

Section of BNSS

316

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

Sri Vijaya Puram, dated the

**SOP ON SIGNATURE OF AN ACCUSED PERSON IS TO BE TAKEN IN
72 HOURS IN CASE THE ACCUSED IS EXAMINED THROUGH
ELECTRONIC COMMUNICATION**

Introduction:

This standard operating procedure under section 316 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is for the police personnel posted under Andaman & Nicobar Police, specifically directing Police personnel for assisting the Hon'ble Court for recording of statement of the accused person through VC whenever required.

Section 316 BNSS: Record of examination of Accused

(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.

Procedure:

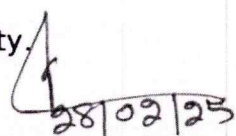
- Whenever the Hon'ble Court directs any police officer to produce the accused before the Hon'ble Court through a Warrant, same should be executed expeditiously.
- When during investigation of a case, if any accused is willing to confess about his guilt before the Court voluntarily, immediately a petition should be filed before the Hon'ble Court to get the confession recorded and accused should also be produced at the same time.
- If the Court directs for recording of statement of accused through electronic means/VC, and if a warrant has been issued to produce the accused before the Hon'ble Court, then it shall be the responsibility of the SHO/ OIC/IO to produce the accused before the Hon'ble Court.
- The SHO/ OIC/ IO should extend full assistance to the Court, if directed, for obtaining the signature of the accused to be given in the Court within 72 hours.

Explanation:

This section pertains to Chapter XXV of BNSS pertaining to evidence in inquiries and trials, mode of taking and recording evidence. The aforementioned legal provisions delineate the mode of taking signature of accused after examination of an accused through electronic means/VC but the law mandate to obtain the signature of the accused on his statement before the Court with in 72 hrs.

All concerned are hereby directed for strict & meticulous compliance of this SOP.

This is issued with the approval of Competent Authority.


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

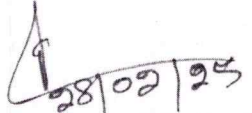
To

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.