Compendium of Scenarios for Investigating officers

2024

Team

Delhi Police Academy

DELHI POLICE
दिल्ली पुलिस
शांति • सेवा • न्याय

CONTENTS

S. No.	Scenario Head	U/s	Punishment	Page No.
1	Rape with POCSO	65 BNS and 4 POCSO	Imprisonment not less than 20 years which may extend up to life imprisonment and fine	6
2	Dowry Death	80 (2) BNS	Imprisonment not less than 7 years but may extend to imprisonment for life	16
3	Murder	103 (1) BNS	Death or imprisonment for life	25
4	Mob Lynching	103 (2) BNS	Up to ten years and fine	34
5	Accidental Death	106 (2) BNS	Upto 10 Yrs and fine	44
6	Attempt to Murder	109 BNS	Death or imprisonment for life	53
7	Attempt to commit Culpable Homicide	110 BNS	Upto 7 years.	62
8	Voluntarily causing Hurt by dangerous weapon	118 (1) BNS	Imprisonment up to 3 years or fine up to Rs. 20,000/- or both	70
9	Voluntarily causing Grievous Hurt by dangerous weapon	118 (2) BNS	Imprisonment not less than 1 year which may extend up to 10 years and also liable for fine	79
10	Causing Hurt by means of Poison	123 BNS	Imprisonment for a term which may extend upto 10 years	88
11	Kidnapping	137 BNS	Imprisonment which may extend to 7 years and shall also be liable for fine.	98
12	Kidnapping case (Kidnapping for ransom)	140 (2) BNS	Death or imprisonment for life and also liable for fine	109

S. No.	Scenario Head	U/s	Punishment	Page No.
13	Riot Case	189/190/191/192/324/117/57/61/3(5) BNS	Imprisonment for 7 years and fine	120
14	Snatching	304 BNS	Punishment of for 3 years and fine	130
15	Attempt to commit robbery when armed with deadly weapon	312 BNS	Not less than 7 years	138
16	House Breaking during night	331 (3) BNS	Imprisonment which may extend upto 10 years	146
17	Arms ACT	(U/s 25) Arms Act	Not less than 7 years which may extend to 14 years	154
18	NDPS ACT	(U/s 21) NDPS Act	Rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years	161
19	Cyber Crime Scenario w.r.t Call Centre	Various sections as per scenario	Punishment according to offences as prescribed under BNS	171
20	Cheating-Fraud scenarios	Various sections as per scenario	Punishment according to offences as prescribed under BNS	180

DISCLAIMER

This compendium is intended to serve as a guide for aiding Investigating Officers. It contains 20 suggestive scenarios i.e. a situation wherein action is warranted by Police as per provisions of newly enacted criminal laws namely Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and BharatiyaSakshyaAdhiniyam (BSA).

The 20 scenarios short case studies to suggest to Investigating Officers on steps to be undertaken during investigation. The intention has been to mention the steps more or less chronologically and to emulate the procedure which is expected of the Investigating Officer as per the newly enacted criminal laws.

The steps/guidelines provided herein are merely suggestive, not exhaustive and case scenario specific in nature. Given the dynamic nature of crimes, circumstances may vary on a case-to-case basis and additional steps may have to be included in such cases.

The scenarios are simple in nature and are giving suggestive guidelines for an Investigating Officer to proceed in a case as per new laws. During case study discussions, scenarios may be complicated further by the teacher and made more elaborate scenario depending on how complex is the crime may be discussed, thus requiring addition of more steps accordingly may be done.

Rape and POCSO Act

(U/s 65 of BNS) & 4 POCSO Act

PUNISHMENT

Imprisonment not less than 20 years which may extend up to life imprisonment and fine

Scenario: ***"A 23-year-old man who lives in neighbourhood of a minor girl aged 15 years raped her in her house when she was alone in the house. There are no eyewitnesses to the incident. The information was received from the parents of the victim girl."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of Rape/POCSO:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. will immediately rush to the scene of crime. SHO should ensure that the I.O preferably be a lady police officer not below the rank of Sub Inspector. In case IO is a male officer, a female officer should accompany him.

(ii) I.O. shall wear plain clothes during investigation in the cases of POCSO Act.

(iii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime and shall also inform Rape Crisis Intervention Centre of DCW on its 24-hour helpline number 23370557.

(iv) In this particular case being an offence of rape with a child below 15 years of age, punishment in BNS is imprisonment not less than 20 years which may extend up to life imprisonment and fine. Hence, Forensic Expert is to be called at the Scene of Crime mandatory.

(v) IO to ensure that the victim is sent to Hospital for treatment and search for any eye-witness. If found, he shall record his statement verbatim (and get it video-graphed for Magistrate for Dying declaration, if situation so necessitates).

(vi) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vii) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime:

(i) Scene of crime shall be examined by I.O. and Forensic experts.

(ii) Scene of crime shall be examined by I.O. and Forensic experts and the evidences of offence like body fluids, traces, garments, body hair, contraceptives etc. lying at the scene of crime should not be touched by anyone.

(iii) I.O. shall check all the CCTV Cameras to ascertain route adopted by assailants to reach and flee after committing crime.

(iv) The I.O. shall prepare seizure memo containing list of exhibits.

(v) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(vi) The chain of custody shall be maintained and each police officer having custody shall be examined at each stage.

(vii) Parallelly, the IO should detain the alleged person, if present on the spot, depute an officer to ensure he does not flee and question him.

(viii) IO shall proceed to the Hospital to record statement of the victim.

(ix) However, services of an interpreter or a special educator shall be

mandatorily availed if the victim is temporarily or permanently disabled.

(x) Upon returning from the Hospital, IO shall reach at Scene of Crime and thoroughly examine it with Forensic experts.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Here, section 65 (1) of BNS will be attracted.

b. Process of registering FIR

(i) IO shall, with the permission of the Doctor, record the statement of the victim. While recording the statement, IO shall take details of the incident and description of the accused.

(ii) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR.

(iii) FIR being an important document shall be drawn with great care and caution giving all details and description.

(iv) IO shall prepare RUKKA for registration of case U/s 65 (1) of BNS.

(v) IO shall mail the FIR on sampark.dslsa@gov.in within 24 hours of the registration of case.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) Exhibits collected/lifted should be properly packed/preserved, sealed and sent to the FSL for chemical analysis as quickly as possible. In sensitive cases, supervisory officers must issue plan of action on the same day of

reporting, in the form of advisories.

(ii) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(iii) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(iv) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(v) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused person came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.

(ii) It is pertinent to mention that if scene of crime, place of recovery of weapon, place of incidence or any other relevant exhibits are different locations then separate site plans should be prepared by the I.O.

(iii) Description of the alleyway with respect to its connectivity to main road shall also be given.

(iv) Examination of Victim: Medical examination of the victim girl be done preferably by a female doctor in the presence and with the consent of her parents as soon as possible. If there is any delay in conducting the medical examination of the victim, the reason for the same must be mentioned in the medical report. The doctor needs to mention the injuries inflicted on the body parts of the victim. In Accordance with the provision of 184 BNSS.

(v) In so far as it may be practical, psychiatric help is made available to the

child victim before medical examination at the hospital itself.

(vi) IO to ask Doctor to check for any STD or STI which may be present on both the accused (when caught) and victim to corroborate the allegations.

(vii) IO shall also ensure that the statement of the victim U/s 183 BNSS shall be recorded within 24 hours of the registration of FIR.

(viii) In the event of the child victim being in the hospital, the concerned Magistrate shall record the statement of the victim in the hospital.

(ix) IO to prepare ISR and ensure dispatch of the same to senior officers within the first 72 hours.

(x) The victim girl will be produced before C.W.C (Child Welfare Committee) within 24 hours for her restoration.

(xi) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(xii) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(xiii) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(xiv) IO shall procure certified copy of PCR form and examine the caller.

(xv) I.O. shall examine the injured, witnesses, relatives (to find out about previous quarrels etc) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(xvi) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xvii) Proof of age of victim must be collected to certify her age and the following documents/procedure shall be relied upon (Section-34, POCSO Act read along with Juvenile Justice (Care and Protection of Children) Act, 2000.)

1. A date of birth certificate from the school, or matriculation or

equivalent certificate from the concerned examination Board, if available; and in the absence thereof.

2. Birth certificate given by a corporation or a municipal authority or a Panchayat.

3. And only in the absence of above points, age shall be determined by an ossification test or any other medically proven and improved age determination test.

(xviii) The Police Officer shall not detain any child at night in the police station for any reason (as per the requirement of Section-24 (4), POCSO Act).

(xix) The Police Officer, while examining the child, shall ensure that at no point of time, the child comes in contact with the accused, in any manner, whatsoever (as per the mandate of Section- 24 (3) & 36, POCSO Act r/w Section-308, BNSS.

(xx) The victim of such crime should be treated with honour and sensitivity.

(xxi) Officer interacting with her (victim) should be extremely courteous. No indecent questions should be put to the victim. Care should be taken to protect dignity and prevent embarrassing situation to the victim.

(xxii) The statement of the victim shall be recorded in private; however, the presence of family members while recording statement may be permitted with a view to make the victim comfortable. Proper account of the incident should be recorded in the language of the victim as early as possible.

(xxiii) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xxiv) Final opinion of the MLC be obtained by IO.

(xxv) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xxvi) Only that part of disclosure statement of accused is admissible, which

leads to discovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence i.e. weapon of offence, blood-stained cloth etc. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xxvii) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain specific role/activity of accused.

(xxviii) In all cases, care shall be taken that the victim and her family or any person whom she is interested in, is not threatened or tempted in any manner by the accused or any other person.

(xxix) The identity of the victim should not be made public and due care should be taken not to reveal her identity in print and electronic media.

(xxx) All relevant and material witnesses shall be examined promptly. Especially the witness, who reached the spot of the incident on hearing shouts of the victim, if any, must be examined.

(xxxi) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xxxii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxxiii) The Chargesheet shall be prepared and sent to Scrutiny within 45 days of the arrest, if the accused is in Judicial Custody Remand at the time.

c. Search of accused

(i) If the alleged person is not present and is absconding, then the IO should make inquiries to ascertain about people to whom he can go to seek refuge.

(ii) The IO should get the CDR of alleged person and track his location and dispatch teams to apprehend him. The location of alleged person will simultaneously be evidence against him to prove his presence at the scene of crime at the time of commission of rape.

(iii) IO to check whether the particulars of accused and check whether he is a permanent resident or is a tenant.

(iv) IO to make inquiry from the other neighbours as well about the incident, to verify antecedents of the accused and what they heard etc when the particular crime was committed.

(v) In case of identified accused/co-accused who is absconding efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers etc.

(vi) If the arrest warrant could not be executed because the person against whom the warrant has been issued has absconded, or is concealing himself, the I.O. shall apply to the relevant court to declare the person a proclaimed offender and move for the attachment of the property of such person, according to section 84 and 85 of the BNSS.

(vii) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(viii) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

d. Procedure of arrest

(i) The accused person, if arrested should be sent for medical examination by the I.O. under properly filled in, medical examination sheet.

(ii) Personal clothes of the accused, worn at the time of the crime, should be seized and sent to FSL for examination for DNA profiling.

(iii) The accused should also be got medically examined as to whether he is capable of performing said offence and whether any injury marks have

been sustained by him during the commission of rape.

(iv) If teeth and bite marks have been detected, then the accused should be taken to a dental expert for relevant examination.

(v) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(vi) Immediately, information of arrest of accused should be given to the friend/ relative/nominated person and designated police officer (as per BNSS).

(vii) His personal search memo be prepared.

(viii) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(ix) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(x) The finger prints of accused will also be taken to get tallied with chance prints.

(xi) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witnesses be recorded after TIP. This statement should identify the accused as the person who had committed the offence and

should also contain the name, parentage and address of the accused.

(vi) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(vii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(viii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(ix) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(x) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Dowry Death

(U/s 80 (2) of BNS)

PUNISHMENT

Imprisonment not less than 7 years but may extend to imprisonment for life.

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of Dowry death:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime.

