



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 22 /2024

Sub: Standard Operating Procedure on Final Form, Police Remand and Further Investigation

Introduction

With an objective to ensure timely investigation and speedy trial the following changes regarding Final Form, Police Remand and Further Investigation have been introduced in the BNSS-2023 which were not in the Cr PC:

- a. Final form can also be submitted by electronic mode.
- b. While submitting the Final Form the IO shall provide copy of the police papers to each accused person, through the magistrate. These Police papers can also be submitted in electronic mode.
- c. Earlier the police remand of accused was permissible only during the first 15 days of custody. In the new law also, police can take custody of accused maximum for 15 days after the arrest. However, this custody can now be taken in a single span or in piecemeal as mentioned hereunder.
 - Within a period of 40 days when punishment for the offence is less than 10 years imprisonment.
 - o Within a period of 60 days when punishment of offence is more than 10 years of imprisonment.
- d. Earlier there was no time limit prescribed for completing further investigation. Now, in cases where trial has begun, further investigation can be continued or commenced only with the permission of the court. Such further investigation must be completed within 90 days which maybe further extended by permission of the court.

1. Process

A. Time Limit to Complete Investigation

The Investigating officer shall complete the investigation without unnecessary delay. However, the BNSS prescribes the maximum period within which the Final Form is to be submitted. In this regard BNSS-2023 prescribes the following provisions for completion of investigation.

“Sec. 187 (3) BNSS: Procedure when investigation cannot be completed in 24 Hours (and accused is in the custody):

XXXX.....

- i. 90 days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of 10 years or more,
- ii. 60 days, where the investigation relates to any other offence.

Sec. 193(2) prescribes that offences under Sec. 64 to 71 of the Bharatiya Nyaya Sanhita 2023, offences under Sec. 4, 6, 8 & 10 of the POCSO Act, 2012 shall be completed within two months from the date of recording of information by the Officer-In-Charge of the Police Station irrespective of the fact whether the accused is in custody or not.

Sec. 193(9): xxx... Provided that further investigation during the trial may be conducted with the permission of the court trying the case and the same shall be completed within a period of 90 days which may extend with permission of the court”.

B. Information to Victim/Complainant

- i. Progress/Result of investigation shall be intimated to the Informant/ Victim of the case within a period of 90 days by any means including electronic mode [Sec. 193(3)(ii)]
- ii. Result of investigation shall also be intimated to the informant who first reported the commission of the offence to the OIC. [Sec. 193(3)(iii)]

C. Documents to Be Submitted with the Police Report/Final Form

As prescribed under Sec. 193(6) of BNSS, the Police officer shall furnish the following documents in original (where original is not available the true/certified copies) along with the chargesheet.

- i. All documents seized/taken to record during investigation
- ii. Medical Examination Reports, if any
- iii. Forensic Examination Report (Cyber, DNA, Viscera etc.)
- iv. Spot visit report of Scientific Officer
- v. Statement of all witnesses
- vi. Any other document or material that is relevant for the persecution of the case.
- vii. Copies of police papers for each accused and the victim. It may be noted that police papers include copies of digital evidence also.

- All these documents may be submitted in physical/electronic form.

D. Providing Copy of Police Report/Final Form to Accused/Victim- Sec 193(8) of BNSS

Sec. 230 of BNSS mandates supply of copies of all documents to the accused and victim (if represented by an advocate) in any case instituted against him upon a Police Report. Within 14 days from the date of production/appearance of the accused, the Magistrate shall provide the accused and the victim the following documents free of cost:

- i. The Police Report
- ii. The FIR
- iii. The statements recorded u/s 180(3) BNSS of all persons whom the prosecution proposes to examine as witness.
- iv. It may be noted that the IO may intimate the magistrate for not sharing any specific portion of statement of any witness with the accused-193(7) BNSS.
- v. The confession and statement recorded u/s 183 BNSS.
- vi. Any other document or extract thereof forwarded to the Magistrate with the Police Report u/s 193(6) BNSS.

E. Further Investigation

If it appears to the investigating officer that the investigation is not completed in all respect within the stipulated period as mandated u/s 187(3) and 193(2) of BNSS, he shall submit the Final Form to the Magistrate having power to take cognizance of the offence with a prayer for continuation of the investigation. This section allows further investigation in two circumstances:

i. Pre-trial Stage

An IO may continue or commence further investigation, after filing of Police Report, with orders of officer in-charge and with due intimation to the magistrate.

ii. Trial Stage

- a. In case trial has started in the case, further investigation is only allowed with permission of the court trying the case.
- b. Such further investigation shall be ordinarily completed within 90 days. However, the Court may permit further time to the IO as it deems fit.
- c. Upon completion of further investigation, the IO/OIC shall submit further report / reports to the Magistrate as per the provision u/s 193(3) to (8) of BNSS.

F. Prayer to withhold the trial, if required

When permission is granted for further investigation during trial and if it is required in the best interest of the case, the IO may pray to the court to withhold the trial/further proceeding in the case till completion of further investigation.

G. Applicability of BNSS in Old and Ongoing Proceedings

As per provision in Sec. 531(2)(a) of BNSS-2023, any pending investigation, inquiry and trial etc. if commenced before enactment of BNSS-2023, all such pending investigation, inquiry and trial etc. shall continue till its final disposal by the Court in accordance with the Old Code (Cr.P.C).

H. Guidelines for submission of Final Form in E-Mode

General Principle

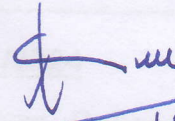
Sec. 193(3) (i) of BNSS-2023 allows IO to submit Police Report and other documents to the courts in electronic communication. It should be the effort of every officer to use this provision and submit documents in electronic form as far as practically possible.

Following guidelines are issued for IOs for submission of Police Report and other documents by electronic mode.

- All the physical and digital documents shall be scanned neatly, indexed serially and duly paginated with description of nature of documents.
- The entire report, including all enclosures filed under Section 193(3), shall be sent in a single PDF in read only format containing the signature of IO and countersigned by the OIC/IIC.
- The file shall bear a name with reference to the Police Station case no. and the cognizance taking Court's name.
- The report shall contain a separate note reflecting the name and designation of the Investigation Officer.
- It shall be stored in the official cloud or server or e-SAKSHYA with hierarchical access to the system.
- The identification and descriptive particulars of the device used to upload the report, the time, date, and location of the place of uploading the data must be mentioned in a separate note.
- Till such time the e-SAKSHYA is made fully functional, the IO may store the data in secured device such as pen drive, DVR/ DVD as the case may be with required number of copies.
- Even otherwise, it is advisable for the IO to keep a digital copy of the entire Police Report including all the attachments in a digital media in his personal custody.

- In case of any dispute regarding the genuineness of the electronic record, the provisions relating to digital or electronic signatures of the IT Act 2000 shall apply.

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


21/9/24

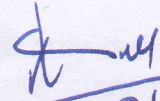
(Arun Bothra, IPS)
Addl. Director General of Police,
CID Crime Branch, Odisha

Memo No. 10289 /CID-Law

Date: 02 .9.2024.

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.


21/9/24

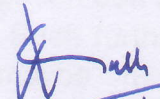
Addl. Director General of Police,
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- Spl. D.G of Police, HRPC/ Commissioner of Police, Bhubaneswar- Cuttack/, ADGP Railways & Coastal Security for kind information and necessary action please.


21/9/24

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