIR or e-Complaint reveals a non-cognizable offence, the Officer in-charge of the Police Station shall make a Daily Diary entry and dispose it as such after intimating the complainant. However, if the complainant comes to the Police Station and signs the complaint, then provisions as prescribed under section 174(1) of Bharatiya Nagarik Suraksha Sanhita 2023 shall be followed;
- (v) Officer in-charge of Police Station should further ensure that complainant be informed through email or phone calls to visit the Police Station for signing the complaint for formally registering the FIR to proceed into the matter according to law. A Daily Diary entry in this aspect should be made accordingly;
- (vi) If the complainant fails to appear in the Police Station for signing the complaint, then Officer in-charge of Police Station shall make a Daily Diary entry;
- (vii) On arrival of the complainant at the Police Station, the Officer in-charge of Police Station or any Police Officer shall obtain his signature on the hardcopy of the report. The information sent through electronic communication shall only be registered as FIR if the complaint is signed by the complainant within three days;
- (viii) Distress call: If the complaint suggests distress or discloses circumstances which may make it difficult to come to the Police Station, either due to intimidation or fear or wrongful confinement or restraint or complaint is one of offence against women or is grievous in

nature, Officer in-charge of the Police Station must take steps to rescue and provide necessary help as per circumstances. If address is out of his jurisdiction, he must immediately inform the Officer in-charge of the Police Station concerned;

- (ix) Even after taking all the measures stated above, if the Officer in-charge of the Police Station is unable to get the signature of the complainant and if the complaint discloses a cognizable offence, liberty is given to the Officer in-charge of Police Station 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 is not only against the complainant or victim but it is against the State;
- (x) On the receipt of any information regarding the commission of cognizable offence which has been committed outside of the territorial jurisdiction of that police station, the Officer in-charge of Police Station or the officer on duty shall record the details of the complaint in the Zero FIR register, irrespective of the jurisdiction and register the case as Zero FIR or '0' FIR under relevant sections of law;
- (xi) Preliminary Enquiry, -
 - (a) section 173(3) of Bharatiya Nagarik Suraksha Sanhita has also given statutory recognition for conducting of preliminary enquiry of cases with offences punishable with imprisonment of 3 years or more but less than 7 years. The same shall be conducted after the permission from the jurisdictional Sub-Divisional Police Officer;
 - (b) If e-FIR or e-Complaint reveals the commission of an offence punishable with imprisonment of 3 years or more but less than 7 years, a preliminary enquiry can be conducted as above. Preliminary enquiry will begin after the complainant has signed the printed copy of the e-FIR, being present in the Police Station, within 3 days of sending the e-FIR or e-Complaint;
 - (c) The scope of the preliminary enquiry is only to ascertain whether any cognizable offence appears to be committed, then immediately register the FIR under relevant sections of law and investigate case as per law;
 - (d) Officer in-charge of a Police Station or Enquiry Officer shall ensure that the preliminary enquiry is concluded within a period of 14 days as per Bharatiya Nagarik Suraksha Sanhita 2023 and Daily Diary entry of each step taken under enquiry shall be recorded;

- (e) After conducting the enquiry, if Officer in-charge of the Police Station or Enquiry Officer comes to the conclusion that no offence is committed, then he will submit his findings to the concerned Sub-Divisional Police Officer;
 - (f) Sub-Divisional Police Officer shall thoroughly examine the enquiry report or findings of the Officer in-charge of the Police Station or Enquiry Officer and pass appropriate order as deemed fit within 14 days from the receipt of information, whether FIR has to be registered or otherwise; and
 - (g) All Sub-Divisional Police Officers, Officers in-charge of Police Station and Enquiry Officers shall maintain the complete record of proceedings conducted in any preliminary enquiry on a day to day basis in chronological order.
- (xii) Refusal to Register an FIR or e-FIR: Any Person aggrieved by refusal on the part of an officer in charge of a police station to record the information relating to a cognizable offence, may send the substance of such information, in writing and by post, to the Superintendent of Police of the district concerned, in the manner prescribed under sec. 173(4) of Bharatiya Nagarik Suraksha Sanhita, 2023.

By order of the Governor

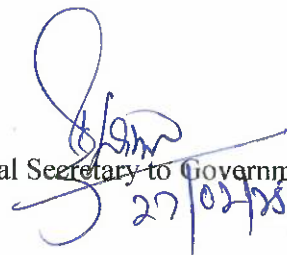


Additional Chief Secretary to Government

Memo No- 8940 /CP&M

Dated the 28th February 2025

Copy forwarded to the D.G. & I.G. of Police, Odisha, Cuttack / D.G. of Police, CID, CB, Odisha, Cuttack/ All Collectors/ All SsP/ DY Commissioner of Police, Cuttack/ Dy Commissioner of Police, Bhubaneswar for information and necessary action.

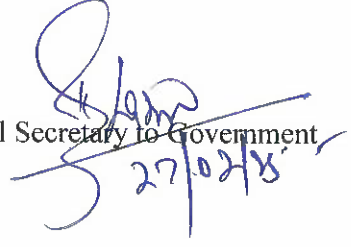


Special Secretary to Government
27/02/25

Memo No- 8941 /CP&M

Dated the 28th February 2025

Copy forwarded to the Director, Printing, Stationery & Publications, Odisha, Cuttack for information and necessary action. It is requested to kindly publish the notification in the extraordinary issue of Gazette of Odisha and Supply 50 (fifty) copies to Home Department.


Special Secretary to Government
27/02/25

Annexure- A**FORMAT OF e-FIR REGISTER**

Police Station _____

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

पुलिस महानिदेशक का कार्यालय
OFFICE OF THE DIRECTOR GENERAL OF POLICE
अंडमान तथा निकोबार द्वीपसमूह
Andaman and Nicobar Islands.

*Sri Vijaya Puram, दिनांक dated the **01-01-2025***

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

1. Objective

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

2. Definition

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

3.Process

- a. The OIC/IIC shall register a case upon receipt of any information if he is satisfied that there exists a prima facie case regarding commission of cognizable offence from the contents of the report.
- b. However, in case the OIC/IIC has doubt regarding the existence of a prima facie case he, instead of registering an FIR, may take steps to conduct a preliminary enquiry into the matter. It is important to note that such enquiry can only be conducted in cases where the alleged offence is punishable with an imprisonment of three years or more but less than seven years.
- c. In case the OIC/IIC decides to counter preliminary enquiry into the matter he will take following steps.
 - i. He shall enter the fact in Station Diary of the Police Station.
 - ii. He will seek permission of the jurisdictional SDPO/DSP for initiating preliminary enquiry immediately but not exceeding 48 hours after receipt

of such information.

- iii. The jurisdictional SDPO/DSP on receipt of such request may permit or decline for such preliminary enquiry as soon as possible but not exceeding 48 hours from the receipt of such request.
- iv. In case the SDPO/DSP declines to accord such permission for preliminary enquiry he shall record his reason in writing for such refusal and communicate the same to the OIC/IIC.
- v. On receipt of the permission from SDPO/DSP, the OIC/IIC may himself conduct the preliminary enquiry or cause it to be enquired by his subordinate officer of and above the rank of ASI.
- vi. OIC/IIC must ensure that the preliminary enquiry is completed within the statutory period of 14 days from the date of receipt of the information, as prescribed under section 173 (3).
- vii. It may be noted that the objective of such Preliminary Enquiry is not to ascertain the veracity of the allegation. The enquiring officer has to verify if the incident narrated in the report has actually taken place or not. The questions like who committed the offence and to what extent are not covered under the ambit of the preliminary enquiry.
- viii. The Police officer conducting the enquiry may visit the spot, examine the complainant and the persons acquainted with the facts and circumstances of the case.
- ix. The Enquiring Officer shall submit a report to the OIC/IIC of the Police Station regarding actions taken during the enquiry and his opinion about the occurrence of the alleged incident and whether there exists a prima-facie cognizable case.
- x. The result of such Preliminary Enquiry shall be entered in 'Preliminary Enquiry Register' kept in the PS by the OIC/any officer so entrusted for the purpose. Registration or non-registration of the case will be decided on the outcome of the Preliminary Enquiry.
- xi. While registering the case after the preliminary enquiry, the original written report submitted by the complaint shall be registered as FIR.
- xii. The time consumed for the preliminary enquiry shall be duly mentioned in the FIR form as well as the case diary.
- xiii. The result of such Preliminary Enquiry and consequent steps taken by the OIC/IIC shall also be intimated to the complainant/informant under intimation to the SDPO/ DSP.
- xiv. This provision is not applicable in respect of complaint cases received from the cognizance taking Magistrates.
- xv. Preliminary enquiry is not required upon registration of Zero FIRs by the

non jurisdictional Police Station registering of zero FIR. However, the jurisdictional Police station may conduct such preliminary enquiry in deserving cases.