(iii) Immediately information will be passed to the Control Room for inspection of scene of crime through Crime Team and SDM as the deceased was married for 7 years or less.

(iv) If the victim is injured or hurt then IO will inform SDM to obtain her statement. However, if it is felt that the victim may succumb to her injuries then IO may record her statement (in writing and also video-graph the same) before Doctor/Nurse etc. or public witnesses.

(v) In this particular case being an offence of dowry death, punishment in BNS is imprisonment not less than 7 years but may extend to imprisonment for life. Hence, Forensic Expert is to be called at the Scene of Crime.

(vi) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vii) The Scene of crime be photographed and video-graphed from all angles.

(viii) In this case, all proceedings right from recording of statement of victim or her family members to including inquest proceedings upto the handing over of dead body to relatives and seizing of exhibits after autopsy shall be done by the SDM.

b. Examination of the scene of crime:

(i) Scene of crime shall be examined by I.O. and Forensic experts.

(ii) The I.O. shall inspect the scene of crime and search for suicide note or diary or messages in mobile phones of deceased etc.

(iii) The IO shall examine the victim/witnesses to ascertain the circumstances of the incident. Ligature or any other material used in victim's death be seized accordingly as a piece of evidence.

(iv) The I.O. needs to identify the deceased and also inspect the injuries inflicted.

(v) The weapon of offence, if found lying at the scene of crime, should not be touched by anyone and be got checked for finger prints.

(vi) Lifting of exhibits/evidence from scene of crime would be done by forensic experts in consultation with I.O.

(vii) The place of occurrence be also inspected with the angle of CCTV footage covering the place of incident and all possible in or out routes

(viii) The I.O. shall prepare seizure memo containing list of exhibits.

(ix) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(x) The chain of custody shall be maintained and each police officer having custody shall be examined at each stage.

(xi) Parallelly, the IO should detain the accused, if present on the spot, depute an officer to ensure he does not flee and question him.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/ statement, handed over to him by the SDM and if cognizable offence is made out, he shall make his endorsement for registration of case on this statement.

(ii) Here, an offence U/s 80 (2) of BNS is made out.

b. Process of registering FIR

(i) SDM to make inquiry from the neighbour (s), PCR caller and other family and friends about how they came to know about the incident and if they suspected any person.

(ii) Description of the body, the premises/place where the body found be clearly mentioned in the RUKKA.

(iii) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR including the general relations between the deceased and her husband/in-laws (regarding their routine quarrels, tiffs etc and previous violence history).

(iv) IO shall also include: the position of the scattered articles around the body, the manner of death, description of weapon used to be clearly mentioned, presence of light and other material.

(v) FIR being an important document shall be drawn with great care and caution giving all details and description.

(vi) IO shall prepare RUKKA for registration of case U/s 80 (2) BNS.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) Blood-stained earth, sample blood, weapon of offence (after examination; should have traces of blood). The above exhibits to be sealed and seized though seizure memos. The entire process to be video-graphed with date, time and location.

(ii) The mobile of deceased should be examined for any communication regarding the relations/ relevant conduct/ violent propensities of husband/ in-laws and seized as per the procedure.

(iii) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(iv) The weapon offence should be sent to autopsy surgeon after FSL examination is complete for opinion about the possibility of injuries on the person of deceased by the recovered weapon.

(v) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(vi) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(vii) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana. IO shall also mention the same by lodging proper DD entries.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) INQUEST PROCEEDINGS: Preservation of the dead body in hospital by way of application to the Autopsy surgeon and a request to preserve the nail clippings, viscera also from the SDM.

(ii) SDM shall prepare the inquest papers including PPR Forms such as 25.35 B, identification statement, copies of memos of seized articles, copy of FIR, copy of MLC if prepared while deposition the dead body along with rough site plan and other documents prepared with brief facts.

(iii) SDM to get the post-mortem of deceased conducted.

(iv) The I.O. should consult the autopsy surgeon w.r.t. the injury, burns, ligature mark, contents of the stomach of the deceased to clarify and establish the exact cause of death corroborating with prosecution theory.

(v) IO shall also ask Doctor to check the deceased for any old injury marks.

(vi) In case the information of Dowry Death received from Hospital the relevant exhibits be collected and body be preserved in mortuary. Further intimation be given to SDM concerned for PM examination & inquest proceedings and intimation be also given to parents of deceased.

(vii) Immediately after Post-Mortem examination & recording of the statement of victim or her parents etc. by the SDM/ appointed authority the IO shall, if cognizable offence is made out, send the statement/endorsement made by him to concerned police station to get the FIR registered under relevant clauses/sections.

(viii) SITE PLAN: IO shall prepare an unscaled site plan and a scaled site plan of scene of crime be got prepared through Draftsman available in the Crime Branch and districts. Marginal notes shall be given on the site plan.

(ix) It is pertinent to mention that if scene of crime, place of recovery of weapon, place of recovery of injured/dead body or any other relevant exhibits are different locations then separate site plans should be prepared by the I.O.

(x) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(xi) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(xii) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(xiii) The I.O. shall find out the motive of crime.

(xiv) IO shall procure certified copy of PCR form and examine the caller.

(xv) I.O. shall examine the injured, witnesses, relatives (to find out about

previous quarrels etc) and CCTVs to find out the exact sequence of event, role of accused person(s), motive.

(xvi) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xvii) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xviii) DYING DECLARATION: In case the injured is in precarious condition, her dying declaration shall be recorded in the presence of magistrate/ doctor/nurse on duty. However, care shall be taken to ensure that the person in question is in a fit condition to make such statement. By the time, officer to record dying declaration comes, IO may video-graph statements of victim.

(xix) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xx) Only that part of disclosure statement of accused is admissible, which leads to discovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xxi) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xxii) IO shall also get details of any previous PCR Calls, Medical records of victim and record statement of neighbors and relatives in this regard.

(xxiii) Old complaint of deceased having apprehension of threat from accused or his family members given earlier or any PCR call, old MLC be also traced

and placed on record.

(xxiv) Nikahnama/ Marriage Certificate etc. be verified.

(xxv) Certified CDRs & CAFs be obtained and placed on record of accused persons & deceased.

(xxvi) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xxvii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxviii) The Chargesheet shall be prepared and sent to Scrutiny within 75 days of the arrest, if the accused is in Judicial Custody Remand at the time.

c. Search of accused

(i) Identified accused/co-accused who is absconding, efforts should be made to gather all information i.e. details of family, friends, relatives, employers/ employees, any girlfriend, source of incomes, mobile numbers etc.

(ii) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(iii) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

(iv) Process for declaring accused as PO be also initiated.

d. Procedure of arrest

(i) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(ii) Immediately, information of arrest of accused should be given to the

friend/relative/nominated person and designated police officer (as per BNSS).

(iii) His personal search memo be prepared.

(iv) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(v) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vi) I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained from the weapon of offence on his person, scuffle marks such as abrasions/scratches by nails, teeth bite marks etc if any, preservation of the clothes worn by him etc.) and blood sample for DNA profiling to match with blood, tissues (if found in nail clippings or on the spot).

(vii) The finger prints of accused will also be taken to get tallied with chance prints.

(viii) If the husband had spoken to any public person before being taken in custody by the police about him having committed the murder, that person's statement should be recorded as it tantamount to extra judicial confession and is admissible.

(ix) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(ii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(iii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the

Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(iv) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(v) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) After completing the investigation of the case and exploring all the avenues of the investigation charge-sheet be prepared covering the complete facts of crime with clear role of each accused person with proper mentioning of each & every evidence.

(iii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iv) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(v) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Murder Case

(U/s 103 (1) of BNS)

PUNISHMENT

Death or imprisonment for life

Scenario: ***"A domestic dispute in a residential area of New Delhi escalated, resulting in the husband fatally stabbing his wife. The weapon used in the crime has been found at the scene, and there are no eyewitnesses to the incident. The information was received from the neighbours."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of Murder:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime.

(iii) In this particular case being an offence of murder, punishment in BNS is death or imprisonment for life. Hence, Forensic Expert is to be called at the Scene of Crime.

(iv) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(v) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime:

(i) Scene of crime shall be examined by I.O. and Forensic experts.

(ii) The I.O. needs to identify the deceased and also inspect the injuries inflicted.

(iii) The weapon of offence i.e. knife lying at the scene of crime should not be touched by anyone.

(iv) Lifting of exhibits/evidence from scene of crime would be done by forensic experts in consultation with I.O.

(v) I.O. shall check all the CCTV Cameras to ascertain route adopted by assailants to reach and flee after committing crime.

(vi) The I.O. shall prepare seizure memo containing list of exhibits.

(vii) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(viii) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

(ix) Parallelly, the IO should detain the husband, if present on the spot, depute an officer to ensure he does not flee and question him.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/ statement.

(ii) Here, section 103 (1) of BNS is attracted.

(iii) IO to also ensure Inquest proceedings as per PPR 25.35.

b. Process of registering FIR

(i) IO to make inquiry from the neighbour who called the PCR and other neighbours about how he came to know about the murder and why did he suspect the husband and what he heard etc. clarifying the crescendo of conversation before the voices of deceased died out or silenced.

(ii) Description of the body, the premises/place where the body found be clearly mentioned in the RUKKA.

(iii) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR including the general relations between the deceased and her husband (regarding their routine quarrels, tiffs etc and previous violence history).

(iv) IO shall also include: the position of the scattered articles around the body, the manner of death, description of weapon used to be clearly mentioned, presence of light and other material.

(v) FIR being an important document shall be drawn with great care and caution giving all details and description.

(vi) IO shall prepare RUKKA for registration of case U/s 103 (1) of BNS.

(vii) IO shall prepare the inquest papers including PPR Forms such as 25.35 B, identification statement, copies of memos of seized articles, copy of FIR, copy of MLC if prepared while deposition the dead body along with rough site plan and other documents prepared with brief facts.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) Blood-stained earth, sample blood, weapon of offence i.e. knife (after examination should have traces of blood). The above exhibits to be sealed and seized though seizure memos.

(ii) The mobile of deceased should be cursorily examined for any communication regarding the relations/ relevant conduct/ violent propensities of husband and seized as per the procedure.

(iii) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(iv) The weapon offence should be sent to autopsy surgeon after FSL examination is complete and FSL result is received for opinion about the possibility of injuries on the person of deceased by the recovered weapon.

(v) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(vi) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(vii) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) INQUEST PROCEEDINGS: Preservation of the dead body in hospital by way of application to the Autopsy surgeon and a request to preserve the viscera also.

(ii) IO shall prepare the inquest papers including PPR Forms such as 25.35 B, identification statement, copies of memos of seized articles, copy of FIR, copy of MLC if prepared while deposition the dead body along with rough site plan and other documents prepared with brief facts.

(iii) To get the post-mortem of deceased conducted.

(iv) The I.O. should consult the autopsy surgeon w.r.t. the injury, contents of the stomach of the deceased, possible reason of death, time since death.

(v) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused persons came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night and in this case, the distance from which the neighbours heard, saw the crime along with

positions of doors + windows etc.

(vi) Scaled site plan of scene of crime be got prepared through Draftsman available in the Crime Branch and districts.

(vii) It is pertinent to mention that if scene of crime, place of recovery of weapon, place of recovery of injured/dead body or any other relevant exhibits are different locations then separate site plans should be prepared by the I.O. This process to be properly video-graphed.

(viii) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(ix) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(x) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(xi) The I.O. shall find out the motive of crime.

(xii) IO shall procure certified copy of PCR form and examine the caller.

(xiii) I.O. shall examine the injured, witnesses, relatives (to find out about previous quarrels etc) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(xiv) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xv) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xvi) If the husband is not present and is absconding, then the IO should make inquiries to ascertain about people to whom the husband can go to seek refuge. The IO should get the CDR of husband and track his location and dispatch teams to apprehend him. The location of husband will simultaneously be evidence against him to prove his presence at the scene

of crime at the time of commission of murder.

(xvii) DYING DECLARATION: In case the injured is in precarious condition, his/her dying declaration shall be recorded in the presence of magistrate/ doctor/nurse on duty. However, care shall be taken to ensure that the person in question is in a fit condition to make such statement. By the time, officer to record dying declaration comes, IO may video-graph statement of victim.

