



CRIME BRANCH CIRCULAR No.11/2024

Sub: Standard Operating Procedure for Admissibility of Evidence of Successor of Public Servants

1. Introduction

In the Cr.PC the trial was often delayed due to non-availability or non-attendance of Investigating Officers and other Public Servants such as:

- (a) Police Officer
- (b) Medical Officers
- (c) Scientific Officers
- (d) Handwriting/Fingerprint experts
- (e) Other Public Servants

However, in the new law special provisions have been made that successor of such officer can also depose in the court in case a document or report is to be proved. Other than that, in order to have faster trials, provisions have been made for examination of officers through audio-video mode.

2. Process

A. Examination of Police Officer or public servant through audio-videoelectronic means

It is provided under Sec. 254 of BNSS-2023, to record deposition of Police officers and other public servants through audio-video electronics means. For the purpose of deposition, the Police Officer or Public Servant will attend the trial

proceeding at the nearest video conference point in co-ordination with the concerned court during a pre-scheduled time slot on the appointed date.

The witness will have the opportunity to peruse the relevant documents which will be supplied to him in scanned copies at the remote point. Examination-in-chief, cross examination, re-examination and further cross examination of the witnesses will be recorded through audio-video electronic means.

B. Examination of successor of Public Servant/Police Officer/Experts during trial

- a) When any report/document submitted by public servant, police officer, medical officer, and scientific experts are not disputed by any of the parties, such public servant or officer shall not be called to appear before the court to depose the evidence.
- b) If the report/document is disputed by any of the parties, the report can be admitted into evidence by examination of the public servant in the court either physically or through audio-video electronic means.
- c) 'Successor Officer' means whoever is holding that post at the time of deposition of such officer supposed to depose.
- d) Substituted evidence of the successors will be allowed in the following situations
 - (i) If such public servant, police officer, medical officer, and scientific experts or officer is either transferred, retired or dead.
 - (ii) If such public servant, police officer, medical officer, and scientific experts cannot be found or is incapable of giving the evidence
 - (iii) If presence of public servant, police officer, medical officer, and scientific experts cannot be secured without an amount of delay.
- e) Deposition of successors can be recorded through audio-video electronic means.
- f) The report submitted by of public servant, police officer, medical officer, and scientific experts can be admitted in the evidence through evidence of successor.

g) In case of any ambiguity as to the successor of Police Officer/men, the head of the establishment/IIC/OIC will determine and communicate the name of the officer/men for examination as successor u/s 336 BNSS-2023.

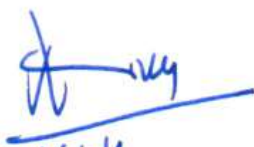
C. When no successor [Sec. 41 of BSA-2023]

When no successor of a Police Officer is found, any police officer can be examined as a witness to prove the document/report of erstwhile Police Officer, if he satisfies the following points:

- a) He is acquainted with the handwriting/signature of the person by whom the report is written
- b) He has seen writing and preparation of document which was so written or prepared in his presence
- c) He being in the position of an authority received the said document or report in answer to documents written by him
- d) In ordinary course of business received the documents or reports being habitually submitted to him by maker of the document

The concept of 'Zero FIR' has been included in the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 under Sec. 173. This section makes it imperative upon an OIC/IIC of a Police Station to register a Zero FIR in case a cognizable offence is reported, even when the occurrence has taken place outside the jurisdiction of his police station.

Note: *This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.*


20/6/24
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Memo No. _____ /CID-Law

Date: .06.2024.

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for information and necessary action.



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