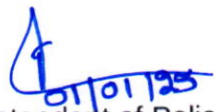
- xvi. Where a case has already been registered by order of the Court or any authority, no further Preliminary Enquiry is necessary.
- xvii. It may be noted that as per section 18-A of the SC and SC (POA) Act no preliminary enquiry can be conducted.

4. Responsibility

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

For strict and meticulous compliance.

This issues with the approval of the Director General of Police, A&N Islands.


(Superintendent of Police)
Police Headquarters,
Andaman & Nicobar Islands.

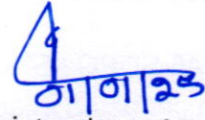
To

- 1. All District Superintendents of Police
- 2. The Superintendent of Police (CID), Port Blair
- 3. Principal, PTS, Port Blair
- 4. All SDPOs/Dy.SsP
- 5. All SHOs and In-Charges Out Posts

Copy to:-

- 1. SO to DGP

2. SO to IGP
3. R to DIGP (HQ)
4. R to DIGP (L&O)
5. R to SP(HQ)
6. R to All District, SP's
7. R to Dy.SP(HQ)
8. R to All Dy.SP's
9. Home Inspector (PHQ)
10. In-charge, Computer Cell PHQ
11. Standing Guard File (PHQ)



(Superintendent of Police)

Police Headquarters,
Andaman & Nicobar Islands.

ANNEXURE A

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

Police Station: _____ **District** _____

No. _____

Date _____

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

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

No. _____

Time _____

Date _____ **Officer-in-charge/SHO**

Police Station _____

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

Date: Seal and Designation of the Officer

From

The Director General of Police,
Haryana, Panchkula.

To

1. All CsP in Haryana.
2. All Ranges ADGsP/IGsP in Haryana.
3. All District SsP in Haryana.
4. SP/GRP Ambala Cantt.

No. **115-150** /GA-1 dated **02-01-2025**

Subject: - General guidelines on Sub-Section 4 of Section 173 Bharatiya Nagarik Suraksha Sanhita, 2023.

Memo:

Sub-section 4 of Section 173 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'Suraksha Sanhita') provides that:

- i. *Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information, may send the substance of such information, in writing and by post, to the Superintendent of Police*
- ii. *The Superintendent of Police, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him.*
- iii. *The officer so directed shall have all the powers of an officer in charge of the police station in relation to that offence*
- iv. *The aggrieved person may make an application to the Magistrate if the stated action, as above, is not taken on his information*

All Commissioners of Police and District Superintendents of Police are requested that the above provisions be widely publicized for the benefit of the general public.


(Himanshu Garg)

AIG/Admn.

for Director General of Police, Haryana



**ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH**

Crime Branch Circular Order No:- 11 /2025

**Sub: Standard Operating Procedure on Non-Cognizable Offences
(Sec. 174 BNSS)**

Introduction

Under Section 155 Cr.P.C, there was no express provision made regarding submission of fortnightly report by OIC or IIC relating to information of commission of a non-cognizable offence which has been incorporated u/s 174 of the BNSS.

In the light of Section 174 of BNSS the following guidelines have been formulated.

Guidelines

1. The Police have no power to investigate into the complaints of non-cognizable nature without the order of the Magistrate.
2. In case where the report relates to two or more offences of which one is cognizable, the report shall be treated as a cognizable report and shall be dealt as per Sec. 173 of BNSS.
3. In case an information about commission of a non-cognizable offence within the limits of the Police Station is reported or received by the IIC or OIC, following steps shall be taken:
 - I. OIC or IIC shall enter the substances of the information in the station diary;
 - II. he shall entrust an officer to enquire into the information;
 - III. during enquiry, the police officer may visit the spot, examine the informant and any other person acquainted with the facts and circumstances of the information;
 - IV. the enquiry officer may obtain the signed statement of witnesses examined by him;
 - V. the result of the enquiry shall be entered in the station diary; and
 - VI. in appropriate case, the police officer may submit PR in the Court.

4. The details of station diary entries and the action taken thereof shall be submitted by the OIC or IIC before the jurisdictional Judicial Magistrate at the end of every fortnight.
5. The legislative intention for submission of fortnightly report before the Magistrate is that the Magistrate after due application of mind may direct investigation by police in deserving cases.
6. If such order is passed by the Magistrate for investigation of a non-cognizable offence, the police shall investigate into the case, treating it as a cognizable case.
7. To arrest a person accused of such non-cognizable case, the police officers should obtain arrest warrant from the jurisdictional Magistrate.

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



(Vinaytosh Mishra, IPS)
Director General of Police
CID, Crime Branch, Odisha

Memo No. 1471 /CID-Law

Date: 28.01.2025

Copy forwarded to:

- All Dist. SsP including DCsP, Bhubaneswar / Cuttack, SsRP Cuttack/ Rourkela, SsP HRPC/ CAW & CW/ EOW/ STF
- D.G of Police, HRPC, Commissioner of Police, Bhubaneswar- Cuttack, ADGP Railways & Coastal Security
- IGP Training, BPSPA/ IGP CAW & CW, IGP EOW, IGP STF
- All Range IsGP / DisGP, For information and necessary action.



Director General of Police,
CID Crime Branch, Odisha.

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

Government of Odisha
Home Department

NOTIFICATION

Bhubaneswar, Dated the 28th February 2025

No. 8950, PT3-HOME-CPM-MISC-0213-2023

In exercise of the powers conferred by sub-section (2) of section 176 of THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (ACT 46 of 2023) read with Government of Odisha, Home Department vide Notification bearing No. PT3-HOME-CPM-MISC-0213-2023 22520/dated 30.06.2024, do herewith pleased to frame the following rules,-

1. Short title and commencement. -

- (i) These rules may be called as "Odisha Investigation of Police Officers in Non-Serious Cases Rules, 2025".
- (ii) They shall come into force from the date of publication of this notification in the Odisha Gazette.

2. Procedure for Investigation in Non-Serious Cases (Sec. 176 of Bharatiya Nagarik Suraksha Sanhita). -

- (a) When information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the Officer-in-charge of a Police Station need not proceed in person or depute a subordinate officer to make an investigation on the spot.
- (b) If it appears to the Officer-in-charge of a Police Station that there is no sufficient ground for enquiring on an investigation, he shall not investigate the case;

Considering the above two clauses, following Rules are hereby made, -

- (i) In case when information is received by the Officer in-charge of Police Station and the complaint is falling under Clause (a) of section 176 (1) Bharatiya Nagarik Suraksha Sanhita, at once FIR need be registered by the Officer in-charge of Police Station of the Police Station as per provision under section 173 Bharatiya Nagarik Suraksha Sanhita and submitted to the jurisdictional Magistrate with copies usually sent to others.

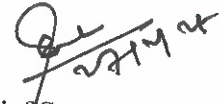
- (ii) In such cases, the investigation is to be taken up continued by the Officer in-charge of Police Station himself or by any officer subordinate to him. Then Officer in-charge of Police Station shall submit a report under section 193 Bharatiya Nagarik Suraksha Sanhita after completion of such investigation.
- (iii) In cases when an investigation is refused under section 176(1)(b), the Officer incharge of Police Station after registration of FIR under appropriate sections of law shall transmit the FIR to the jurisdictional Magistrate/ Cognizance Taking Court specifically indicating in the FIR format under Col. 13- ACTION TAKEN" that "the above report reveals commission of offences u/s, was registered vide Case Number and investigation 'REFUSED'. (A separate report may be attached along with the FIR mentioning the reason for refusing investigation by the Officer in-charge of Police Station with sufficient reasoning).
- (iv) The Officer in-charge of Police Station after registering a case as per section 173 Bharatiya Nagarik Suraksha Sanhita under appropriate sections of the law and refusing the investigation under section 176 (1)(b) shall give a copy of the FIR to the informant or the complainant and obtain an acknowledgement in the counterfoil copy of the FIR or serve a notice as per Annexure-A.
- (v) In cases when the investigation is refused under section 176 (1)(b) of Bharatiya Nagarik Suraksha Sanhita, the Officer in-charge of Police Station will not send any further report of such cases including the final report under section 193 Bharatiya Nagarik Suraksha Sanhita.
- (vi) In each of the cases mentioned in clause (a) and (b) of the first proviso to sub section (1), the Officer in-charge of Police Station shall mention in his report the reason for not fully complying with the requirements of that sub-section and shall forward the daily diary report fortnightly to the Magistrate as per the Annexure-B.
- (vii) **Refusal of Investigation by Officer in-charge of Police Station, -**