(xviii) Disclosure statement of accused given before police is not admissible during trial unless supported by discovery of fact. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xix) Only that part of disclosure statement of accused is admissible, which leads to discovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence i.e. weapon of offence, blood-stained cloth etc. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xx) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xxi) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xxii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxiii) The Chargesheet shall be prepared and sent to Scrutiny within 75 days of the arrest, if the accused is in Judicial Custody Remand at the time.

c. Search of accused

(i) Efforts be made to identify the accused through Photo TIP i.e. from dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident.

(ii) In case of identified accused/co-accused who is absconding efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers etc.

(iii) Process for declaration of PO to be ensured.

(iv) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(v) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

d. Procedure of arrest

(i) Depending upon the nature of crime I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained from the weapon of offence on his person, scuffle marks such as abrasions/ scratches by nails, teeth bite marks etc if any, preservation of the clothes worn by him etc.) and blood sample for DNA profiling to match with blood, tissues (if found in nail clippings or on the spot).

(ii) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(iii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iv) His personal search memo be prepared.

(v) Clothes worn by accused while committing murder be preserved for getting analyzed for presence of blood of deceased on them.

(vi) The accused shall be medically examined as per Section 53 of the BNSS,

2023.

(vii) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(viii) The finger prints of accused will also be taken to get tallied with chance prints.

(ix) If the husband had spoken to any public person before being taken in custody by the police about him having committed the murder, that person's statement should be recorded as it tantamount to extra judicial confession and is admissible.

(x) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(xi) Such an accused when kept in lockup then also steps should be taken that witness should not meet him. Statement of witnesses be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(iv) Statement of witnesses be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(v) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody

Remand in parts up to 60 days from the date of arrest of accused.

(vi) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(vii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(viii) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(ix) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Mob Lynching Case

U/s 103 (2) of BNS

PUNISHMENT

Death or imprisonment for life and fine

Scenario: ***"A mob-lynching incident by a mob of around 100 people in a market area of New Delhi has taken place, resulting in damage to public property and arsoning. The sticks, stones, pieces of bricks used in the crime and broken glasses and damaged/burnt vehicles have been found at the scene. There were 4/5 injured persons who have sustained grievous injuries and are eyewitnesses to the incident. One of them was declared dead in the hospital. The information was received from the nearby shop-keepers."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of Mob-lynching:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime.

(iii) Further, IO shall also inform the District Control room to flash the message in entire Delhi.

(iv) IO to ensure that the victims are sent to Hospital for treatment and search for any other eye-witness as well. If found, he shall record his statement verbatim (and also get the statement of victim (s) video-graphed for Magistrate for Dying declaration, if situation dictates so).

(v) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vi) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime:

(i) Scene of crime shall be examined by I.O. and the Mobile crime team and the weapon of offence i.e. sticks, stones and pieces of bricks, or blood, pieces of torn clothes, shoes/slippers lying at the scene of crime should not be touched by anyone. Chance prints can be found on vehicles and other places too from the grime stains or blood on the hands of the accused persons.

(ii) The I.O. needs to identify the owners of the burnt vehicles and also try to find if any other person is also injured.

(iii) IO to make inquiry from the shop-keeper who called the PCR and other neighbouring shops about how they came to know about the incident and what they heard etc. clarifying the crescendo of conversation among the accused persons and their slogans.

(iv) Any weapon (of offence or otherwise) found lying at the scene of crime, should not be touched by anyone but Forensic Experts.

(v) Lifting of exhibits/evidence from scene of crime would be done by forensic experts in consultation with I.O.

(vi) I.O. shall check all the CCTV Cameras to ascertain route adopted by the accused persons to reach and flee after committing crime.

(vii) The I.O. shall prepare seizure memo containing list of exhibits.

(viii) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on

Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(ix) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

(x) Parallelly, the IO should detain any suspect, if found on the spot, depute an officer to ensure he does not flee and question him.

(xi) The I.O. should visit the hospital and obtain MLCs of the injured persons and record statements of the eye-witnesses. He should obtain the opinion of the Nature of injuries from the CMO.

(xii) Upon returning from the Hospital, IO shall reach at Scene of Crime and thoroughly examine it with Forensic experts.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Here, sections 103 (2) of BNS will be attracted.

b. Process of registering FIR

(i) Victim/eye-witness to be identified and examined and his statement be for registration of FIR.

(ii) The position of the scattered articles around in the vicinity, the description of weapon used to be clearly mentioned.

(iii) Description of the sticks, stones, pieces of bricks used in the crime, broken glasses, burnt cars, and blood etc. be clearly mentioned.

(iv) IO shall also enquire with the neighbors/nearby shopkeepers/bystanders if they had heard the sound of any gunshot or saw someone suspecting fleeing from the scene of crime.

(v) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR.

(vi) FIR being an important document shall be drawn with great care and caution giving all details and description.

(vii) IO shall prepare RUKKA for registration of case U/s 103 (2) of BNS.

(viii) IO shall prepare the inquest papers including PPR Forms such as 25.35 B, identification statement, copies of memos of seized articles, copy of FIR, copy of MLC if prepared while deposition the dead body along with rough site plan and other documents prepared with brief facts, if victims succumb to their injuries.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) In the Hospital, the IO shall take the MLC of the victim and also obtain any exhibits sealed by the Doctor while informing the family of the victim in tandem.

(ii) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(iii) The burnt vehicles should be seized and sent to FSL for finding out the chemical/fuel used in the arsoning.

(iv) The weapon if any found, should be sent to autopsy surgeon after FSL examination is complete and FSL result is received for opinion about the possibility of injuries on the victims by the recovered weapon.

(v) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(vi) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(vii) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same

from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused person came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.Here, Site Plan of SoC shall be prepared on the pointing out of the eye-witness/victim/self-observation by IO.

(ii) It is pertinent to mention that if scene of crime, place of recovery of weapons, place of recovery of damaged/burnt vehicles or any other relevant exhibits are different locations then separate site plans of recovery should be prepared by the I.O.

(iii) If any victim succumbs to his injuries, then his Post-mortem to be got conducted after his identification. Body to be handed to next of kin. Also collect exhibits from the mortuary i.e. viscera, blood samples, bone and hair in case of UIDB, sample seal.

(iv) If the suspect not present at the spot, then the IO should make inquiries to ascertain about the office of the group involved or probable assembly point, where they can go to seek refuge. The IO should try to get the CDR of the mobile phone of the leader/instigator/abettor and track his location and dispatch teams to apprehend him. The location of group leader will simultaneously be evidence against him to prove his presence at the scene of crime at the time of commission of the crime. Dump data may be collected and analysed to ascertain identity of the suspected persons.

(v) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(vi) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(vii) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(viii) Certified copy of PCR Forms be obtained and the informants be examined.

(ix) The I.O. shall find out the motive of crime and collect evidence.

(x) IO shall also utilise social media handles of various suspects or important witnesses for any information.

(xi) I.O. shall examine the injured, witnesses and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(xii) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xiii) The mobile of witnesses should be cursorily examined for any communication regarding the relations/relevant conduct / violent propensities of the accused and seized as per the procedure.

(xiv) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xv) DYING DECLARATION: In case the injured is in precarious condition, his/her dying declaration shall be recorded in the presence of magistrate/ doctor/nurse on duty. However, care shall be taken to ensure that the person in question is in a fit condition to make such statement. By the time, officer to record dying declaration comes, IO may video-graph statements of victim/injured.

(xvi) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xvii) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence. If any material

evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xviii) Depending upon the nature of crime I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained from the weapon of offence used by them, scuffle marks such as abrasions/scratches etc if any, preservation of the torn clothes or shoes/slippers worn by him etc. if found on the spot.

(xix) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xx) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xxi) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxii) If CCTV of accused persons are available then on arrest of the accused the physical parameters be got matched with CCTV footage through FSL.

c. Search of accused

(i) I.O. shall check all the CCTV Cameras to ascertain route adopted by accused persons to reach and flee after committing crime.

(ii) IO shall make effort to find out the whether the accused were using any vehicle.

(iii) If so, IO shall also take use of ANPR cameras to check if the accused have crossed any border of Delhi.

(iv) IO shall run the photo of accused persons (if found through CCTV)

through FRS to get any clue about their identity.

(v) If the photo from CCTV Footage is hazy, IO shall send it to FSL for getting a clearer picture.

(vi) IO shall also find out as to which group of five or more persons acting in concert committed murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other ground or segment.

(vii) The IO shall get prepared a sketch of accused from the memory of eyewitness.

(viii) Dump data of the area be taken to find any clues about the accused.

(ix) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(x) In case of identified accused/co-accused who is absconding efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers etc.

(xi) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(xii) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

d. Procedure of arrest

(i) Depending upon the nature of crime I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained from the weapon of offence on his person, scuffle marks such as abrasions/ scratches by nails, teeth bite marks etc if any, preservation of the clothes worn by him etc.) and blood sample for DNA profiling to match with blood, tissues (if found in nail clippings or on the spot).

(ii) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(iii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iv) His personal search memo be prepared.

(v) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(vi) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vii) The finger prints of accused will also be taken to get tallied with chance prints.

(viii) If the group leader has spoken to media before or delivered any inciting speech, or distributed any incriminating written material before committing the offence, that video clip and the incriminating written material should be seized as vital evidence as it tantamount to extra judicial confession and is admissible.

(ix) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also

contain the name, parentage and address of the accused.

(vi) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(vii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(viii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(ix) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(x) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) The draft Chargesheet shall be prepared and sent to Scrutiny within 45/75 days of the arrest, if the accused is in Judicial Custody Remand at the time.

(iii) Chargesheet be submitted in court within time 60/90 days through road certificate so that accused is not able to get benefit of default bail.

(iv) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(v) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from

Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(vi) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Accidental Death

(U/s 106 (2) of BNS)

PUNISHMENT

Up to ten years and fine

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of Accidental Death:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime.

(iii) In this particular case being an offence of accidental death, punishment in BNS is up to ten years and fine. Hence, Forensic Expert is to be called at the Scene of Crime.

(iv) IO to ensure that if the accident is caused on a road, then appropriate measures shall be taken to ensure smooth flow of traffic without disturbing the Scene of Crime.

(v) IO to search for the accident-causing vehicle nearby in case he had not fled the scene and was also in a somewhat injured condition nearby. In such a case, Forensic Experts will not be needed as per BNS. However, IO may practice his discretion and request assistance of Forensic Experts.

(vi) The body of the deceased should be preserved at the Mortuary of the

concerned Hospital.

(vii) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(viii) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime:

(i) Scene of crime shall be examined by I.O. and Forensic experts.

(ii) The I.O. needs to identify the deceased and also inspect the injuries inflicted.

(iii) Lifting of exhibits/evidence from scene of crime would be done by forensic experts in consultation with I.O.

(iv) IO shall check whether any blood or skid marks are present at the scene of the crime. If yes, then it should be photographed.

(v) If only the dead body of the deceased is found at the scene of the crime, then personal search of the deceased should be conducted and his identity should be established.

(vi) I.O. shall check all the CCTV Cameras covering the road.

(vii) The I.O. shall prepare seizure memo containing list of exhibits.

(viii) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(ix) In the Hospital, the IO shall take the MLC of the victim and also obtain any exhibits sealed by the Doctor while informing the family of the victim in tandem.

(x) IO shall then return to the Scene of Crime and thoroughly examine it with Forensic experts and also ensure that the offending vehicle is seized.

(xi) IO with Forensic Expert shall observe and check the offending vehicle for any blood or human tissues present on it and shall ensure that they are not smudged-off or disturbed by dust and are lifted immediately.

(xii) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) As per new provision in the BNS, if a person causes death by rash and negligent driving of vehicle not amounting to culpable homicide, and escapes without reporting to Police officer or a Magistrate soon after the incident, shall be punished with imprisonment of either description of a term which may extend to ten years and shall also be liable to fine.

(iii) Here, a case u/s 106 (2) Bhartiya Nyaya Sanhita 2023, on the statement of eye witness, if present or on the GD Entry of information should be registered.

