

Section of BNSS

349



**ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH**

CRIME BRANCH CIRCULAR No.14/2024

Sub: SOP on Collection of Signature, Handwriting, Voice Sample etc.

1. Introduction

Under sec. 311-A of Cr.P.C, the Court had power to direct the arrested accused person to give specimen signature or handwriting. Under BNSS, 2023. This power of court has been widened in the interest scientific investigation.

Section 349 of BNSS, 2023 reads as follows:

"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."

It may be noted that under this section:



- a. Other than specimen signature or handwriting, now voice sample and thumb impression have also been added to make the investigation comprehensive.
- b. The court can order such collection of specimen signature or handwriting, voice sample and thumb impression from any person, arrested, released after arrest or not arrested in the case.
- c. The order can be passed at any stage of investigation or even during trial of the case.

2. Process

A. Collection from Scene of Crime

- (i) Photographs of footprints and fingerprints, latent or otherwise, found on any object at the scene of crime will be collected by a qualified police photographer accompanying the police officer with the help of forensic team. In absence of the photographer, the forensic team can also collect the finger prints and foot prints.
- (ii) If any piece of paper with handwriting, signature and thumb impression is available on the scene of crime, and the said document has any apparent link to the crime, it will be seized by the investigating officer forthwith from the scene of crime itself.
- (iii) When any handwriting, signature and thumb impression of any person is found on any document:
 - (a) The IO shall seize the said document containing the disputed handwriting, signature or thumb impression.
 - (b) The IO shall seize the admitted handwriting, signature and thumb impression of the person concerned.
 - (c) Specimen signature, handwriting or thumb impression, should be collected on the same or similar type and size of paper as that of the questioned document.
 - (d) Collection of specimen signature, handwriting or thumb impression shall be done in presence of two independent witnesses.

- (e) A memo/certificate to that effect shall be prepared by the IO and countersigned by the witnesses present.
- (f) The person giving such impression shall be allowed to sit comfortably. Once a specimen signature, handwriting or thumb impression is obtained on one sheet, it should be removed immediately before taking next specimen or impression.
- (g) The IO shall, preferably, collect 6 sets of such specimen signature, handwriting or thumb impression and mark each set distinctly.
- (iv) If any seized handwriting, signature, thumb impression belongs to a dead person, his admitted handwriting, signature and thumb impression if available on any document will be seized for comparison to prove veracity/ authenticity of the questioned document.

B. Collection of Voice Sample

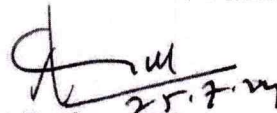
- (i) If any recorded voice in any electronic device such as mobile phone, computer etc. is found incriminating or linked with any crime under investigation, it will be collected / seized by the investigating officer in accordance with the procedure of seizure u/s 105 BNSS.
- (ii) If the seized voice recording belongs to any living person, a sample voice of that person will be collected by the investigating officer in presence of the witnesses.
- (iii) Before taking the sample voice, the investigating officer will prepare a transcript of the recorded voice with a certificate that the transcript is truly and accurately prepared from the recorded voice.
- (iv) The investigating officer will also prepare a model script containing maximum words used in the seized voice recording of the accused/suspect.
- (v) The accused / suspect will be given the prepared script to read it out, which will be recorded by the investigating officer or in the presence of investigating officer, if it is recorded by some other person.
- (vi) The device containing the recording of the sample voice will be seized by the investigating officer at the time of investigation / further investigation. Chain of custody of the seized device shall be maintained properly.

C. On Refusal by Accused/Suspect to Give Samples

In case where an accused or suspect or any other person relating to a crime refuse or unwilling to give his specimen signature, handwriting, thumb impression or voice sample, the following procedure shall be observed:

- (i) The investigating officer shall make a prayer in the concerned Court with cogent grounds for permission to collect such samples.
- (ii) On the day of hearing of the prayer, the investigating officer will remain present and brief the Court regarding necessity of collection of such samples.
- (iii) After ensuring production of accused / suspect or such person, if the Court directs him to give specimen signature, handwriting, thumb impression or voice sample, the investigating officer will collect the required apparatus and device and collect specimen in accordance with the guidelines mentioned above.
- (iv) After collection of specimen handwriting, signature, thumb impression or voice sample, the investigating officer will pack and seal the exhibits and send the same along with the questioned/incriminating materials to the forensic laboratory for examination and opinion.
- (v) The same procedure will be adopted by the investigating officer if the incriminating material is in the form of handwriting, signature, thumb impression or voice recording from a public office and legal interception unit.

Note: *The Standard Operating Procedure is subject to modification based on feedback from field units.*



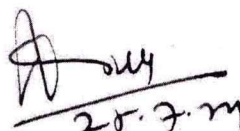
Arun Bothra, IPS
Addl. Director General of Police
CID, Crime Branch, Odisha

Memo No. 8476 /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.

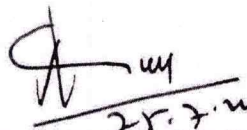


Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 8477 /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.