The Officer in-charge of Police Station may refuse investigation under section 176 (1) (b) of the Sanhita, if the reports so submitted/ received falls under the following categories namely:-

- (a) **Triviality:** Trivial offences, such as are contemplated in sec. 33 of the Bharatiya Nyaya Sanita 2024. "Nothing is an offence by reason that it causes or that is intended to cause, or that it is known to be likely to cause any harm, if that harm is so slight that no person of ordinary sense and temper would complaint of such harm";
- (b) **Civil Nature:** Cases clearly of civil nature or in which complainant is obviously endeavouring to set the criminal law in motion to support a civil right;

- (c) **Petty thefts:** Cases of petty theft of property less than Rs. 1000 /- in value, provided that the accused person is not an old offender, nor a professional criminal, and that the property does not consist of sheep or goats;
- (d) **Injured person not wishing an inquiry:** Unimportant cases in which the person, injured does not wish inquiry, unless (i) the crime is suspected to be the work of a professional or habitual offender or (ii) a rowdy element or (iii) the investigation appears desirable in the interests of the Public;
- (e) **Undetectable simple cases:** Simple cases of house-breaking or house trespass and petty thefts of unidentifiable property, is none of which cases is there any clue to work upon or any practical chance of detection, provided that there is nothing to indicate that the offence has been committed by a professional criminal;
- (f) **Exaggerated assaults:** Assault in cases which have been obviously exaggerated by the addition of other charges such as theft; and
- (g) **Petty offences:** Petty offence as described under sec. 229(2) of Bharatiya Nagarik Suraksha Sanhita except cased under Motor Vehicle Act 2023.

By order of the Governor

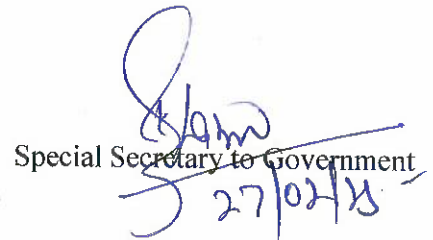


Additional Chief Secretary to Government

Memo No- 8951 /CP&M

Dated the 28th February 2025

Copy forwarded to the D.G. & I.G. of Police, Odisha, Cuttack / D.G. of Police, CID, CB, Odisha, Cuttack/ All Collectors/ All SsP/ DY Commissioner of Police, Cuttack/ Dy Commissioner of Police, Bhubaneswar for information and necessary action.

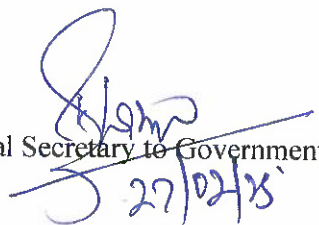


Special Secretary to Government

Memo No- 8952 /CP&M

Dated the 28th February 2025

Copy forwarded to the Director, Printing, Stationery & Publications, Odisha, Cuttack for information and necessary action. It is requested to kindly publish the notification in the extraordinary issue of Gazette of Odisha and Supply 50 (fifty) copies to Home Department.


Special Secretary to Government

27/02/25

ଅଭିଯୋଗକାରୀଙ୍କୁ ସୂଚନାପତ୍ର

ଶ୍ରୀ / ଶ୍ରୀମତୀ _____, ପିତା / ସ୍ବା _____

ଗ୍ରାମ :- _____, ଥାନା :- _____ ଜିଲ୍ଲା :- _____ ଆପଣଙ୍କ ଡା:-

_____ ରିଖର ମୌଜ/ ଲିଖିତ ଆବେଦନପତ୍ର ଡା:- _____ ରିଖରେ ଏତଲା ନମ୍ବର

କରାଯାଇ ଅଛି । ଆପଣଙ୍କ ଆବେଦନପତ୍ର _____ ଶ୍ରେଣୀ ହୋଇଥିବାରୁ ଏହାର ତଦନ୍ତ
କରା ଉଚିତ ନାହିଁ ।

(ବ୍ୟକ୍ତିଗତ) ଭାରପ୍ରାପ୍ତ କର୍ମଚାରୀ

ତାରିଖ.....

ଥାନା.....

ଜିଲ୍ଲା.....

Annexure-B**FORTNIGHTLY DAILY DIARY REPORT**

(Sec. 176 (2) Bharatiya Nagarik Suraksha Sanhita)

Sl. No.	Name of the informant with Date	Details of Action Taken					Name of the Officer making the entry	Court's remarks/ order
		FIR No.	Date	Sec. of Law	Reasons for not visiting spot during spot visit	Reason for refusing investigation and ground in support of refusal		
1	2	3	4	5	6	7	8	9

From

The Director General of Police,
Haryana, Panchkula.

To

1. DG/HSNCB, Madhuban.
2. ADGP/HSEnB, Haryana, Panchkula.
3. ADGP/SCB, Haryana, Panchkula.
4. ADGP/Cyber, Haryana, Panchkula.
5. All CsP in Haryana.
6. All Ranges ADGsP/IGsP in Haryana.
7. DIG/STF, Gurugram.
8. All District SsP in Haryana.
9. SP/GRP, Ambala.

No. 18092-199 /GA-1 dated 27/12/2024

**Subject: - General guidelines on Sub-Sections 3 and 4 of Section 175
Bharatiya Nagarik Suraksha Sanhita, 2023.**

Memo:

Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'Suraksha Sanhita') provides that a magistrate authorized under section 210 of Suraksha Sanhita may order investigation into a complaint disclosing the commission of a cognizable offence, only after:

- i) The complainant has submitted the complaint supported by an affidavit under section 173(4) of Suraksha Sanhita stating that he has already sent the substance of such complaint, in writing, to the Superintendent of Police concerned.
- ii) The magistrate has considered the submissions made by the police officer regarding the said complaint.

Besides the above, the magistrate may make such inquiry as he thinks necessary before ordering investigation.

In view of the above provision, the orders issued under this section should be legally examined accordingly.

2. Section 175(4) of Suraksha Sanhita provides that the magistrate empowered under section 210 of Suraksha Sanhita, may order an investigation into a complaint against a public servant arising in course of the discharge of his official duties, only after:

- i) Receiving a report containing facts and circumstances of the incident from the officer superior to the public servant.
- ii) Consideration of the assertions made by the public servant as to the situation that led to the incident so alleged.

All police officials are 'public servants' under the above provisions and the protection granted in the above section of Suraksha Sanhita is available to all police officials accordingly.

All concerned Heads of Police Units are hereby directed to brief and sensitize all police officers/officials, under their jurisdiction, accordingly.

(Himanshu Garg)

AIG/Admn.

for Director General of Police, Haryana



LEGAL CELL/PHQ	
Dy. No.	941
Date	11/03/25
DCP/Legal Cell	
ACP/Legal Cell	
Insp./Legal Cell	
Seat	

STANDING ORDER NO.Vig. & Pub. Tpt./12/2025

PROCEDURE IN CASE OF COMPLAINT CASE AGAINST PUBLIC SERVANT - SECTION 175 (4) OF BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS)- 2023

1. Bharatiya Nagarik Suraksha Sanhita (BNSS), which came into force on 1st of July-2024, replaced Code of Criminal Procedure (Cr.P.C.). In the Bharatiya Nagarik Suraksha Sanhita (BNSS), new provisions with regard to power of a Magistrate for ordering investigation upon receiving a complaint against a public servant arising in course of discharge of his official duties have been provided under Section 175 (4), which reads as under:-

“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.”

2. Further, Section 210 of BNSS provides as under:-

(1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence-

- (a) upon receiving a complaint of facts, including any complaint filed by a person authorised under any special law, which constitutes such offence;
- (b) upon a police report (submitted in any mode including electronic mode) of such facts;
- (c) upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.

(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offences as are within his competence to inquire into or try.

3. The aforementioned provisions of BNSS thus provide that in case a complaint is made against a police officer before a Magistrate empowered u/s 210 of BNSS seeking registration of criminal case against the police officer in respect of an incident arising in course of discharge of official duties, then the Magistrate is required to ask for a report containing facts

and circumstances of the incident from the officer superior to that police officer.

