

STANDARD OPERATIVE PROCEDURE (SOP) FOR THE INVESTIGATING OFFICERS TO CONDUCT THE INVESTIGATION UNDER BHARATIYA NAGARIK S

Chandigarh Police OFFICE OF THE DIRECTOR GENERAL OF POLICE U.T. CHANDIGARH ADDL. DELUXE BUILDING. SECTOR CHANDIGARH - 160009 STANDING ORDER NO. 4112024 Standard Operative Procedure (SOP) for the investigating Officers to conduct the investigation under Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Introduction:- Consequent upon the assent of Hon'ble President of India on new three new criminal laws i.e. Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, Bharatiya Nyaya Sanhita (BNS), 2023 & Bharatiya Sakshya Adhiniyam (BSA), 2023, the same will come into force, w.e.f. 01.07.2024. The BNSS, 2023 has made the procedure of investigation and trial in a time bound manner with an objective to impart justice in a time bound manner and it has been stressed in the BNSS for adopting scientific methods for completion of the investigation and audio video electronic means has been incorporated in the Act. Therefore, there is a need to deal in a more professional way by using the means of technology for the purpose of collection of evidence. As such, there is a necessity of time to issue the following directions, which are required to be followed by all concerned investigation agencies/the Investigating officer of Chandigarh Police for conducting investigation. OBJECTIVES:- To achieve the spirit of the BNSS 2023, for imparting speedy justice to the victims by way of adopting time bound investigation and creating a healthy and conducive atmosphere. General instructions regarding Investigation It has been deliberated that a set of Standard Operative Procedure regarding Investigation is required to be formulated to aid the to conduct the investigation and prosecution in criminal cases in a uniform manner, therefore all the investigation officer of Chandigarh Police, while conducting the investigation shall follow the procedure as mentioned below:- 1. As and when any information is received w.r.t commission of offence then the DDR of such information is required to be recorded without any delay and on verifying the facts if it is found that the information of the offence discloses non cognizable offence then the report in such cases shall be forwarded to the Magistrate fortnightly. In case the investigation officer/Officer Incharge of Police Station is of the opinion that the matter is of sensitive nature, then he should approach the Illaqa Magistrate for conducting the investigation in the non cognizable cases and after getting the order from the Illaqa Magistrate, the investigation officer can conduct the investigation and in case the investigation officer wants to arrest the accused in the non cognizable case then he should further approach the Illaqa Magistrate for getting the order to arrest the accused

2. Every Police Officer is bound to register the case in the cognizable cases irrespective of the area. In case the information regarding cognizable offences is received through electronic communication, it shall be taken on record by recording a DDR and the effort should be made to call the informant for getting his signature on the information/complaint within three days. The notices sent to the informant either through electronic communication or through any other manner is required to be recorded in the record of the police station. In case the informant/complainant is not traced then the information in this regard must be forwarded to the SDPO along with the record of the notices sent to the informant/complainant

3. The Investigation Officer will further ensure that where the case is registered for committing the offences under section 64 to 71 & 74 to 79 & 124 of BNSS 2023, then the FIR under section 173 BNSS 2023 is required to be recorded only by the lady Police Officer. The Investigation Officer further ensure that in case the victim women who is temporarily or permanently mentally or physically disabled then every efforts should be made to arrange the interpreter or a specialist or the parents or guardian of the victim who understand the language or gestures and the statement of the victim should be recorded in their presence at the place of her residence or at the place as described or of choice of the victim or her family member or guardian. The Investigation Officer shall also get conducted the videography while recording the statement of the victim women who is temporarily or permanently mentally or physically disabled. 4

5. The Investigation Officer should further got recorded the statement of the victim under section 183(3) of BNSS 2023 without any delay. The Investigation Officer should further ensure that the copy of the FIR recorded under section 173 is required to be provided to the informant or victim free of cost without any delay. The Investigation Officer should further ensure that in Cognizable cases where the

punishment of an offence is more than three years and less than seven years then the Investigation Officer should take the permission of 6. 7