(iv) In case, the offending driver had not fled the scene of crime, a case U/s 106 (1) BNS would have been registered.

(v) In case of fatality of the victim, IO shall follow FASTDAR scheme as per Delhi High Court judgement vide dated 12.05.2021 in FAO No. 842/2003 titled 'Rajesh Tyagi &Ors. Vs. Jasbir Singh &Ors.' Wherein, FASTDAR is to be filled by the IO within 10 days of the road accident and to be submitted before the MACT Court.

(vi) IO to also ensure Inquest proceedings as per PPR 25.35.

b. Process of registering FIR

(i) If any uninjured victim, eye witness is present at the scene of crime his statement should be recorded and site plan on his instance should be prepared.

(ii) IO shall also enquire with the nearby shopkeepers/bystanders if they had heard or seen any incident.

(iii) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR including the previous business deals and recent terms between the victim and accused.

(iv) FIR being an important document shall be drawn with great care and caution giving all details and description.

(v) IO shall prepare RUKKA for registration of case U/s 106 (2) of BNS.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) In the Hospital, the IO shall take the MLC of the victim and also obtain any exhibits sealed by the Doctor while informing the family of the victim in tandem.

(ii) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(iii) IO shall also ensure signature of the accused on Notice U/s 133 MV Act to ensure that he was driving the vehicle at the time of the incident.

(iv) If the accused is found at the place of incident, then his identity should be established and he should be arrested and released on Bail Bond.

(v) The driving license, insurance and R/C of the vehicle of accused should be taken into police possession through the seizure memo.

(vi) If any vehicle is involved in the accident or any of its broken parts is found at the scene of the crime then it should be taken in police possession through seizure memo.

(vii) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(viii) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(ix) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) INQUEST PROCEEDINGS: Preservation of the dead body in hospital by way of application to the Autopsy surgeon and a request to preserve the

viscera also.

(ii) IO shall prepare the inquest papers including PPR Forms such as 25.35 B, identification statement, copies of memos of seized articles, copy of FIR, copy of MLC if prepared while deposition the dead body along with rough site plan and other documents prepared with brief facts.

(iii) To get the post-mortem of deceased conducted.

(iv) The I.O. should consult the autopsy surgeon w.r.t. the injury, contents of the stomach of the deceased, possible reason of death, time since death.

(v) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the offending vehicle came and hit the victim. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted (if any) and the source of light during night.

(vi) IO shall ensure mechanical inspection of the offending vehicle and the victim's vehicle, if any.

(vii) The IO shall Submit a First Accidental Report (FAR) before the concerned MACT Court Within 48 hours of the receipt of intimation of the Accident. A copy of FAR be also given to the family of Victim (s)/deceased, Insurance Company and DSLSA.

(viii) IO shall hand over a copy of rights of victim (s) of road accident and flow chart of this scheme (Form II) of the DAR to the Victim/Family Members/ Legal Representatives within 10 days of the accident.

(ix) IO shall submit an Interim Accident Report (IAR) before the concerned MACT Court within 50 Days of the accident and a copy of same be provided to the family of Victim (s)/deceased, Insurance Company and DSLSA.

(x) IO shall submit the Detailed accidental report before the concerned MACT Court within 90 Days of the registration of the case.

(xi) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/

summons at later stage electronically.

(xii) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(xiii) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(xiv) The I.O. shall find out if the accused and victim are acquainted with each other to assess/eliminate any ill mens rea behind the act and be sure that the act was resultant of only an accident and not any attempt on the victim's life.

(xv) CDR of the accused and victim to be analysed for the same purpose, if situation dictates so.

(xvi) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xvii) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xviii) DYING DECLARATION: In case the injured is in precarious condition, his/her dying declaration shall be recorded in the presence of magistrate/ doctor/nurse on duty. However, care shall be taken to ensure that the person in question is in a fit condition to make such statement. By the time, officer to record dying declaration comes, IO may video-graph statements of victim.

(xix) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xx) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence. In this case, the disclosure statement of the accused shall corroborate the damage sustained by his vehicle (offending), any blood/tissue present on the vehicle/injury

sustained by the victim etc.

(xxi) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xxii) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xxiii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxiv) The Chargesheet shall be prepared and sent to Scrutiny within 75 days of the arrest, if the accused is in Judicial Custody Remand at the time.

c. Interrogation of accused

(i) However, in this case as the offender is himself admitting to his act of hitting the victim. So, his statement shall be recorded at the spot itself.

(ii) IO shall also interrogate the accused as to how did the incident occur.

(iii) IO shall, if available, also enquire with other passengers present in the offending vehicle and record their statement (s).

d. Procedure of arrest

(i) Depending upon the nature of crime I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained from the accident-causing vehicle etc) and blood sample for DNA profiling to match with blood, tissues (if found at the spot).

(ii) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(iii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iv) His personal search memo be prepared.

(v) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(vi) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vii) The finger prints of accused will also be taken to get tallied with chance prints.

(viii) His background particulars/Previous Involvement shall also be checked (CRIS shall be used).

(ix) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Here, I.O. may ensure TIP of the accused by the victim depending on the statement of the victim i.e. whether he was hit from backside or front. If need be, IO shall take precaution to keep the face of accused muffled for TIP.

(v) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(vi) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vii) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(viii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(ix) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(x) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(xi) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Attempt to Murder Case

(U/s 109 of BNS)

PUNISHMENT

Death or imprisonment for life

Scenario: ***"An individual was shot in an alleyway but survived. The assailant was seen fleeing the scene, and the victim claims it was a premeditated attack due to a prior business dispute."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of Attempt to Murder:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime.

(iii) In this particular case being an offence of attempt to murder, punishment in BNS is death or imprisonment for life. Hence, Forensic Expert is to be called at the Scene of Crime.

(iv) IO to ensure that the victim is sent to Hospital for treatment and search for any eye-witness. If found, he shall record his statement verbatim (and get it video-graphed for Magistrate for Dying declaration, if situation dictates so).

(v) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vi) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime:

(i) Scene of crime shall be examined by I.O. and Forensic experts.

(ii) The I.O. needs to identify the deceased and also inspect the injuries inflicted.

(iii) The weapon of offence, if found lying at the scene of crime, should not be touched by anyone.

(iv) Lifting of exhibits/evidence from scene of crime would be done by forensic experts in consultation with I.O.

(v) The first one to examine the weapon of offence, (if found) should be the finger print proficient along with the firearms' forensic assistant so that in case any chance prints are present on the weapon of offence, they are not damaged and the blood or human tissues present on weapon of offence are not destroyed.

(vi) I.O. shall check all the CCTV Cameras to ascertain route adopted by assailants to reach and flee after committing crime.

(vii) The I.O. shall prepare seizure memo containing list of exhibits.

(viii) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(ix) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

(x) IO shall proceed to the Hospital to record statement of the victim.

(xi) Upon returning from the Hospital, IO shall reach at Scene of Crime and thoroughly examine it with Forensic experts whereas extensive search shall also be made for recovering empty cartridge (s) and the weapon of offence.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Here, sections 109 BNS & 25/27 Arms Act will be attracted.

(iii) On receipt of FSL result, necessary permission/sanction from concerned DCP U/s 39 Arms Act, to prosecute the accused, be obtained.

b. Process of registering FIR

(i) IO shall, with the permission of the Doctor, in writing about injured being in a fit condition record the statement of the victim. While recording the statement, IO shall take details and reason of quarrel/fight between him and the accused.

(ii) IO shall also enquire with the neighbors/nearby shopkeepers/bystanders if they had heard the sound of any gunshot or saw someone suspected fleeing from the alleyway.

(iii) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR including the previous business deals and recent terms between the victim and accused.

(iv) FIR being an important document shall be drawn with great care and caution giving all details and description.

(v) IO shall prepare RUKKA for registration of case U/s 109 BNS.

3. INVESTIGATION

What is required to be done is to establish the motive i.e. the act of accused having fired at the victim and that the lead (bullet)/cartridge cases etc. were fired through the Firearm recovered (used) at the instance of accused and that the weapon is in working order.

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital

evidence)

(i) In the Hospital, the IO shall take the MLC of the victim and also obtain any exhibits sealed by the Doctor while informing the family of the victim in tandem.

(ii) There, the IO shall also request the CMO/Doctor to preserve Gun Shot Residue of the victim and get swabs of the entry and exit wounds and shall request him to preserve the clothes bearing bullet marks corresponding to injuries.

(iii) A sketch of recovered weapon of offence should be carefully prepared.

(iv) Preservation of CCTV footage, identification of accused in CCTV footage, presence of witnesses on the spot be checked.

(v) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(vi) Recovered weapon, lead (bullet), cartridge cases should be sent to FSL for matching the same to check if they were fired from the recovered weapon.

(vii) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(viii) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(ix) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused person came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.

(ii) It is pertinent to mention that if scene of crime, place of recovery of weapon, place of incidence or any other relevant exhibits are different locations then separate site plans should be prepared by the I.O.

(iii) Description of the alleyway with respect to its connectivity to main road shall also be given.

(iv) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(v) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(vi) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(vii) The I.O. shall find out the motive of crime.

(viii) IO shall procure certified copy of PCR form and examine the caller.

(ix) I.O. shall examine the injured, witnesses, relatives (to find out about previous quarrels etc) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(x) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xi) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xii) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xiii) Only that part of disclosure statement of accused is admissible, which leads to discovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery

of new facts leading to the recovery of material evidence i.e. weapon of offence, blood-stained cloth etc. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xiv) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xv) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xvi) Source of weapon and chain of providing weapon right up to the manufacturer should be sincerely traced and investigated.

(xvii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xviii) The Chargesheet shall be prepared and sent to Scrutiny within 75 days of the arrest, if the accused is in Judicial Custody Remand at the time.

(xix) IO shall also seek permission/sanction from concerned DCP U/s 39 Arms Act as per the weapon recovered in this case, to prosecute the accused.

c. Search of accused

(i) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(ii) CDR of the accused and victim be analyzed. Their mobile phones shall also be cursorily examined for any communication regarding the business relations/transactions and seized as per the procedure, if need be.

(iii) In case of identified accused/co-accused who is absconding efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers etc.

(iv) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(v) PO process be initiated against the absconding accused.

(vi) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

d. Procedure of arrest

(i) Depending upon the nature of crime I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained from the weapon of offence on his person, scuffle marks such as abrasions/ scratches by nails, teeth bite marks etc if any, preservation of the clothes worn by him etc.) and blood sample for DNA profiling to match with blood, tissues (if found in nail clippings or on the spot).

(ii) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(iii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iv) Clothes of accused for GSR (Gun Shot Residue) + hand wash/sleeves of shirt be preserved.

(v) His personal search memo be prepared.

(vi) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(vii) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(viii) The finger prints of accused will also be taken to get tallied with chance prints.

(ix) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness must be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vi) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(vii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(viii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(ix) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(x) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) Previous Involvements/Convictions for enhanced punishment, if any found, shall be also be mentioned.

(iii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iv) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(v) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Attempt to Commit Culpable Homicide

(U/s 110 of BNS)

PUNISHMENT

Up to 7 years

Scenario: ***"A driver inadvertently touched a pedestrian. This resulted in a road rage and driver hit the pedestrian with a bat on his head but did not cause fatal injuries."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of Attempt to Commit Culpable Homicide:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime.

(iii) In this particular case being an offence of attempt to commit culpable homicide, punishment in BNS is upto 07 years. Hence, Forensic Expert is to be called at the Scene of Crime.

(iv) IO to ensure that the victim is sent to Hospital for treatment and search

for any eye-witness. If found, he shall record his statement verbatim and shall start looking for any clues at the Scene of Crime immediately.

(v) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vi) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime

(i) Scene of crime shall be examined by I.O. and Forensic experts.

(ii) The I.O. needs to identify the deceased and also inspect the injuries inflicted.

(iii) The weapon of offence, if found lying at the scene of crime, should not be touched by anyone.

(iv) Lifting of exhibits/evidence from scene of crime would be done by forensic experts in consultation with I.O.