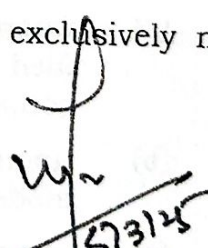
4. In view of the above, the following instructions shall be followed: -

- (i) Upon receipt of any such reference from a Magistrate disclosing complaint against a police officer/official, a report thereof as contemplated u/s 175 (4) of BNSS shall be filed in the concerned court after approval of the same by an officer of the rank of DCP in respect of officials/officers up to the rank of Sub-Inspector, after approval of the concerned Addl.CP/Jt.CP in respect of an officer of the rank of Inspector, and after approval of the CP/Delhi in respect of an officer of the rank of ACP & above.
- (ii) Before submission of report in the concerned court, a proper enquiry would be conducted by an officer of the rank of ACP regarding the complaint submitted against the police officers/officials upto the rank of Inspector; in case of a complaint against police officers of the rank of ACP and above, enquiry with regard to the complaint shall be conducted by an officer designated by the CP/Delhi.
- (iii) During the enquiry to be conducted on the complaint, the police officer against whom the complaint has been made, would also be given adequate opportunity of being heard and giving evidences in his defense before filing of the report in the court as contemplated u/s 175 (4) of BNSS.

5. Further, on receipt of a reference from any Magistrate seeking a report in terms of provisions contained u/s 175 (4) of BNSS, the concerned DCP shall give an intimation to the Spl. CP (Vigilance). Vigilance Unit there from, shall monitor submission of report to the Court in the time frame given by the Court, follow up on the order of the Court regarding the complaint, and also examine whether any disciplinary action is required to be taken with regard to the complaint.

DISCLAIMER

It is made clear that this Standing Order is exclusively meant for internal smooth functioning of the Police Department.


(SANJAY ARORA)
COMMISSIONER OF POLICE:
DELHI

No. 1651-1800 /Record Branch/PHQ, dated Delhi the 05/03/2025

Copy forwarded to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. OSD to CP, Delhi.

From

The Director General of Police,
Haryana, Panchkula.

To

1. DG/HSNCB, Madhuban.
2. ADGP/HSEnB, Haryana, Panchkula.
3. ADGP/SCB, Haryana, Panchkula.
4. ADGP/Cyber, Haryana, Panchkula.
5. All CsP in Haryana.
6. All Ranges ADGsP/IGsP in Haryana.
7. DIG/STF, Gurugram.
8. All District SsP in Haryana.
9. SP/GRP, Ambala.

No. 17816-50 /GA-1 dated 26-12-2024.

Subject: - Guidelines on requiring attendance of witnesses and their examination under Sections 179, 180, 181 and 195 of Bhartiya Nagarik Suraksha Sanhita, 2023.

Memo:

Sections 179 and 180 of Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'Suraksha Sanhita') empower a police officer to require attendance and examine any person being within the limits of his own or any adjoining police station, during the course of investigation of a case. Further, section 195 of Suraksha Sanhita empowers a police officer to summon two or more persons for the purpose of investigation under section 194 Suraksha Sanhita. However, the law imposes certain limitations as far as requiring attendance of certain categories of persons is concerned. Considering this, the following general guidelines shall be followed by investigating officers while requiring attendance and recording statements of witnesses under Sections 179, 180 and 195 of Suraksha Sanhita.

2. Following guidelines may be adhered to while issuing order requiring attendance or order to summon, as the case may be, for examination under section 179 or section 195 of Suraksha Sanhita: -

- a. The investigating officer may issue an order requiring attendance or summon, as the case may be, in writing to any person acquainted with the facts and circumstances of the case to appear before him so as to examine him and record his statement.
- b. However, the Investigating officer cannot require the following persons to attend at any place other than their place of residence for examination:
 - i) Any woman
 - ii) A male person under the age of 15 years
 - iii) A male person above the age of 60 years
 - iv) A mentally or physically disabled person
 - v) A person with acute illness

However, if any person falling in the above categories is willing to attend at the police station, such person may be permitted to do so. The willingness of the person to attend at the police station may be obtained in writing, including through electronic communication and shall be recorded in the case diary or in the proceedings under section 194 Suraksha Sanhita, as the case may be.

3. Any police officer making an investigation may examine orally any person supposed to be acquainted with the facts and circumstances of the case. 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 (section 180 Suraksha Sanhita).

4. As far as possible, the investigating officer should also record the 180 statement of the complainant and important witnesses who may turn hostile during the trial through audio-video electronic means. E-Sakshya application of the National Crime Record Bureau, Ministry of Home Affairs should be used for this purpose, as far as practicable.

5. Care may also be taken to ensure that the statement of a woman against whom an offence under sections 64, 66, 67, 68, 70, 71, 73, 74, 75, 76, 77 or 78 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, is recorded by a woman police officer or any woman officer.

All Heads of Police Units are hereby directed to brief all Investigating Officers under their jurisdiction to ensure meticulous compliance of the above guidelines.

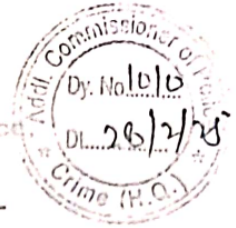

(Himanshu Garg)
AIG/Admn.

for Director General of Police, Haryana

Office of Dy Commissioner of Police
Crime (ISC), Delhi
Diary No. 116
Dated 3/3/25



CCTNS/HQ
PS Connaught Place
New Delhi
No. 526
4/3/25



OFFICE OF THE COMMISSIONER OF POLICE: DELHI
Police Headquarters, Jai Singh Road, New Delhi-110001

CIRCULAR

No. 13 /2025

SUBJECT:- RECORDING OF CONFESSIONS AND STATEMENTS UNDER SECTION 183 OF BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS), 2023.

Section 183 of BNSS, 2023, deals with the recording of confessions and statements. The following guidelines are hereby issued for ensuring meticulous compliance with the provisions of the section in letter as well as spirit.

1. PROCESS TO BE ADOPTED BY THE INVESTIGATING OFFICER

A. General Guidelines

- ACT III
- I. The Prayer to record a confession or a statement should be made to the Jurisdictional Magistrate, subject to his/her availability, or in his/her absence, to any Judicial Magistrate in the district, where the case has been registered.
 - II. However, if a confession or statement is recorded by a Judicial Magistrate other than the Jurisdictional Magistrate, the reasons thereof must be cited.
 - III. Copy of the statement recorded under Section 180 BNSS, must accompany with the prayer of the I.O. for recording of statement u/s 183 BNSS.
 - IV. If the accused person expresses unwillingness to confess, then as per section 183 BNSS, the Magistrate shall not authorize him to further police custody. And, in such a situation, the I.O. will be deprived of the option of custodial interrogation of accused, any further.
 - V. The Investigating Officer should apply/obtain a copy of the confession/statement so recorded, in a sealed cover.

ACSP/ISC, BR, NDR, Cyber, CCTNS
SIT for use.

Adcll CP/Crime-I
All DCs CP/Crime

B. Procedure for Recording Rape Victim's Statement

- I. In cases punishable under Sections 64 to 71, 74 to 79, and 124 of Bharatiya Nyaya Sanhita (BNS), 2023, the IO should get the statement of the rape victim, recorded immediately after the offense is reported to the police. It may be noted that such statement shall, as far as possible, be recorded by a Woman Magistrate and in her absence, by a male Magistrate in the presence of a woman. However, in cases where, it is impossible to have such statement recorded immediately for various reasons like, mental/physical condition of the victim, any other reason at that particular time, such reasons should be duly recorded in the police records. However, steps should be taken to avoid any delay for such recording of statement.
- II. It shall be the duty of Investigating Officer /SHO to inform the Judicial Magistrate for recording of statement of the person, against whom such an offence has been committed, as soon as the commission of offence is brought to the notice of the police.
- III. In cases of delay exceeding 24 hours in taking the victim to the Magistrate, the Investigating officer should record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate, at the time of recording of statement of the victim U/s 183 BNSS.
- IV. The statement of a rape victim should be recorded by a woman Magistrate or, in her absence, by a male Magistrate in the presence of a woman. Hence, the IO should be accompanied by woman police personnel.
- V. In case the witness is a minor, the parents/guardian or next friend of the minor, should be allowed to accompany him/her.