8. DSP or any other senior officer for conducting preliminary enquiry in the matter. The Investigation Officer must ensure that the enquiry in the matter is required to be conducted within 14 days. The Investigation Officer/Incharge of the police stations must forward the report to the Illaqa Magistrate as well as Senior Officers of the police without any delay in all the Cognizable cases as and when the FIR under section 173 Cr.P.C is registered. The Investigation Officer should also ensure that in case the commission of an offence is punishable for seven years or more than seven years then he should immediately call the forensic expert as well as the mobile forensic team of the Chandigarh police at the place of crime for collecting the forensic evidence of the offence. He should also ensure to conduct the 9. videography and photography of the scene of crime. The Investigation Officer should also ensure that videography of the search and seizure is also required to be conducted through the electronic means i.e. the equipment provided by the Chandigarh Police to the investigating officers. The videography of search and seizure is further required to be forwarded to the concerned Illaqa Magistrate without any delay but not beyond 48 Hours. The Investigation Officer should also ensure that the statement of the child under the age of 15 Years or the women or any person above age of 60 Years or any person who is mentally or physically disabled or a person with acute illness shall be recorded at their residence or any other place of their choice. IO. The Investigation Officer also ensure that in case any request is made by him for recording the confession of the accused under section 183 of BNSS, 2023 to the Magistrate then it should be recorded in the presence of the Advocate of the accused. In the cases where the request is made for recording the statement of the victim of the offences under section 64 to 71, 74 to 79 or 124 BNSS, 2023, then the Investigation Officer must ensure that the statement of the victim should be recorded by the Women Magistrate and in case the Illaqa Magistrate is not the Woman Magistrate then the Investigation Officer should made the request to the Ld. Chief Judicial Magistrate for recording the statement of the victim by any other Woman Magistrate or in case the Woman Magistrate is not available then such statement of the victim should be recorded by the Male Magistrate in the presence of any Woman, 11. The Investigation Officer also ensure that the statements of the material witnesses are required to be recorded under section 183 of BNSS 2023, for all the offences where the punishment of offence is more than IO Years

12. The Investigation Officer also ensure that the medical examination of the accused must be got conducted without any delay from the time of arrest. Further, in case the blood sample, urine sample or any other material of the accused is required from the medical officer after getting his medical examination and the accused refused to give such things then the Investigation Officer must use the reasonable force for getting such samples duly sealed by the Doctor, for the examination from the CFSL for scientific evidence. The medical examination of the victim/injured must be got conducted without any delay and the clothes or any other articles belonging to the victim are required to be taken from the Doctor with sealed parcels

13. The medical examination Of the victim of rape and the accused committing the rape are required to be conducted keeping in view the provision of section 52 and section 184 of BNSS, 2023. The samples of the victim as well as the accused are required to be taken in each and every case for the purpose of conducting DNA test

14. The Investigation Officer should deposit the Case property duly sealed without any delay with the MMHC and relevant entry in the register No.19 of the Malkhana be made at the same time and further send the parcels duly sealed to CFSL without any delay but not beyond two days for the purpose of examination. He should further ensure whether the reports of CFSL have been prepared or not and collect the same immediately for conducting further investigation in the matter and further submitting the same before the courts where the charge sheet are submitted. The Investigating Officer should also ensure that the case property should be collected from the CFSL with sealed impression of the CFSL and deposited with the MMHC by making special entry regarding return of parcel from CFSL. The Investigation Officer further ensure the safety of the case property by inspecting of the Malkhana time to time and also do the parvi of producing the case property before the court at the relevant time

15. The Investigation Officer must ensure that the accused should be arrested after his identification from the witnesses or where the identification of the accused has already been established. In case

accused has committed heinous crime and his identification has not been established during the course of investigation or the witnesses are not available to identify him then all efforts should be made to cover his face and be produced before the Court with the request to conduct his test identification parade strictly in accordance with law

16. The Investigation Officer should ensure that in case the punishment is less than three years and the accused is suffering from serious illness or is above 60 Years such arrest be made with the prior permission of SDPO.The information of arrested person shall be given to the relative/friends of the accused

17. The Investigation Officer should also ensure to use the handcuff at the time Of arrest of the accused in case he is a habitual offender, terrorist, drug peddler, accused of acid attack, counterfeiting of currency notes, human trafficking, child sexual offences, accused of organized crime or Offence against state

18. The Investigation Officer should ensure that the accused should be arrested only in case his arrest is required.However, if the arrest of the accused is not necessary in the case, the charge sheet can be presented before the Court even without his arrest

19. That in case the arrest of the accused is required where the punishment is less than seven years then the arrest of the accused must be made by completing the check list to dispense with notice under section 35 of BNSS, 2023 as substantiated in SOP with respect to arrest

20. The progress of the investigation must be provided to the victim time to time but not beyond the period of 90 days through any means including electronic communication

21. The Investigation Officer should ensure to file the charge sheet before the court through SHO without any delay.The copy of the charge sheet must be provided to the victim/complainant as well as to the accused

22. The Investigation Officer should also ensure that in case the accused are in custody the charge sheet must be sent to the prosecution agency before 15 days of the expiry of 60/90 days as the case may be and in case the charge sheet is not presented within stipulated period of 60/90 days before the concerned court from the date of arrest then the Investigation Officer as well as the Incharge of the Police Station or the SHO of the Police Station shall be held responsible.Issued for meticulous Compliance. (Surendra Singh Yadav, IPS) Director General of Police, Union Territory, Chandigarh No.S600 !UTIHACIDated Chandigarh the:- 06.202k • Copy to all concerned