(v) IO with Forensic Expert shall observe and check the offending vehicle for any blood or human tissues present on it and shall ensure that they are not smudged-off or disturbed by dust and are lifted immediately.

(vi) I.O. shall check all the CCTV Cameras covering the road.

(vii) The I.O. shall prepare seizure memo containing list of exhibits.

(viii) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(ix) In the Hospital, the IO shall take the MLC of the victim and also obtain any exhibits sealed by the Doctor while informing the family of the victim in tandem.

(x) IO shall then return to the Scene of Crime and thoroughly examine it with Forensic experts and also ensure that the offending vehicle is seized.

(xi) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Here, section 110 of BNS is made out as per the circumstances.

b. Process of registering FIR

(i) IO shall, with the permission of the Doctor, record the statement of the victim after written permission from Doctor. While recording the statement, IO shall take details of the incident.

(ii) IO shall also enquire with the nearby shopkeepers/bystanders if they had heard or seen any incident.

(iii) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR.

(iv) FIR being an important document shall be drawn with great care and caution giving all details and description.

(v) IO shall prepare RUKKA for registration of case U/s 110 of BNS.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) In the Hospital, the IO shall take the MLC of the victim and also obtain any exhibits sealed by the Doctor while informing the family of the victim in tandem.

(ii) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(iii) IO shall also ensure signature of the accused on Notice U/s 133 MV Act to ensure that he was driving the vehicle at the time of the incident.

(iv) The bat seized form the scene of crime shall also be sent to FSL for analysis.

(v) Clothes of accused and the victim shall be seized and sent to FSL for Biological examination.

(vi) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(vii) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(viii) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) IO shall ensure Mechanical Inspection of the offending vehicle.

(ii) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the offending vehicle came and touched the victim and place of infliction of injury. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted (if any) and the source of light during night.

(iii) It is pertinent to mention that in this case, the place where the incident initiated shall also be shown in a separate site plan.

(iv) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(v) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(vi) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(vii) The I.O. shall find out if the accused and victim are acquainted with each other to assess/eliminate any mens rea behind the act and be sure that the act was resultant of only an escalated road rage and not any attempt on the victim's life.

(viii) CDR of the accused and victim to be analysed for the same purpose.

(ix) The I.O. shall find out the motive of crime.

(x) I.O. shall examine the injured, witnesses, relatives (to find out about previous quarrels etc) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(xi) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xii) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xiii) IO shall procure certified copy of PCR form and caller to be examined.

(xiv) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xv) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence. In this case, the disclosure statement of the accused shall corroborate the damage sustained by his vehicle (offending), any blood/tissue present on the vehicle/injury sustained by the victim etc.

(xvi) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of accused persons (if more than one, then they shall also be covered) involved in the crime.

(xvii) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xviii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xix) The Chargesheet shall be prepared and sent to Scrutiny within 45 days of the arrest, if the accused is in Judicial Custody Remand at the time.

c. Interrogation of accused

(i) IO shall interrogate the accused as to why did the road rage escalate resulting into the incident, record his disclosure statement (efforts be made to recover the weapon of offence, if not recovered).

(ii) IO shall, if available, also enquire with other passengers present in the offending vehicle and record their statement (s).

d. Procedure of arrest

(i) Depending upon the nature of crime I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained from the accident-causing vehicle etc) and blood sample for DNA profiling to match with blood, tissues (if found at the spot).

(ii) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(iii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iv) His personal search memo be prepared.

(v) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(vi) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vii) The finger prints of accused will also be taken to get tallied with chance prints.

(viii) His background particulars/Previous Involvement shall also be checked (CRIS shall be used).

(ix) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Here, I.O. may ensure TIP of the accused by the victim depending on the statement of the victim i.e. whether he was hit from backside or front. If need be, IO shall take precaution to keep the face of accused muffled for TIP.

(v) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(vi) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vii) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 40 days from the date of arrest of accused.

(viii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(ix) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(x) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(xi) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Voluntarily Causing Hurt by Dangerous Weapon

(U/s 118 (1) of BNS)

PUNISHMENT

Imprisonment up to 3 years or fine up to Rs. 20,000/- or both

Scenario: ***"A heated argument in a college canteen turned violent when one student slashed another with a pocketknife, causing injuries."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to voluntarily causing hurt by dangerous weapon:

1. HANDLING THE CALL/INFORMATION:

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers and also call a photo/videographer at the scene of crime.

(iii) However, IO may request assistance of the Forensic Experts and may call them in such case if need be.

(iv) In this particular case being an offence of voluntarily causing hurt by dangerous weapon, punishment in BNS is three years. Hence, no need of Forensic Expert.

(v) IO to ensure that the victim is sent to Hospital for treatment and search for any eye-witness. If found, he shall record his statement verbatim.

(vi) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vii) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime

(i) Scene of crime shall be thoroughly examined by I.O.

(ii) The weapon of offence, if found lying at the scene of crime, should not be touched by anyone.

(iii) The first one to examine the weapon of offence, (if found) should be the finger print proficient along with the biology forensic assistant so that in case any chance prints are present on the weapon of offence, they are not damaged and the blood or human tissues present on weapon of offence are not destroyed.

(iv) I.O. shall check all the CCTV Cameras available in Canteen/College premises to establish the identity of the accused, his entrance and exit.

(v) The I.O. shall prepare seizure memo containing list of exhibits.

(vi) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(vii) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

(viii) IO shall proceed to the Hospital to record statement of the victim.

(ix) IO shall return to the Scene of Crime, call a Videographer and confirm with the canteen staff whether the accused is a college student or is an outsider.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of

written complaint/statement.

(ii) Here, section 118 (1) of BNS is attracted. However, in case it is found that the attack was a result of any provocation or otherwise, then section 122 (1) of BNS is invoked.

b. Process of registering FIR

(i) IO shall, with the written permission of the Doctor, record the statement of the victim. While recording the statement, IO shall take details and reason of fight between him and the accused. The statement should have the complete details of the accused, if known and if not known the complete description of the accused along with other details.

(ii) If the Doctor has opined the MLC as Simple/Sharp, the IO shall register a case FIR U/s 118 (1) BNS. If opined 'Grievous', the FIR shall be registered U/s 118 (2) BNS.

(iii) IO shall enquire with the staff of the canteen/bystanders, students and try to unearth the cause of fight.

(iv) It shall also be enquired that whether the attack on victim was the result of any provocation or otherwise.

(v) IO shall prepare RUKKA for registration of case U/s 118 (1) of BNS.

(vi) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR including previous quarrels, if any and recent terms between the victim and accused, if they are known to each other.

(vii) FIR being an important document shall be drawn with great care and caution giving all details and description.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) In the Hospital, the IO shall collect MLC of the victim and study the same.

IO should check the type of injury (lacerated/incised/punctured/stab etc. wound) mentioned by the Doctor.

(ii) On which part of the body the injury is inflicted.

(iii) IO shall also obtain any exhibit (s) sealed by the Doctor.

(iv) There, the IO shall also request the CMO/Doctor to preserve the clothes bearing cut marks corresponding to injuries.

(v) A sketch of recovered weapon of offence should be carefully prepared.

(vi) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(vii) The weapon offence should be sent to autopsy surgeon after FSL examination is complete and FSL result is received for opinion about the possibility of injuries on the person (or as per the corresponding cut marks on clothes) of deceased by the recovered weapon.

(viii) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(ix) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(x) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused person came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.

(ii) It is pertinent to mention that if scene of crime, place of recovery of weapon, place of incidence or any other relevant exhibits are different

locations then separate site plans should be prepared by the I.O.

(iii) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(iv) Presence of victim, accused and witnesses at the spot should be established through statements, CCTV footage, CDR location etc. Moreover, purpose of the offence shall also be established.

(v) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(vi) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(vii) The I.O. shall find out the motive of crime.

(viii) I.O. shall examine the injured, witnesses, relatives (to find out about previous quarrels etc) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(ix) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(x) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xi) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xii) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence i.e. weapon of

offence, blood-stained cloth etc. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xiii) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xiv) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xv) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xvi) The Chargesheet shall be prepared and sent to Scrutiny within 45 days of the arrest, if the accused is in Judicial Custody Remand at the time.

c. Search of accused

(i) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(ii) CDR of the accused and victim be analysed. Their mobile phones shall also be cursorily examined for ascertaining any probable causes of attack and seized as per the procedure, if need be.

(iii) In case of identified accused/co-accused who is absconding, efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers etc.

(iv) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(v) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

d. Procedure of arrest

(i) Depending upon the nature of crime I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained from the weapon of offence on his person, and blood sample for DNA profiling to match with blood (if found at the spot).

(ii) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(iii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iv) His personal search memo be prepared.

(v) Clothes of accused be checked for blood of victim and its DNA analysis.

(vi) The accused shall be medically examined as per Section 53 of the BNSS, 2023 and his hand be also checked for any collateral injury to himself during slashing.

(vii) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(viii) The finger prints of accused will also be taken to get tallied with chance prints.

(ix) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation. (Practical and Legal aspects should be counter balanced)

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 40 days from the date of arrest of accused.

(vi) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(vii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(viii) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(ix) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the

particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Voluntarily Causing Grievous Hurt by Dangerous Weapon

(U/s 118 (2) of BNS)

PUNISHMENT

Imprisonment not less than 1 year which may extend up to 10 years and also liable for fine.

Scenario: ***"A group of men got into a fight outside a nightclub, during which one person used a broken bottle to inflict severe facial injuries on another."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. In this case a PCR call was made. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to voluntarily causing grievous hurt by dangerous weapon (here, broken bottle):

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team and videographer on the scene of crime.

(iii) In this particular case being an offence of voluntarily causing grievous hurt by broken bottle, punishment in BNS is not less than one year but up to ten years. Hence, Forensic Expert is to be called at the Scene of Crime.

(iv) IO to ensure that the victim is sent to Hospital for treatment and search

for any eye-witness. If found, he shall record his statement verbatim.

(v) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vi) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime:

(i) Scene of crime shall be thoroughly examined by I.O. and Forensic Experts.

(ii) The weapon of offence, if found lying at the scene of crime, should not be touched by anyone.

(iii) The first one to examine the weapon of offence, (if found) should be the finger print proficient along with the biology forensic assistant so that in case any chance prints are present on the weapon of offence, they are not damaged and the blood or human tissues present on weapon of offence are not destroyed but are preserved with caution assuming that DNA of accused could also be present on the weapon of offence due to collateral injury.

(iv) I.O. shall check all the CCTV Cameras available in and around the night club to establish the identity of the accused, his entrance and exit.

(v) The I.O. shall prepare seizure memo containing list of exhibits.

(vi) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(vii) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

(viii) IO shall proceed to the Hospital to record statement of the victim.

(ix) IO shall return to the Scene of Crime and thoroughly examine the Scene of Crime with Forensic Experts and also enquire with the staff of the night club and other shopkeepers/bystanders at length.

(x) IO shall also check the license of the Night Club and take legal action for any violation of terms of their license.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Here, section 118 (2) of BNS is attracted. However, in case it is found that the attack was a result of any provocation or otherwise, then section 122 (1) of BNS is invoked.

b. Process of registering FIR

(i) In the Hospital, IO shall, with the written permission of the Doctor, record the statement of the victim. While recording the statement, IO shall take details and reason of fight between him and the accused. The statement should have the complete details of the accused, if known and if not known the complete description of the accused along with other details.

(ii) If the Doctor has opined the MLC as Simple/Sharp, the IO shall register a case FIR U/s 118 (1) BNS. If opined 'Grievous', the FIR shall be registered U/s 118 (2) BNS.

(iii) In this case, say, the Doctor opines the MLC as Grievous/Sharp, the IO shall register a case FIR U/s 118 (2) BNS.

(iv) IO shall enquire with the staff of the night club/bystanders and try to unearth the cause of fight.

(v) Enquiry shall be made about whether there was any quarrel in the Night club which escalated into the incident.

(vi) It shall also be enquired that whether the attack on victim was the result of any provocation or otherwise.

(vii) IO shall prepare RUKKA for registration of case U/s 118 (2) BNS.