C. Manner of Recording Confession

- I. It shall be duty of IO/SHO to ensure that confession of an accused should be recorded, as early as possible.
- II. The IO/SHO shall immediately produce the accused before the concerned Magistrate, with prayer in writing, to record his/her confession.
- III. The IO shall also explain to the accused that he/she is not bound to make any confession and that it may be used as an evidence against him/her.
- IV. The IO shall ensure that the confession is made voluntarily.

- V. As per the provisions of section 183(1) BNSS, presence of advocate of the accused is mandatory at the time of recording the confession statement of accused, by a magistrate through Audio-Visual electronic means.

D. Manner of Recording Statement of a witness/victim

- I. It should be mentioned in the application, whether the person has given clear consent for such recording and whether any parent/next of kin/friend is available with the witness/victim.
- II. In case, the witness is a minor, the parents/guardian or next of kin of the minor should be allowed to accompany him/her.

E. Manner of Recording Disabled Person's Statement

- I. If the person making the statement is temporarily or permanently, mentally or physically disabled, the statement of the person made with the assistance of an interpreter or a special educator, shall be recorded through audio-video electronic means, preferably by mobile phone.
- II. The disabled person's statement shall be considered as an examination-in-chief, as specified under section 142 of Bharatiya Sakshya Adhiniyam (BSA), 2023.

2. AUDIO-VISUAL RECORDING

- I. Any confession or statement made under Sec. 183(1) BNSS, may be recorded by audio-video electronic means, in the presence of the accused's advocate.
- II. Audio-Visual recording is mandatory during the recording of statements of mentally or physically disabled persons, preferably using a mobile phone.

3. TIMING OF RECORDING

Confessions or statements can be recorded during the investigation or at any time afterwards, but before the commencement of the inquiry or trial.

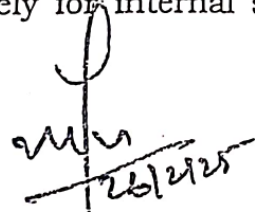
4. MANDATORY RECORDING IN CERTAIN CASES

- I. The statements of victims subjected to offences punishable under Sections 64 to 71, 74 to 79, and 124 BNS, 2023, shall have to be recorded by the Magistrate and it shall be the duty of Investigating Officer /SHO to inform the Judicial Magistrate for recording of statement of the person against whom such an offence has been committed, as soon as the commission of offence is brought to the notice of the police.

- II. Similarly, in cases where the offence is punishable with imprisonment for ten years or more, life imprisonment, or death, the Magistrate shall have to record the statement of a witness produced before him. However, in such cases, it is the discretion of the Investigating Officer, in consultation with supervisory officers, to decide the necessity of recording of statement of witnesses u/s 183 BNSS, before a magistrate, depending upon the circumstances of the case.
- III. In cases other than those mentioned in para 4 (I) and 4 (II) above, it is up to the discretion of the Investigating Officer, in consultation with supervisory officers, to decide whether to get the statements of witnesses recorded, before a magistrate or not.

5. **DICLAIMER**

It is made clear that this Circular is exclusively for internal smooth functioning of Police Department.



(SANJAY ARORA)

COMMISSIONER OF POLICE:
DELHI.

No. 2101-2250 /Record Branch/PHQ dated Delhi, the 26/02/2025

Copy to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. OSD to C.P., Delhi.
5. All Deputy Commissioners of Police, Districts/Units including PHQ, C.P. Sectt., FRR0 and Deputy Director/Delhi Police Academy, Delhi/New Delhi.
6. DCP/HQ(IV)/PHQ with the direction to upload the Circular in Intra-DP.
7. LA to C.P. and FA to C.P., Delhi.
8. All ACsP/Insprs./PHQ.
9. PS/Reader to C.P., Delhi
10. HAR/PHQ.
11. Inspr./Knowledge Center/PHQ.



OFFICE OF THE COMMISSIONER OF POLICE: DELHI.
POLICE HEADQUARTERS, JAI SINGH ROAD, NEW DELHI-110001.

CIRCULAR

No. 02 /2025

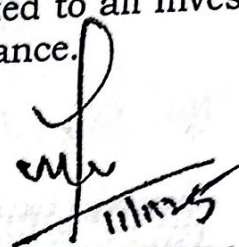
GUIDELINES FOR INVESTIGATING OFFICER TO FILE THE CHARGESHEET UNDER SECTION 190 BNSS WHEN THE ACCUSED IS NOT ARRESTED DURING INVESTIGATION

Till the time Criminal Procedure Code, 1973 (Cr. P.C) was in force, section 170 of the same was often misinterpreted by investigating as well as supervisory officers. This had led to the practice of producing accused individuals before the Trial Court for the purpose of sending them to judicial custody, at the time of filing of the charge sheet against them, even when they had not been arrested during the course of investigation. Section 190 of the BNSS, 2023, addresses and corrects this issue with certainty and finality.

- **Misinterpretation of Section 170 of the Cr. P.C:** The phrase "forward the accused under custody" was misunderstood to imply that the accused must be arrested and then produced before the Magistrate at the time of filing of the charge sheet. The Supreme Court of India, in case titled "**Siddharth Vs. State of Uttar Pradesh**" (16th August 2021), has clarified that "custody" in Section 170 Cr. P.C does not mean police or judicial custody, but, simply presenting the accused before the court while filing the charge sheet.
- **Guidelines for Compliance:** After completing the investigation, but before submitting the police report, the police are not required to arrest the accused, only in order to secure their appearance/ presence before the Judicial Magistrate. The investigating agency is not required to arrest the accused at the time of filing the charge sheet, if accused had not been arrested during the course of investigation. It is not obligatory to take the accused into custody, merely for the purpose of filing of charge sheet. Proviso to section 190(1), BNSS, 2023, categorically provides that the Magistrate shall not reject the charge sheet, solely because the accused has not been taken into custody.

- **Security for Appearance:** The Investigating Officer (IO) must take security from every accused who has not been arrested during the course of investigation, but is being charge-sheeted, as per Form 30, provided in schedule 2 of BNSS, 2023 (**Copy enclosed**) for ensuring his appearance before the Judicial Magistrate, at the time of filing of the charge sheet.

The guidelines enumerated above must be briefed to all Investigating Officers and supervising ranks for meticulous compliance.


(SANJAY ARORA)
COMMISSIONER OF POLICE:
DELHI

No. **151-300** /Record Branch/PHQ dated Delhi, the **13/11/2025**

Copy forwarded to: -

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. OSD to C.P., Delhi.
5. All Deputy Commissioners of Police, Districts/Units including PHQ, C.P. Sectt., FRRO and Deputy Director/Delhi Police Academy, Delhi/New Delhi.
6. DCP/HQ(IV)/PHQ with the direction to upload the Circular on Intra-DP.
7. LA to CP and FA to C.P., Delhi.
8. All ACsP/Insprs./PHQ.
9. PS/Reader to C.P., Delhi.
10. HAR/PHQ.
11. Inspr./Knowledge Center/PHQ.

OFFICE OF THE STATION HOUSE OFFICER, POLICE STATION..... NEW DELHI.

Case FIR No. _____ U/s _____ Dated _____ PS _____

Diary No. _____ /R/SHO/P.S. _____ Dated _____ New Delhi.

FORM No. 30

**BOND TO PROSECUTE OR GIVE EVIDENCE
(As per section 190 of B.N.S.S.)**

I,(name) (Mobile No. / WhatsApp.....
.....Email..... of (place), do hereby
bind myself to attend at.....in the
Court of.....at.....o'clock.....on
the.....day of..... next and then and there
to prosecute (or to prosecute and give evidence) (or to give evidence) in the matter of a
charge of.....against one A. B., and, in case of making default
herein, I bind myself to forfeit to Government the sum of rupees.....

Dated, this..... day of....., 20

(Signature)

-38-

No. H-2001/69/2025-HD-HD
GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT

NOTIFICATION No. 15
Imphal, the 10th March, 2025

Subject: Signature of an accused person to be taken within seventy-two hours of examination through electronic communication - regarding.

Whereas, Section 316 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, provides the procedure related to record of examination of accused.

"Section 316 (1) Whenever the accused is examined by any Magistrate, or by a Court of Session, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full by the presiding Judge or Magistrate himself 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.

(2) The record shall, if practicable, be in the language in which the accused is examined or, if that is not practicable, in the language of the Court.

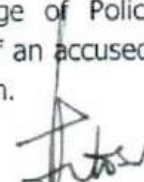
(3) The record shall be shown or read to the accused, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

(4) It shall thereafter be signed by the accused and by the Magistrate or presiding Judge, who shall certify under his own hand that the examination was taken in his presence and hearing and that the record contains a full and true account of the statement made by the accused:

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.

