

Section of BNSS

64(1)(2)

Government of Odisha
Home Department

NOTIFICATION

Bhubaneswar, Dated the 28th February 2025

No. 8917, PT3-HOME-CPM-MISC-0213-2023

In exercise of the powers conferred by sub-section (1) and sub section (2) of section 64 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 Service of Summon by Police Officer Rules, 2025".
- (ii) They shall come into force from the date of publication of this notification in the Odisha Gazette.

2. General Principles for Service of Summon by Police Officer. -

- (i) In the event any summon is received in Police Station issued by the court, the Police officer shall serve the summon as per the provision mentioned under section 64 (1)(2) of Bharatiya Nagarik Suraksha Sanhita. The summons may also be served by electronic means.
- (ii) When the summon is received in the Police Station, the Officer in-charge of Police Station shall duly entrust it to a police personnel for service, who would be called as Serving Officer.
- (iii) The serving officer shall ensure proper acknowledgement of the person receiving summon on one of the duplicates and return the same to the issuing court through Officer in-charge of Police Station mentioning therein the manner of service or otherwise.
- (iv) In case summon is served by means of electronic means, then the printout from such electronic device shall be taken out and forwarded to the issuing court along with the duplicate copy of summon duly attested by the Officer in-charge of Police Station or Serving officer.

3. Service of Summon on Corporate Bodies, Firms, and Societies. -

In case of summon issued against a company, Firm, Association of Individuals, summon may be served-

- (i) Directly on its Director, Manager, Secretary, or any other officer or Partners of the Company or Corporation, Firm, Association of individual; or
- (ii) By a letter sent by registered post addressed to the Director, Manager, Secretary, or any other officer or Partners of the Company or Corporation, Firm, Association of individual in India.

4. Service of Summon When Person Not Found. -

When the serving officer, in exercise of due diligence, can't find the person upon whom the summon was issued, then such officer may serve the summons, -

- (i) by delivering or tendering a duplicate copy of summons with one of the adult member of his family residing with him;
- (ii) such serving officer, if so required, shall obtain signature of the person who received summon on the back of the other duplicate; and
- (iii) when service of summon could not be effected as mentioned above, the Serving Officer shall affix one of the duplicate summon to some conspicuous part of the house or place in which the person summoned ordinarily resides.

5. Service of Summon on Active Government Servant. -

- (i) in case of summon issued against an active Govt. servant, ordinarily the court shall issue summon directly to the Head of the Office, where the person is employed;
- (ii) in case summon is received by the Police officer, the Serving Officer shall serve the summon as described above or by issuing a letter to the Head of the Office, enclosing the copies of summon in duplicate; and

in all the above cases, the Head of the Office shall submit the Service Return (SR) to the courts after due service on the person summoned

6. Service of Summon Outside Local Limit. -

- (i) ordinarily, the court issues summons in duplicate to a Magistrate within whose jurisdiction the person summoned resides for service;
- (ii) in cases, when such summons are received by the Police Station and on due verification it is ascertained that such person is residing in another jurisdiction, then the Officer in-charge of Police Station may return such summon to the issuing court with a proper endorsement as to the reason of such return; and
- (iii) the Officer in-charge of Police Station may mention the address of person summoned if, ascertained upon enquiry.

7. Service of Summon by Electronic Communication. -

- (i) If an e-Summon bearing the Court's seal or digital signature is received at the Police Station, the Officer in-charge of Police Station shall take a printout and follow the procedures outlined in this rule.
- (ii) If any summon is served through electronic communication mode such as email, a printout of the manner of communication (sent mail), shall be submitted to the court along with the Service Report.

8. Summon Register. -

The Register to be maintained at Police Station level for service of summons is annexed under this rule, which alternately can be maintained in electronic form in Crime and Criminal Tracking Network and Systems (CCTNS) Platform.

By order of the Governor

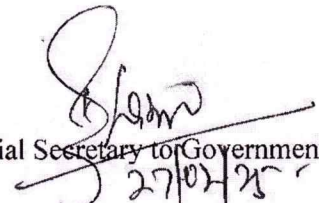


Additional Chief Secretary to Government

Memo No- 8918 /CP&M

Dated the 28th February 2025

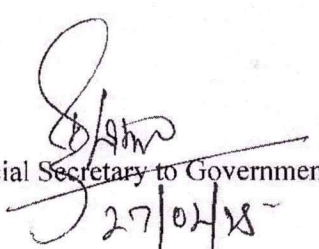
Copy forwarded to the D.G. & I.G. of Police, Odisha, Cuttack / D.G. of Police, CID, CB, Odisha, Cuttack/ All Collectors/ All SsP/ DY Commissioner of Police, Cuttack/ Dy Commissioner of Police, Bhubaneswar for information and necessary action.


Special Secretary to Government

Memo No- 8919 /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

Annexure-A

Register to be kept at Police Station

[illegible]