(viii) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR including previous quarrels, if any and recent terms between the victim and accused, if they are known to each other.

(ix) FIR being an important document shall be drawn with great care and caution giving all details and description.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) In the Hospital, the IO shall collect MLC of the victim and study the same. IO should check the type of injury (lacerated/incised/punctured/stab etc. wound) mentioned by the Doctor.

(ii) IO shall also obtain any exhibit (s) sealed by the Doctor.

(iii) A sketch of recovered weapon of offence should be carefully prepared.

(iv) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(v) The weapon offence should be sent to autopsy surgeon after FSL examination is complete and FSL result is received for opinion about the possibility of injuries on the person of deceased by the recovered weapon.

(vi) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(vii) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(viii) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused person came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.

(ii) It is pertinent to mention that if scene of crime, place of recovery of weapon, place of incidence or any other relevant exhibits are different locations then separate site plans should be prepared by the I.O.

(iii) Permanent address (s), phone numbers (Whatsapp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(iv) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(v) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(vi) I O shall obtain certified copy of the PCR call.

(vii) The I.O. shall find out the motive of crime.

(viii) I.O. shall examine the injured, witnesses, relatives (to find out about previous quarrels etc) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(ix) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(x) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xi) IO shall check the age and address of the victim and the accused to verify if they are less than 21 years/18 years. If so, their parents shall be called and 'Social Background Report' shall be made whereas the juvenile shall be sent to 'Children's Home.'

(xii) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xiii) Only that part of disclosure statement of accused is admissible, which

leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence i.e. weapon of offence, blood-stained cloth etc. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xiv) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xv) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xvi) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xvii) The Chargesheet shall be prepared and sent to Scrutiny within 45 days of the arrest, if the accused is in Judicial Custody Remand at the time.

b. Search of accused

(i) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(ii) CDR of the accused and victim be analysed. Their mobile phones shall also be cursorily examined for ascertaining any probable causes of attack and seized as per the procedure, if need be.

(iii) In case of identified accused/co-accused who is absconding, efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers

etc.

(iv) IO shall rely not only on ground intel but also shall analyse CDR of the accused along with his social media handles to get any clues regarding his whereabouts.

(v) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(vi) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

c. Procedure of arrest

(i) Depending upon the nature of crime I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained from the weapon of offence on his person, and blood sample for DNA profiling to match with blood (if found at the spot).

(ii) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(iii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iv) His personal search memo be prepared.

(v) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(vi) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vii) The finger prints of accused will also be taken to get tallied with chance prints.

(viii) DNA of accused be also preserved.

(ix) IO shall update the required information of IIF-III (i.e. Arrest Form) and

IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

d. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness after TIP be recorded. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vi) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(vii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(viii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(ix) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(x) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same

procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Causing Hurt by Means of Poison, etc with Intent to Commit an Offence

(U/s 123) of BNS)

PUNISHMENT

Imprisonment for a term which may extend up to ten years

Scenario: ***"Accused was travelling with the complainant in a TSR. He became friendly with the complainant and made him unconscious by administering some intoxicant biscuits/cold drink to the complainant. Accused then deprived the complainant of his valuables i.e. gold chain, locket, gold bracelet, cash ₹3500, mobile phone and bank credit card. Accused left the complainant on the roadside and escaped A passerby made a PCR call to inform Police."***

The offence under this section is complete even if no hurt is caused to the person to whom the poison or any other stupefying, intoxicating, or unwholesome drug is administered. This section is merely an extension of the provision of section 118 of BNS. Under section 118 of BNS, actual causing of hurt is essential, under this section mere administration of poison is sufficient to bring the offender to justice. In order to prove an offence under section 123 of BNS, the IO is required to gather enough evidence to prove that the substance in question was a poison or any stupefying, intoxicating or unwholesome drug etc and that the accused administered the substance to the complainant or caused the complainant to take such substance and further that he did so with intent to cause hurt or knowing it to be likely that he would thereby cause hurt or with the intention to commit or facilitate the Commission of an offence. It is therefore essential for the prosecution to prove that the accused was directly responsible for administrating poison etc or causing it to be taken by any person through another. In other words, the accused may accomplish the act by himself or by means of another. In either situation direct, reliable or cogent evidence is necessary.

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime and also call the forensic experts, crime team and videographer on the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers.

(iii) In this particular case being an offence of voluntarily causing grievous hurt by broken bottle, punishment in BNS is not less than one year but up to ten years. Hence, Forensic Expert is to be called at the Scene of Crime.

(iv) IO to ensure that the victim is sent to Hospital for treatment and search for any eye-witness. If found, he shall record his statement verbatim.

(v) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vi) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime

(i) Scene of crime shall be thoroughly examined by I.O. and Forensic Experts.

(ii) The belongings of the complainant/injured person should be searched properly for any clue regarding his identity, and he be immediately shifted to the Hospital.

(iii) Scene of crime shall be examined by I.O. and Forensic experts for any probable lead like left over biscuits, cold drink etc. The scene of crime should not be touched by anyone.

(iv) Vomit of injured, if present, be collected and seized.

(v) Lifting of exhibits/evidence from scene of crime should be done by forensic experts in consultation with I.O.

(vi) I.O. shall check all the CCTV Cameras to ascertain route adopted by accused to reach and flee after committing crime.

(vii) The I.O. shall prepare seizure memo containing list of exhibits.

(viii) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(ix) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

(x) IO shall look for any probable witness or any person known to the injured person at the SOC.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Here, section 123 of BNS is attracted.

b. Process of registering FIR

(i) IO shall prepare RUKKA for registration of case U/s 123 BNS.

(ii) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR.

(iii) FIR being an important document shall be drawn with great care and caution giving all details and description.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(ii) TSR be identified and its drier and owner be examined with circumspection

as they may be witness or accomplice. Their registration and Driving details be checked.

(iii) IO shall seize the exhibits given by Doctor and also request for stomach wash and send the same to FSL.

(iv) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(v) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(vi) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused person came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.

(ii) It is pertinent to mention that if scene of crime, place of recovery of weapon, place of incidence or any other relevant exhibits are different locations then separate site plans should be prepared by the I.O.

(iii) PROCEDURES AT HOSPITAL:At the Hospital IO should ensure that the details filled by the concerned doctor in MLC are correct. He should also ensure that the concerned doctor mentions his complete name in the MLC in legible capital letters below his signature.

(iv) IO shall ask the concerned doctor for the preservation of stomach wash of the injured, so that the nature of toxic substance could be ascertained. IO to take extra care to seize each exhibit provided by the doctor in the hospital carefully through seizure memos and send to FSL ASAP.

(v) IO will take it in writing from the concerned doctor on MLC whether the

injured is fit for statement or not.

(vi) If injured is fit for statement, then his statement should be recorded then and there with complete details provided by the complainant.

(vii) If the identity of the injured is fixed, then his relatives/acquittances should be immediately intimated and if possible, asked to come.

(viii) Credit card usage details after the offence be obtained. Proof of ownership of gold chain, locket, bracelet, mobile bills, seller's statement, ownership to be brought on file. CAF, Mobile phone bill, CDR and location to be also checked.

(ix) I.O. shall ensure preservation of evidence on the person of the accused like preservation of the clothes worn by him in case where the complainant/ injured have shown signs of vomiting during the commission of offence.

(x) LOCAL AND TECHNICAL INTEL COLLECTION: IO to make inquiry to trace out the person who called the PCR and record his statement clearly mentioning the condition and situation in which he saw the injured at the time of making the PCR call.

(xi) IO shall make efforts to trace the source of the intoxicating eatables which were administered by the accused to the complainant. Empty wrapper or the cold drink bottle or leftovers of the intoxicating eatables should be traced and seized through a seizure memo, if recovered. The same can be corroborated with the contents of the stomach wash of the injured/ complainant at a later stage.

(xii) IO shall also retrace the itinerary taken by the victim and try to find out from where the accused boarded the rickshaw, check CCTVs there and gather local intel.

(xiii) IO should make sincere efforts to trace and recover the articles taken away by the accused person after the commission of crime. They should be recovered at the instance of the accused person and seized after being sealed by the seal of the IO through seizure memos. If possible reliable public witness can be incorporated at the time of effecting recovery and his name be mentioned in the list of witness of the seizure memo.

(xiv) IO shall also conduct local enquiry with jewellers to check if any query for selling stolen/unbilled gold articles/jewels matching the description of stolen items was made.

(xv) Pointing out memo of the place of occurrence at the instance of the accused should be made.

(xvi) Role of other persons or accomplice if any, of the accused, in the commission of crime should be ascertained.

(xvii) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(xviii) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(xix) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(xx) IO shall procure certified copy of PCR form and examine the caller.

(xxi) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xxii) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xxiii) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xxiv) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence. If any material evidence is recovered pursuant to his disclosure statement and at the

instance of accused, which was earlier not known to police plays important role in investigation.

(xxv) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xxvi) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xxvii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxviii) The Chargesheet shall be prepared and sent to Scrutiny within 75 days of the arrest, if the accused is in Judicial Custody Remand at the time.

c. Search of accused

(i) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(ii) CDR of the accused and victim be analysed. Their mobile phones shall also be cursorily examined for ascertaining any probable causes of attack and seized as per the procedure, if need be.

(iii) In case of identified accused/co-accused who is absconding, efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers etc.

(iv) IO shall rely not only on ground intel but also shall analyse CDR of the accused along with his social media handles to get any clues regarding his whereabouts.

(v) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(vi) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

d. Procedure of arrest

(i) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(ii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iii) His personal search memo be prepared.

(iv) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(v) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vi) The finger prints of accused will also be taken to get tallied with chance prints.

(vii) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly

in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vi) Once the complainant/injured is fit, TIP of the articles i.e. gold chain and other jewellery items recovered from the accused should be got conducted by the complainant.

(vii) TIP of case property ensuring to take precautions that recovered property and samples are properly sealed to ensure good TIP. Tallying of IMEI number of recovered phone at the time of seizure with bill, CDR and CAF of SIM.

(viii) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(ix) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(x) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(xi) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(xii) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Kidnapping Case

(U/s 137 of BNS)

PUNISHMENT

Imprisonment which may extend to 7 years and shall also be liable for fine.

Scenario: ***"A child playing in a playground was lured by unknown individual in a car which was seen by a witness."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. In this scenario, the witness made an oral complaint to the duty officer in person. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to Kidnapping:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform the lawful guardian (s) of the victim, senior officers.

(iii) Further, IO shall also inform the District Control room to flash the message in entire Delhi describing the vehicle to stop it wherever seen and also call the forensic experts, crime team and videographer on the scene of crime.

(iv) IO to examine the caller and record his statement with each and every minute details given by him like description of car, how many people were sitting in it, which direction did the car come from etc. and shall also enquire other people present in the playground etc.

(v) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime.

b. Examination of the scene of crime

(i) In this particular case being an offence of kidnapping, punishment in BNS is upto 7 years. Hence, Forensic Expert is to be called at the Scene of Crime.

(ii) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(iii) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(iv) The Scene of crime be photographed and video-graphed from all angles.

(v) Scene of crime shall be examined by I.O. and Forensic experts.

(vi) The Scene of crime be photographed and video-graphed from all angles.

(vii) I.O. shall check all the CCTV Cameras to ascertain route adopted by Kidnappers to reach and flee after committing crime.

(viii) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/ statement.

(ii) IO to also ensure

(iii) In case, there is an angle of ransom being asked; IO shall immediately involve senior officers and trace the location of the calling number along with other details. IO may request for Dump data of any area in such case.

(iv) After due verification, if demand for ransom is confirmed, IO shall add section 140 BNS (Kidnapping or abducting in order to murder or for ransom, etc.) with the approval of senior officers.

b. Process of registering FIR

(i) IO to examine the caller and record his statement with each and every minute details given by him like description of car, how many people were sitting in it, which direction did the car come from etc. and shall also enquire other people present in the playground etc.