(5) Nothing in this section shall be deemed to apply to the examination of an accused person in the course of a summary trial."

2. All Superintendents of Police, concerned Officer-in-Charge of Police station and concerned Investigating Officers shall ensure to obtain signature of an accused person within seventy-two hours of examination through electronic communication.


(Dr. Mayengbam Veto Singh)

Joint Secretary (Home), Government of Manipur

Copy to:

1. Secretary to Governor, Manipur.
2. Staff Officer to Chief Secretary, Manipur.
3. Commissioner (Home), Government of Manipur.
4. Director General of Police, Manipur.
5. Commissioner (Law), Government of Manipur.
6. All District Magistrates/ADMs, Manipur.
7. All Superintendents of Police, Manipur.
8. Registrar General, High Court of Manipur, Imphal.
9. Director, Printing and Stationery, Manipur for publication in the Extra-Ordinary Gazette, Manipur.
10. Notice Board.
11. Guard file.

From

The Director General of Police,
Haryana, Panchkula.

To

1. DG/HSNCB, Madhuban.
2. Director/FSL, Madhuban.
3. ADGP/HSEnB, Haryana, Panchkula.
4. ADGP/SCB, Haryana, Panchkula.
5. ADGP/Cyber, Haryana, Panchkula.
6. All CsP in Haryana.
7. All Ranges ADGsP/IGsP in Haryana.
8. DIG/STF, Gurugram.
9. All District SsP in Haryana.
10. SP/GRP, Ambala.

No. 17837-86 /GA-1 dated 26-12-2024.

Subject: - Guidelines regarding evidence of public servants, experts, police officers etc. under Section 336 of Bhartiya Nagarik Suraksha Sanhita, 2023.

Memo:

Section 336 of Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'Suraksha Sanhita') has brought about a significant change in the requirement of evidence of public servants including police officers, scientific experts, medical officers etc. in any inquiry, trial or any proceeding under the Suraksha Sanhita. In order to effectively implement this provision, the following guidelines shall be adhered to:-

1. The first proviso to section 336 Suraksha Sanhita states 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*". The officer incharge of a police station, while preparing police report (challan) under section 193 Suraksha Sanhita, shall not cite any public servant including police officer, scientific expert, medical officer etc., who has prepared any document or report which is purported to be used as evidence, in the 'List of witnesses' appended with the police report. A list of such public servants along with their designation shall be provided separately under the title 'List of public servants exempted under section 336 Suraksha Sanhita' for assistance of the Court in case a document is disputed and the Court decides to summon a public servant under this proviso, through an order.
2. An indicative list of public servants covered under this section is as follows:-
 - a. Police officer who registers the FIR under section 173 Suraksha Sanhita.

- b. Officer Incharge of police station who prepared police report (challan) under section 193 Suraksha Sanhita.
- c. Forensic experts, mobile forensic unit officials, fingerprint experts etc.
- d. Cyber cell officials
- e. Officers granting prosecution sanction under various laws.
- f. Doctors preparing post-mortem report, medico-legal report etc.
- g. Armourer, motor mechanic, malkhana mohrar etc.
- h. Any other public servant preparing a document or report which is to be used as evidence.

3. Further, section 336 Suraksha Sanhita provides that the Court shall secure presence of successor officer of 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 in the following cases:-

- i) If such public servant, expert or officer is either transferred, retired, or died.
- ii) If such public servant, expert or officer cannot be found or is incapable of giving deposition.
- iii) If securing presence of such public servant, expert or officer is likely to cause delay in holding the inquiry, trial or other proceeding.

4. The second proviso to section 336 Suraksha Sanhita provides for examination of public servant, expert or officer via audio-video electronic means. The summoning Court should be requested by the concerned public servant accordingly.

All Heads of Police Units are hereby directed to brief all police officials under their jurisdiction to ensure meticulous compliance of the above guidelines.


(Himanshu Garg)

AIG/Admn.

for Director General of Police, Haryana

Endst No. 17887-90/GA-1 dated, Panchkula the 26-12-2024

A copy of above is forwarded to the following for information and necessary action please:-

- 1. The Chief Secretary, Government of Haryana, Chandigarh.
- 2. The Director General, Health Services, Haryana, Panchkula.
- 3. The Director, Medical Education & Research, Haryana, Panchkula.
- 4. The Director of Prosecution (General), Haryana, Panchkula.


(Himanshu Garg)

AIG/Admn.

for Director General of Police, Haryana

No. H-2001/69/2025-HD-HD
GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT

NOTIFICATION No. 16

Imphal, the 10th March, 2025

Subject: Compliance of Sec 190 (1), 530 & 349 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 regarding.

Whereas, Section 190 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides the procedure related to cases to be sent to Magistrate, when evidence is sufficient and provides as under:

"Section 190(1). If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial, or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed:

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.

(2) *When the officer in charge of a police station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the facts and circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.*

(3) *If the Court of the Chief Judicial Magistrate is mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.*

(4) *The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report."*

2. (a) Whereas, Section 530 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides the procedure related to trial and proceedings to be held in electronic mode and provides that all trials, inquiries 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.

(b) The provision for conducting trial and proceedings in electronic mode are provided in the High Court of Manipur (Video Conferencing for Court) Rules, 2020. This is with the concurrence of the High Court of Manipur vide their letter No. HCM/Misc-89/2013-A&E/3906 dt. 03.03.2025.

3. Whereas, Section 349 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides the procedure related to Power of Magistrate to order person to give specimen signatures or handwriting, etc. and provides that If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Sanhita, it is expedient to direct any person, including an accused person, to give specimen signatures or finger impressions or handwriting or voice sample, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or finger impressions or handwriting or voice sample:

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

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

4. All Superintendent of Police, concerned Officer-in-Charge of Police station and concerned Investigating Officers shall make necessary arrangement to facilitate and ensure compliance of the provisions above referred sections.



(Dr. Mayengbam Veto Singh)

Joint Secretary (Home), Government of Manipur

Copy to:

1. Secretary to Governor, Manipur.
2. Staff Officer to Chief Secretary, Manipur.
3. Commissioner (Home), Government of Manipur.
4. Director General of Police, Manipur.
5. Commissioner (Law), Government of Manipur.
6. All District Magistrates/ADMs, Manipur.
7. All Superintendents of Police, Manipur.
8. Registrar General, High Court of Manipur, Imphal.
9. Director, Printing and Stationery, Manipur for publication in the Extra-Ordinary Gazette, Manipur.
10. Notice Board.
11. Guard file.

MANIPUR GAZETTE

सत्यमेव जयते

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 398

Imphal, Wednesday, March 12, 2025

(Phalguna 21, 1946)

**GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT**

NOTIFICATION

Imphal, March 12, 2025

No. 2/12/2025-Leg/L(2): In exercise of the powers conferred by sub-section(1) of section 64 and clause(i) of section 530 and other enabling provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), in its application to the State of Manipur, the Government of Manipur, after consultation with the High Court of Manipur, hereby, makes the following rules, namely:-

The Manipur Electronic Processes (Issuance, Service and Execution) Rules, 2025

1. Short title and commencement-

- (1) These rules may be called the Manipur Electronic Processes (Issuance, Service and Execution) Rules, 2025.
- (2) They shall come into force from the date of their publication in the Official Gazette of Manipur.

