

Section of BNSS

175(4)

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DIRECTOR GENERAL OF POLICE
POLICE HEADQUARTERS::ITANAGAR

IO. PHQ/SP (CR) CELL-13/2024 (P-I)

Dated Itanagar the ²² March' 2025

OP No: 06

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

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

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

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

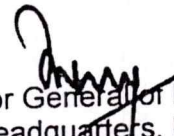
(b) after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged.

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

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

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

This SOP is issued in accordance with the provisions of the Bharatiya Nagrik Suraksha Sanhita and is effective immediately.

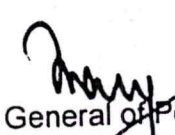

Director General of Police
Police Headquarters, Itanagar
Arunachal Pradesh

Dated Itanagar the 28th March' 2025

Memo NO. PHQ/SP (CR) CELL-13/2024 (P-I)

Copy to: -

1. The OSD to DGP AP, PHQ Itanagar.
2. The SO to ADGP AP, PHQ Itanagar.
3. The SO to IGP (Crime)/IGP (L&O)/IGP (A), PHQ Itanagar.
4. All IGsP/DIGsP Ranges, Arunachal Pradesh.
5. The SO to DIGP (Crime)/DIGP (HQ), PHQ Itanagar.
6. The SO to SP (Crime), PHQ Itanagar.
7. All district Superintendents of Police, Arunachal Pradesh for compliance.
8. Office copy.


Director General of Police
Police Headquarters, Itanagar
Arunachal Pradesh