(ii) IO shall prepare a Tehrir on the statement given to him and shall clearly mentioned following particulars of the kidnapped boy:

1. Name
2. Height
3. Address
4. Parentage
5. Age
6. Description of face and body structure
7. Mark of identification/tattoo
8. Mentally sound or not

(iii) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(iv) FIR shall be kept sensitive and identity of victim cannot be disclosed to anyone.

(v) FIR shall be registered without any dispute regarding jurisdiction and if outside jurisdiction then a zero FIR shall be sent to concerned as per proper procedure.

(vi) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR.

(vii) FIR being an important document shall be drawn with great care and caution giving all details and description.

(viii) IO shall prepare RUKKA for registration of case U/s 137 BNS.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) I.O. shall check all the CCTV Cameras to ascertain route adopted by kidnapper to reach and flee after committing crime. While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(ii) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(iii) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(iv) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused persons came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.

(ii) It is pertinent to mention that if scene of crime, place where the accused in the vehicle were last seen is different or any other relevant exhibits are at different locations then separate site plans should be prepared by the I.O.

(iii) The information regarding registration of FIR shall also be sent to DSLSA

as per procedure and uploaded on ZIPNET with photograph.

(iv) IO shall also upload the photo and brief description of such case in WhatsApp group of concerned district.

(v) IO shall circulate Hue & Cry Notice to border districts.

(vi) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(vii) IO shall then prepare WT Message and Hue & Cry Notice in respect of the victim and shall also send/upload the information to SCRB, NCRB, CBI, MPS, DMPU.

(viii) IO shall also get proof of age of the victim, if need be.

(ix) On recovery of a victim IO shall prepare a recovery memo.

(x) The victim shall be examined medically as per provision of 184 (6) of BNSS and as per BNSS Section 184 (6), the doctor has to supply such examination within seven days mandatorily. The consent of victim's parents shall be obtained wherever it is required for conducting medical examination.

(xi) In case the child (victim) is female, medical inspection to rule out any sexual attack on her shall be ensured.

(xii) The victim shall get counselling from professional counsellor.

(xiii) The minor victim shall be produced before Child Welfare Committee and IO shall take caution to be in civil cloths as and when needed.

(xiv) The vehicle used by accused shall be seized and shall be inspected by FSL team as per procedure and guidelines laid in BNSS sections.

(xv) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xvi) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(xvii) I.O. shall examine the witnesses, relatives (to find out about previous quarrels etc. for finding motive of act) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(xviii) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts upto 40 days from the date of arrest of accused.

(xix) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(xx) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that recording of disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xxi) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence i.e. weapon of offence, blood-stained cloth etc. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xxii) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xxiii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxiv) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xxv) Every police station shall constitute a team comprising staff specialized in

technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

(xxvi) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(xxvii) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER,' then the same procedure shall be adopted.

c. Search of accused

(i) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(ii) I.O. shall check all the CCTV Cameras to ascertain route adopted by kidnapper to reach and flee after committing crime.

(iii) IO shall make effort to find out the registration number of the Car used in the offence and ascertain all possibilities of CCTVs for arrival and escape of the route of accused.

(iv) IO shall try to establish the route taken by accused persons for fleeing by checking every CCTV camera one by one and plotting a route map accordingly.

(v) IO shall also take use of ANPR cameras to check if the accused have crossed any border of Delhi.

(vi) IO shall run the photo of accused (if found through CCTV) through FRS to get any clue about his identity.

(vii) If the photo from CCTV Footage is hazy, IO shall send it to FSL for getting a clearer picture.

(viii) IO shall also verify with the lawful guardian (s) of the victim if they could identify the accused.

(ix) The IO shall get prepared a sketch of accused from the memory of eyewitness.

(x) IO shall conduct local enquiry to ascertain whether there was any enmity or dispute of the lawful guardian (s) with anyone which could have resulted in this act of kidnapping.

(xi) If IO comes across any such angle of enmity or dispute, then CDR of concerned persons shall be obtained and analysed especially w.r.t. the whole day on which incident took place.

(xii) In case of any suspicion/doubt on analysis of CDR, IO shall examine the person and get his version (routine of that day) minutely and match it against the CDR.

(xiii) In case of identified accused/co-accused who is absconding efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, girlfriend, source of incomes, mobile numbers etc.

(xiv) IO shall also conduct enquiry at the school of the victim (if she/he is old enough to attend school).

(xv) IO shall whole-heartedly search for the victim at Bus/Railway stations, Hospitals, temples etc.

(xvi) In case victim is not traced after sincere efforts, IO shall also make endeavours for publication of photograph of the victim in newspaper with the consent of parents, and shall also move an application for declaration of reward.

(xvii) IO shall also look for any mishap with the victim and shall keep checking for any UIDB every 24 hours on ZIPNET and neighbouring Police Station areas.

(xviii) Dump data of the area be taken to find any clues about the accused.

d. Procedure of arrest

(i) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(ii) IO shall also check if any organized gang is operating in terms of Sec 111 BNS.

(iii) If so, IO shall ensure following points:

1. find out previous involvement of all gang members,
2. arrest other co accused,
3. Make History Sheets & dossiers for the accused persons,
4. Move an application for attaching property gained from proceeds of crime

(iv) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(v) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(vi) His personal search memo be prepared.

(vii) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(viii) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(ix) The finger prints of accused will also be taken to get tallied with chance prints.

(x) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vi) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 40 days from the date of arrest of accused.

(vii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(viii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(ix) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(x) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) The Chargesheet shall be prepared and sent to Scrutiny within 45 days of the arrest, if the accused is in Judicial Custody Remand at the time.

(ii) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(iii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iv) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(v) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Kidnapping (for Ransom) Case

(U/s 140 (2) of BNS

PUNISHMENT

Punishable with death or imprisonment for life and shall also be liable for fine.

Scenario: ***"A PCR Call was received that one boy age 12 years has been kidnapped by some unknown persons who are demanding a hefty amount for his safe release."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of kidnapping for ransom:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform the lawful guardian (s) of the victim, senior officers and shall call forensic experts, crime team and videographer on the scene of crime.

(iii) IO to examine the caller and record his statement with each and every minute details given by him like where was the child kidnapper from, description of any vehicle used, how many people were sitting in it, which direction did the vehicle come from etc. and shall also enquire other people present in the vicinity of scene of crime etc.

(iv) Further, IO shall also inform the District Control room to flash the message in entire Delhi describing the make and model of vehicle/accused persons to stop them wherever seen.

b. Examination of the scene of crime:

(i) The scene of crime (as ascertained after enquiry with the caller) shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(ii) Scene of crime shall be examined by I.O. and Forensic experts.

(iii) The Scene of crime be photographed and video-graphed from all angles.

(iv) Lifting of exhibits/evidence from scene of crime would be done by forensic experts in consultation with I.O.

(v) I.O. shall check all the CCTV Cameras to ascertain route adopted by Kidnappers to reach and flee after committing crime.

(vi) IO shall collect the relevant details about the victim i.e. age, latest photograph, whether the victim was carrying any mobile/laptop etc. from the complainant/caller. At the same time, IO shall try to console the complainant by keeping an assertive approach.

(vii) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(viii) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/ statement.

(ii) Here, an offence U/s 140 (2) of BNS is made out as ransom is being

demanded.

b. Process of registering FIR

(i) IO to examine the caller and record his statement with each and every minute details given by him like where was the child kidnapped from, description of accused, if seen and any vehicle used, how many people were sitting in it, which direction did the car come from, when and by what mode was the call for ransom received, etc. and shall also enquire other people present in the vicinity etc.

(ii) IO shall prepare a Tehrir on the statement given to him and shall clearly mention following particulars of the kidnapped boy:

1. Name
2. Height
3. Address
4. Parentage
5. Age
6. Description of face and body structure
7. Mark of identification/tattoo
8. Mentally sound or not

(iii) FIR shall be registered without any dispute regarding jurisdiction and if outside jurisdiction then a zero FIR shall be sent to concerned as per proper procedure.

(iv) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR including any business deals or other issues of parents of the child with any suspect.

(v) FIR being an important document shall be drawn with great care and caution giving all details and description.

(vi) IO shall prepare RUKKA for registration of case U/s 140 (2) BNS.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) I.O. shall check all the CCTV Cameras to ascertain route adopted by kidnapper to reach and flee after committing crime. While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(ii) The I.O. shall prepare seizure memo containing list of exhibits.

(iii) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(iv) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(v) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused persons came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.

(ii) It is pertinent to mention that if scene of crime, place where the accused in the vehicle were last seen is different or any other relevant exhibits are at different locations then separate site plans should be prepared by the I.O.

(iii) The information regarding registration of FIR shall also be sent to DLSA as per procedure and uploaded on ZIPNET with photograph.

(iv) IO shall also upload the photo and brief description of such case in WhatsApp group of concerned district.

(v) IO shall circulate Hue & Cry Notice to border districts.

(vi) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(vii) IO shall then prepare WT Message and Hue & Cry Notice in respect of the victim and shall also send/upload the information to SCRB, NCRB, CBI, MPS, DMPU.

(viii) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(ix) FIR shall be kept sensitive and identity of victim cannot be disclosed to anyone.

(x) IO shall also get proof of age of the victim.

(xi) IO shall verify the mode by which the ransom call has been received.

(xii) If received from PCO, surveillance should be mounted over it.

(xiii) IO shall avoid direct questioning from the PCO attendant as could be known to the accused persons.

(xiv) If the ransom call is received from mobile phone, IO should check its ownership details, previous history of handset, try to ascertain the location of the user or other associates with whom the kidnappers are in contact.

(xv) Help of technical surveillance should be taken.

(xvi) IO should ask the complainant to try to negotiate with the kidnappers so as to buy more time.

(xvii) IO shall avoid deputing/ visiting uniformed staff at the house of the victim/ complainant.

(xviii) IO shall try to gather as much as possible information about the incident and sequence of incident from the complainant, so as to try to establish the identity of the accused person.

(xix) The IO shall remain in close touch with the complainant and ensure that the complainant shall share each and every minute detail pertaining to

the case whether relevant/irrelevant to him and at the same time guide the complainant not to share the development of the case with any of his acquaintances /relatives.

(xx) IO shall not share the details of the investigation with persons not associated with investigation and keep it utmost secret.

(xxi) IO shall try to identify the gang involved and lay trap and apprehend the culprits and rescue the hostage.

(xxii) I.O. shall examine the witnesses, relatives (to find out about previous quarrels etc. for finding motive of act) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(xxiii) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(xxiv) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xxv) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts upto 40 days from the date of arrest of accused.

(xxvi) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(xxvii) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that recording of disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xxviii) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xxix) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xxx) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxxi) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xxxii) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

(xxxiii) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(xxxiv) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER,' then the same procedure shall be adopted.

c. Process after recovery of child

(i) On recovery of a victim IO shall prepare a recovery memo.

(ii) The victim shall be examined medically as per provision of 184 (6) of BNSS to rule out any sexual attack and as per BNSS Section 184 (6), the doctor has to supply such examination within seven days mandatorily. The consent of victim's parents shall be obtained wherever it is required for conducting medical examination.

(iii) The victim shall get counselling from professional counsellor.

(iv) The minor victim shall be produced before Child Welfare Committee and

IO shall take caution to be in civil cloths as and when needed.

(v) The vehicle used by accused shall be seized and shall be inspected by FSL team as per procedure and guidelines laid in BNSS sections.

d. Search of accused

(i) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(ii) I.O. shall check all the CCTV Cameras to ascertain route adopted by kidnapper to reach and flee after committing crime.

(iii) IO shall make effort to find out the registration number of the Car used in the offence and ascertain all possibilities of CCTVs for arrival and escape of the route of accused.

(iv) IO shall try to establish the route taken by accused persons for fleeing by checking every CCTV camera one by one and plotting a route map accordingly.

(v) IO shall also take use of ANPR cameras to check if the accused have crossed any border of Delhi.

(vi) IO shall run the photo of accused (if found through CCTV) through FRS to get any clue about his identity.

(vii) If the photo from CCTV Footage is hazy, IO shall send it to FSL for getting a clearer picture.

(viii) IO shall also verify with the lawful guardian (s) of the victim if they could identify the accused.