2. Definitions-

- (1) In these rules, unless the context otherwise requires-

- (a) "CCTNS" means Crime and Criminal Tracking Network and Systems, a system software used by the Police for the collection of data and execution of instructions;
- (b) "CIS" means Case Information System, a system software used by the District Judiciary and High Courts for the collection of data and execution of instructions;
- (c) "Disclosed Electronic Mail Address" means the email account of a person or organization that is used by the person or organisation to send and receive messages over internet, and is shown to be admitted, or provided by such person or organization either personally or on a website or portal;
- (d) "Electronic Communication" as defined in Section 2(1)(i) of the Sanhita;
- (e) "eSign" means authentication of any electronic record by a subscriber or court, by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000 (21 of 2000) and includes digital signature. Also, when a process or report generated in electronic form is authenticated by means of electronic signature, it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;
- (f) "High Court" means the High Court of Manipur;

- (g) "Process" includes summons, warrant or any other forms set forth in the Second Schedule of the Sanhita, with such variations as the circumstances of each case may require, issued for the respective purposes as mentioned in the Sanhita;
 - (h) "Rules and Orders" means the High Court of Manipur Criminal Rules and Orders, 2021 and the Gauhati High Court Criminal Rules and Orders as applicable to the High Court of Manipur.
 - (i) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023);
 - (j) "Seal" means image of the seal of the Court;
 - (k) "State" means the State of Manipur;
 - (l) "Summons" means any summons issued under the Sanhita;
 - (m) "Warrant" means a warrant issued under the Sanhita and includes bailable warrant and non-bailable warrant.
- (2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023); the Bharatiya Nyaya Sanhita, 2023 (45 of 2023); the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023) and the Information Technology Act, 2000 (21 of 2000).
3. The Courts shall generate and issue process in electronic mode through CIS in such forms as set forth in the Second Schedule of the Sanhita, with such variations as the circumstances of each case may require. The same shall be served by an officer of the Court issuing it.
 4. When the Court does not possess required electronic address/contact details of the person to whom such process is intended to be served or when the process issued as per rule 3 is not served, it may direct the same to be served by a police officer or other public servant.
 5. Every process issued in form of electronic communication under the Sanhita must ordinarily be written in the language of the court and shall be in an encrypted form of electronic communication and shall bear the image of the seal of the Court and eSign.
 6. Every process issued electronically shall contain eSign in such a manner that the name of the Court and the capacity in which the signatory or subscriber acts, should be clearly mentioned. The summons generated in electronic form shall bear image of the seal of the court and eSign of the appropriate officer of the Court or the Reader or any person authorized in writing in this regard as the case may be. Every warrant of arrest in electronic form shall be issued by eSign of the Presiding Officer of the Court and shall also bear the seal of the Court.
 7. Where the processes generated in electronic form are received on CCTNS through a secured system, in an encrypted or any other form of electronic communication, it shall

be presumed to be issued by the Court. Further, any printout of such process shall have the same effect as issued in original for the purpose of its execution.

8. The Officer-in-charge of the Police Station shall ensure that the verified details relating to address, disclosed electronic mail address, phone number and messaging application used by the accused or witnesses, as the case may be, are recorded during arrest, investigation or inquiry and entered in CCTNS. Such details shall also be entered in the Register maintained at the Police Station in compliance with sub-section (1) of section 64 of the Sanhita. If any of such details is not available, the Officer-in-charge of the Police Station shall make an endorsement to that effect in the Register:

Provided that any such details may be amended on the basis of further verification or on the basis of an application by such person.

9. Where a case is filed on the basis of a private complaint, the complainant shall provide the details relating to address, disclosed electronic mail address, phone number and messaging application of the accused and witnesses along with the complaint. If any of such information is not available, the complainant shall make an endorsement to that effect.
10. The details relating to address, disclosed electronic mail address, phone number and messaging applications shall be transmitted in electronic form and maintained in CIS and may be used for issuance of process. Such digital information shall form part of the register under Section 64 of the Sanhita.
11. The details relating to disclosed electronic mail address, phone number and messaging application of the victim and witnesses shall not be disclosed to the accused.
12. The Officer-in-charge of the Police Station or any Sub-ordinate Officer deputed by him upon receipt of summons issued in pursuance of rule 4 may forward the summons on the disclosed electronic mail address, phone number or messaging application of the person summoned.
13. (1) Where summons are served by way of electronic mail, service shall be deemed to have been made if the service provider generates acknowledgement of the delivery.

(2) When any summon is sent to a person or organization on disclosed electronic mail address, unless the delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, the delivery shall be deemed to be effected; and unless the contrary is proved, be deemed to have been effected at the time at which the electronic mail would be delivered.
14. (1) Where summons are served by way of any other electronic communication including messaging application, the acknowledgment shall form part of the report of the service and the report shall contain details including mobile number, messaging application and screenshot/photo of the application reflecting delivery of the communication.

(2) Such delivery may be deemed to be due service of summons/process and a copy of such summons/process along with report of service shall be kept in record as a proof of service of summons/process.

Explanation- Acknowledgement under this rule or under rule 14 include an acknowledgement given by-

(a) any communication by the addressee, automated or otherwise; or

(b) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.

15. In case verified details of the email address, phone number or messaging application relating to the person summoned are not available, the officer-in-charge of the police station or any police officer deputed shall make an entry in that regard and after taking printout in duplicate of the summons issued in electronic mode, shall execute the same in accordance with procedure prescribed under the Sanhita.
16. When summons are not served by an electronic mail or other mode of electronic communication, or delivery is disrupted and undelivered or bounced back for any other reason, the concerned officers shall prepare a report in that regard containing all details including mobile number, messaging application and screenshot/photo of the application confirmation of delivery and may proceed as per applicable process.
17. In case of warrant or any other process required to be served in person is issued in electronic mode, the officer-in-charge of the police station or any police officer deputed by him shall take a printout of the warrant or process and execute the same in accordance with the Sanhita and rules made therein.
18. Where any process is served or executed other than through electronic mode, the Police Officer while making service or executing the process shall take acknowledgement of the Recipient and may capture photograph, which shall form part of the report of the service.
19. Upon due service or non-service of the warrant, the serving officer of the concerned Police Station shall transmit the service along with relevant documents including bail bonds, photographs, acknowledgment, if any, to the concerned Court in electronic form through CCTNS /NSTEP.
20. The Court, upon receiving the report in electronic form under rule 19, may act upon such report as deemed appropriate. Such report or printout of such report shall be deemed to be original for the purpose of satisfaction as the service/execution of the process.
21. Where any process is issued in cases relating to offences under sections 64 to 71 of The Bharatiya Nyaya Sanhita (45 of 2023) or offences against woman or child or offences under The Protection of Children from Sexual Offences Act, 2012 and Juvenile Justice (Care and Protection of Children) Act, 2015, the concerned officers shall ensure that the identity of the victim is not revealed in any manner in course of service or execution.

22. Any rule made in this behalf shall be in addition to, not in derogation of, any other law or rules made by the High Court to specify for the time being in force for issuance, service and execution of process by the Court.

NUNGSHITOMBI ATHOKPAM,
Commissioner(Law),
Government of Manipur.

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, March 12, 2025

No. 2/12/2025-Leg/L(2): In exercise of the powers conferred by sub-section(1) of section 64 and clause(i) of section 530 and other enabling provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), in its application to the State of Manipur, the Government of Manipur, after consultation with the High Court of Manipur, hereby, makes the following rules, namely:-

The Manipur Electronic Processes (Issuance, Service and Execution) Rules, 2025

1. Short title and commencement-

- (1) These rules may be called the Manipur Electronic Processes (Issuance, Service and Execution) Rules, 2025.
- (2) They shall come into force from the date of their publication in the Official Gazette of Manipur.

2. Definitions-

- (1) In these rules, unless the context otherwise requires-

- (a) "CCTNS" means Crime and Criminal Tracking Network and Systems, a system software used by the Police for the collection of data and execution of instructions;
- (b) "CIS" means Case Information System, a system software used by the District Judiciary and High Courts for the collection of data and execution of instructions;
- (c) "Disclosed Electronic Mail Address" means the email account of a person or organization that is used by the person or organisation to send and receive messages over internet, and is shown to be admitted, or provided by such person or organization either personally or on a website or portal;
- (d) "Electronic Communication" as defined in Section 2(1)(i) of the Sanhita;
- (e) "eSign" means authentication of any electronic record by a subscriber or court, by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000 (21 of 2000) and includes digital signature. Also, when a process or report generated in electronic form is authenticated by means of electronic signature, it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;
- (f) "High Court" means the High Court of Manipur;



- (g) "Process" includes summons, warrant or any other forms set forth in the Second Schedule of the Sanhita, with such variations as the circumstances of each case may require, issued for the respective purposes as mentioned in the Sanhita;
 - (h) "Rules and Orders" means the High Court of Manipur Criminal Rules and Orders, 2021 and the Gauhati High Court Criminal Rules and Orders as applicable to the High Court of Manipur.
 - (i) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023);
 - (j) "Seal" means image of the seal of the Court;
 - (k) "State" means the State of Manipur;
 - (l) "Summons" means any summons issued under the Sanhita;
 - (m) "Warrant" means a warrant issued under the Sanhita and includes bailable warrant and non-bailable warrant.
- (2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023); the Bharatiya Nyaya Sanhita, 2023 (45 of 2023); the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023) and the Information Technology Act, 2000 (21 of 2000).
3. The Courts shall generate and issue process in electronic mode through CIS in such forms as set forth in the Second Schedule of the Sanhita, with such variations as the circumstances of each case may require. The same shall be served by an officer of the Court issuing it.
 4. When the Court does not possess required electronic address/contact details of the person to whom such process is intended to be served or when the process issued as per rule 3 is not served, it may direct the same to be served by a police officer or other public servant.
 5. Every process issued in form of electronic communication under the Sanhita must ordinarily be written in the language of the court and shall be in an encrypted form of electronic communication and shall bear the image of the seal of the Court and eSign.
 6. Every process issued electronically shall contain eSign in such a manner that the name of the Court and the capacity in which the signatory or subscriber acts, should be clearly mentioned. The summons generated in electronic form shall bear image of the seal of the court and eSign of the appropriate officer of the Court or the Reader or any person authorized in writing in this regard as the case may be. Every warrant of arrest in electronic form shall be issued by eSign of the Presiding Officer of the Court and shall also bear the seal of the Court.
 7. Where the processes generated in electronic form are received on CCTNS through a secured system, in an encrypted or any other form of electronic communication, it shall



be presumed to be issued by the Court. Further, any printout of such process shall have the same effect as issued in original for the purpose of its execution.

8. The Officer-in-charge of the Police Station shall ensure that the verified details relating to address, disclosed electronic mail address, phone number and messaging application used by the accused or witnesses, as the case may be, are recorded during arrest, investigation or inquiry and entered in CCTNS. Such details shall also be entered in the Register maintained at the Police Station in compliance with sub-section (1) of section 64 of the Sanhita. If any of such details is not available, the Officer-in-charge of the Police Station shall make an endorsement to that effect in the Register:

Provided that any such details may be amended on the basis of further verification or on the basis of an application by such person.

9. Where a case is filed on the basis of a private complaint, the complainant shall provide the details relating to address, disclosed electronic mail address, phone number and messaging application of the accused and witnesses along with the complaint. If any of such information is not available, the complainant shall make an endorsement to that effect.
10. The details relating to address, disclosed electronic mail address, phone number and messaging applications shall be transmitted in electronic form and maintained in CIS and may be used for issuance of process. Such digital information shall form part of the register under Section 64 of the Sanhita.
11. The details relating to disclosed electronic mail address, phone number and messaging application of the victim and witnesses shall not be disclosed to the accused.
12. The Officer-in-charge of the Police Station or any Sub-ordinate Officer deputed by him upon receipt of summons issued in pursuance of rule 4 may forward the summons on the disclosed electronic mail address, phone number or messaging application of the person summoned.
13. (1) Where summons are served by way of electronic mail, service shall be deemed to have been made if the service provider generates acknowledgement of the delivery.
- (2) When any summon is sent to a person or organization on disclosed electronic mail address, unless the delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, the delivery shall be deemed to be effected; and unless the contrary is proved, be deemed to have been effected at the time at which the electronic mail would be delivered.
14. (1) Where summons are served by way of any other electronic communication including messaging application, the acknowledgment shall form part of the report of the service and the report shall contain details including mobile number, messaging application and screenshot/photo of the application reflecting delivery of the communication.



(2) Such delivery may be deemed to be due service of summons/process and a copy of such summons/process along with report of service shall be kept in record as a proof of service of summons/process.

Explanation- Acknowledgement under this rule or under rule 14 include an acknowledgement given by-

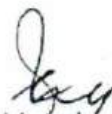
(a) any communication by the addressee, automated or otherwise; or

(b) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.

15. In case verified details of the email address, phone number or messaging application relating to the person summoned are not available, the officer-in-charge of the police station or any police officer deputed shall make an entry in that regard and after taking printout in duplicate of the summons issued in electronic mode, shall execute the same in accordance with procedure prescribed under the Sanhita.
16. When summons are not served by an electronic mail or other mode of electronic communication, or delivery is disrupted and undelivered or bounced back for any other reason, the concerned officers shall prepare a report in that regard containing all details including mobile number, messaging application and screenshot/photo of the application confirmation of delivery and may proceed as per applicable process.
17. In case of warrant or any other process required to be served in person is issued in electronic mode, the officer-in-charge of the police station or any police officer deputed by him shall take a printout of the warrant or process and execute the same in accordance with the Sanhita and rules made therein.
18. Where any process is served or executed other than through electronic mode, the Police Officer while making service or executing the process shall take acknowledgement of the Recipient and may capture photograph, which shall form part of the report of the service.
19. Upon due service or non-service of the warrant, the serving officer of the concerned Police Station shall transmit the service along with relevant documents including bail bonds, photographs, acknowledgment, if any, to the concerned Court in electronic form through CCTNS /NSTEP.
20. The Court, upon receiving the report in electronic form under rule 19, may act upon such report as deemed appropriate. Such report or printout of such report shall be deemed to be original for the purpose of satisfaction as the service/execution of the process.
21. Where any process is issued in cases relating to offences under sections 64 to 71 of The Bharatiya Nyaya Sanhita (45 of 2023) or offences against woman or child or offences under The Protection of Children from Sexual Offences Act, 2012 and Juvenile Justice (Care and Protection of Children) Act, 2015, the concerned officers shall ensure that the identity of the victim is not revealed in any manner in course of service or execution.



22. Any rule made in this behalf shall be in addition to, not in derogation of, any other law or rules made by the High Court to specify for the time being in force for issuance, service and execution of process by the Court.


(Nungshitombi Athokpam)
Commissioner (Law)
Government of Manipur

Copy to:

1. The Secretary to Governor of Manipur, Raj Bhawan, Imphal.
2. Staff Officer to Chief Secretary, Government of Manipur.
3. The Director General of Police, Manipur.
4. The Commissioner-cum-Secretary (Home), Government of Manipur.
5. All Administrative Secretaries, Government of Manipur.
6. All Deputy Commissioners/ District Magistrates, Manipur.
7. All the District & Sessions Judges, Manipur
8. The Registrar General, High Court of Manipur. This has reference to his letter No. HCM/Misc./89-Estt(V)/4801 dated 12.03.2025.
9. The Director of Prosecution, Manipur.
10. The Director of Printing and Stationery, Manipur with request for kindly publishing the above Notification in the Official Gazette Extra-ordinary and uploading in the Official Website.
11. The Government Advocate (HC), Manipur.
12. The Public Prosecutor (District), Manipur.
13. Guard File.

No. H-2001/69/2025-HD-HD
GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT

NOTIFICATION No. 16

Imphal, the 10th March, 2025

Subject: Compliance of Sec 190 (1), 530 & 349 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 regarding.

Whereas, Section 190 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides the procedure related to cases to be sent to Magistrate, when evidence is sufficient and provides as under:

"Section 190(1). If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial, or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed:

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.

(2) *When the officer in charge of a police station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the facts and circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.*

(3) *If the Court of the Chief Judicial Magistrate is mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.*

(4) *The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report."*

2. (a) Whereas, Section 530 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides the procedure related to trial and proceedings to be held in electronic mode and provides that all trials, inquiries 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.

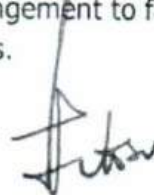
(b) The provision for conducting trial and proceedings in electronic mode are provided in the High Court of Manipur (Video Conferencing for Court) Rules, 2020. This is with the concurrence of the High Court of Manipur vide their letter No. HCM/Misc-89/2013-A&E/3906 dt. 03.03.2025.

3. Whereas, Section 349 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides the procedure related to Power of Magistrate to order person to give specimen signatures or handwriting, etc. and provides that If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Sanhita, it is expedient to direct any person, including an accused person, to give specimen signatures or finger impressions or handwriting or voice sample, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or finger impressions or handwriting or voice sample:

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

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

4. All Superintendent of Police, concerned Officer-in-Charge of Police station and concerned Investigating Officers shall make necessary arrangement to facilitate and ensure compliance of the provisions above referred sections.



(Dr. Mayengbam Veto Singh)

Joint Secretary (Home), Government of Manipur

Copy to:

1. Secretary to Governor, Manipur.
2. Staff Officer to Chief Secretary, Manipur.
3. Commissioner (Home), Government of Manipur.
4. Director General of Police, Manipur.
5. Commissioner (Law), Government of Manipur.
6. All District Magistrates/ADMs, Manipur.
7. All Superintendents of Police, Manipur.
8. Registrar General, High Court of Manipur, Imphal.
9. Director, Printing and Stationery, Manipur for publication in the Extra-Ordinary Gazette, Manipur.
10. Notice Board.
11. Guard file.