(ix) The IO shall get prepared a sketch of accused from the memory of eyewitness.

(x) IO shall conduct local enquiry to ascertain whether there was any enmity or dispute of the lawful guardian (s) with anyone which could have resulted in this act of kidnapping.

(xi) If IO comes across any such angle of enmity or dispute, then CDR of concerned persons shall be obtained and analysed especially w.r.t. the whole day on which incident took place.

(xii) In case of any suspicion/doubt on analysis of CDR, IO shall examine the person and get his version (routine of that day) minutely and match it against the CDR.

(xiii) IO shall also conduct enquiry at the school of the victim (if she/he is old enough to attend school).

(xiv) IO shall whole-heartedly search for the victim at Bus/Railway stations, Hospitals, temples etc.

(xv) In case victim is not traced after sincere efforts, IO shall also make endeavours for publication of photograph of the victim in newspaper with the consent of parents, and shall also move an application for declaration of reward.

(xvi) IO shall also look for any mishap with the victim and shall keep checking for any UIDB every 24 hours on ZIPNET and neighbouring Police Station areas.

(xvii) Dump data of the area be taken to find any clues about the accused.

e. Procedure of arrest

(i) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(ii) IO shall also check if any organized gang is operating in terms of Sec 111 BNS.

(iii) If so, IO shall ensure following points:

1. find out previous involvement of all gang members,
2. arrest other co accused,
3. Make History Sheets & dossiers for the accused persons,
4. Move an application for attaching property gained from proceeds of crime

(iv) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(v) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(vi) His personal search memo be prepared.

(vii) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(viii) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(ix) The finger prints of accused will also be taken to get tallied with chance prints.

(x) If the husband had spoken to any public person before being taken in custody by the police about him having committed the murder, that person's statement should be recorded as it tantamount to extra judicial confession and is admissible.

(xi) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

f. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vi) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(vii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(viii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(ix) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(x) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Riot Case

U/s 189/190/191/192/324/117/57/61/3(5) of BNS

PUNISHMENT

Imprisonment for 7 years and fine

Scenario: ***"A rioting incident by a mob of around 20 people in a market area of New Delhi has taken place, resulting in damage to public property and arsoning. The sticks, stones, pieces of bricks used in the crime and broken glasses and damaged/burnt vehicles have been found at the scene. There are 2-3 injured persons who have sustained grievous injuries, and are eyewitnesses to the incident. The information was received from the nearby shop-keepers."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of Riot:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime.

(iii) Further, IO shall also inform the District Control room to flash the message in entire Delhi.

(iv) IO to ensure that the victim is sent to Hospital for treatment and search for any eye-witness. If found, he shall record his statement verbatim (and get it video-graphed for Magistrate for Dying declaration, if situation dictates so).

(v) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vi) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime

(i) Scene of crime shall be examined by I.O. and the Mobile crime team and the weapon of offence i.e. sticks, stones and pieces of bricks, or blood, pieces of torn clothes, shoes/slippers lying at the scene of crime should not be touched by anyone. Chance prints can be found on vehicles and other places too from the grime stains or blood on the hands of the accused persons.

(ii) Description of the sticks, stones, pieces of bricks used in the crime, broken glasses, burnt cars, and blood etc. be clearly mentioned.

(iii) The I.O. needs to identify the owners of the burnt vehicles and also try to find if any other person is also injured.

(iv) IO to make inquiry from the shop-keeper who called the PCR and other neighbouring shops about how they came to know about the riot and what they heard etc clarifying the crescendo of conversation between the rioters and their slogans.

(i) Any weapon (of offence or otherwise) found lying at the scene of crime, should not be touched by anyone but Forensic Experts.

(ii) Lifting of exhibits/evidence from scene of crime would be done by forensic experts in consultation with I.O.

(iii) I.O. shall check all the CCTV Cameras to ascertain route adopted by assailants to reach and flee after committing crime.

(iv) The I.O. shall prepare seizure memo containing list of exhibits.

(v) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(vi) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

(vii) Parallelly, the IO should detain any rioter, if found on the spot, depute an officer to ensure he does not flee and question him.

(viii) IO shall proceed to the Hospital to record statement of the victims.

(ix) Upon returning from the Hospital, IO shall reach at Scene of Crime and thoroughly examine it with Forensic experts.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Here, sections 189/190/191/192/324/117/57/61/3 (5) of BNS will be attracted.

b. Process of registering FIR

(i) IO shall, with the permission of the Doctor, record the statement of the victim. While recording the statement, IO shall take details and reason of feud between him and the accused.

(ii) Information which is directly connected with the case or likely to form important evidence must be incorporated in the FIR.

(iii) FIR being an important document shall be drawn with great care and caution giving all details and description.

(iv) IO shall prepare RUKKA for registration of case U/s 189/ 190/ 191/ 192/ 324/ 117/ 57/ 61/ 3 (5) of BNS.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) In the Hospital, the IO shall take the MLC of the victims and also obtain any exhibits sealed by the Doctor while informing their family tandem.

(ii) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(iv) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(v) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(vi) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused person came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.

(ii) It is pertinent to mention that if scene of crime, place of recovery of weapon, place of incidence or any other relevant exhibits are different locations then separate site plans should be prepared by the I.O.

(iii) If any victim succumbs to his injuries, then his Post-mortem to be got conducted after his identification. Body to be handed to next of kin. Also collect exhibits from the mortuary i.e. viscera, blood samples, bone and hair in case of UIDB, sample seal.

(iv) If the rioters are not present at the spot and are absconding, then the IO should make inquiries to ascertain about the office of the group involved

or probable assembly point, where they can go to seek refuge. The IO should try to get the CDR of the mobile phone of the leader and track his location and dispatch teams to apprehend him. The location of group leader will simultaneously be evidence against him to prove his presence at the scene of crime at the time of commission of the riot.

(v) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(vi) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(vii) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(viii) PCR Forms be obtained and the informants be examined.

(ix) The I.O. shall find out the motive of crime.

(x) IO shall also utilise social media handles of various suspects or important witnesses for any information.

(xi) I.O. shall examine the injured, witnesses, relatives (to find out about previous quarrels etc) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(xii) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xiii) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xiv) DYING DECLARATION: In case the injured is in precarious condition, his/her dying declaration shall be recorded in the presence of magistrate/ doctor/nurse on duty. However, care shall be taken to ensure that the person in question is in a fit condition to make such statement. By the time, officer to record dying declaration comes, IO may video-graph statements

of victim.

(xv) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xvi) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xvii) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xviii) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xix) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xx) The Chargesheet shall be prepared and sent to Scrutiny within 75 days of the arrest, if the accused is in Judicial Custody Remand at the time.

(xxi) If CCTV of accused persons are available then on arrest of the accused the physical parameters be got matched with CCTV footage through FSL.

c. Search of accused

(i) I.O. shall check all the CCTV Cameras to ascertain route adopted by accused persons to reach and flee after committing crime.

(ii) IO shall make effort to find out the registration number of any vehicle (s) used in the offence and ascertain all possibilities of CCTVs for arrival and escape of the route of accused.

(iii) IO shall try to establish the route taken by accused persons for fleeing by checking every CCTV camera one by one and plotting a route map accordingly.

(iv) IO shall also take use of ANPR cameras to check if the accused have crossed any border of Delhi.

(v) IO shall run the photo of accused (if found through CCTV) through FRS to get any clue about his identity.

(vi) If the photo from CCTV Footage is hazy, IO shall send it to FSL for getting a clearer picture.

(vii) The IO shall get prepared a sketch of accused from the memory of eyewitness.

(viii) IO shall obtain and analyse CDR of all suspects.

(ix) In case of any suspicion/doubt on analysis of CDR, IO shall examine the person and get his version (routine of that day) minutely and match it against the CDR.

(x) IO shall also conduct enquiry at the school of the victim (if she/he is old enough to attend school).

(xi) Dump data of the area be taken to find any clues about the accused.

(xii) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(xiii) In case of identified accused/co-accused who is absconding efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers etc.

(xiv) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(xv) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

d. Procedure of arrest

(i) Depending upon the nature of crime I.O. shall ensure preservation of evidence on the persons of the accused like any injury sustained during the offence on his person, scuffle marks such as abrasions/scratches by nails, teeth bite marks etc if any, etc.

(ii) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(iii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iv) His personal search memo be prepared.

(v) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(vi) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vii) The finger prints of accused will also be taken to get tallied with chance prints.

(viii) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first

opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vi) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 40 days from the date of arrest of accused.

(vii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(viii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(ix) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(x) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Snatching

(U/s 304 of BNS)

PUNISHMENT

Punishment of for 3 years and fine

Scenario: ***"A tourist reported her purse snatched while walking through a crowded market in New Delhi. The purse contained her passport, cash, and other personal items. CCTV footage shows a young individual swiftly grabbing the purse and disappearing into the crowd."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of snatching:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime. Here victim is female; it is advisable that a female police officer may accompany the IO, although not mandatory.

(ii) Here, the beat staff of that area shall also be informed accordingly by Duty Officer, who will reach at the scene of crime immediately.

(iii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the photo/videographer on the scene of crime.

(iv) In this particular case being an offence of house breaking during night,

punishment in BNS is imprisonment for 3 years and fine. Hence, Forensic Expert is not needed to be called at the Scene of Crime. However, IO may request assistance of Forensic Experts, if circumstances dictate so.

(v) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vi) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime:

(i) Scene of crime shall be thoroughly examined by I.O. and Forensic Experts (if called).

(ii) Search shall be made regarding possibility of chance print from scene of crime.

(iii) The I.O. shall prepare seizure memo containing list of exhibits.

(iv) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(v) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Here, an offence U/s 304 of BNs is made out.

(iii) Process of registering FIR

(i) IO shall prepare RUKKA for registration of case U/s 304 of BNS.

(ii) Information which is directly connected with the case or likely to form

important evidence like any suspicious sound/activity in or near the place of incident be incorporated in the FIR.

(iii) FIR being an important document shall be drawn with great care and caution giving all details and description.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) While seizing the recording from CCTV, its hash value shall be generated and a certificate in under the provision of BSA 2023 shall be obtained from the owner of CCTV and the same be mentioned in the Seizure Memo.

(ii) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(iii) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(iv) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document and it shall be drawn correctly by indicating the directions from where the accused persons intruded and left. It shall also include the surrounding areas of scene of crime and show the place of incident, the places from where the exhibits were lifted and the source of light during night.

(ii) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(iii) IO shall make inquiries from the nearby shopkeepers/neighbours/ bystanders etc.

(iv) The finger prints of accused person (s) shall also be taken to get matched with chance prints.

(v) I.O shall check all the CCTV Cameras near the place of incidents to ascertain the route adopted by the accused person to reach at the place of incidents and escape after committing crime.

(vi) If there is no clue about the suspects, the dump data shall be obtained and it shall be analysed meticulously.

(vii) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(viii) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(ix) I.O. shall examine the injured and CCTVs to find out the exact sequence of event, role of accused person (s).

(x) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xi) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xii) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xiii) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case. Therefore, disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence i.e. stolen articles etc. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not

known to police, it plays an important role in investigation.

(xiv) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused person involved in the crime.

(xv) IO shall also check if any organized gang is operating in terms of Sec 111 BNS. If so, IO shall ensure following points:

1. find out previous involvement of all gang members,
2. arrest other co accused,
3. Make History Sheets & dossiers for the accused persons,
4. Move an application for attaching property gained from proceeds of crime

(xvi) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xvii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

c. Search of accused

(i) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(ii) IO shall also strive to recover stolen article and cash from the accused and if necessary, PC remand of accused shall be obtained and sincere efforts shall be made to recover remaining articles.

(iii) In case of identified accused/co-accused who is absconding efforts should

be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers etc.

(iv) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(v) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

d. Procedure Of Arrest

(i) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(ii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iii) IO shall prepare Personal Search memo of the accused.

(iv) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(v) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vi) The finger prints of accused will also be taken to get tallied with chance prints.

(vii) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court Proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the

accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vi) TIP of recovered purse shall be got conducted as per provisions of BNSS 2023.

(vii) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 40 days from the date of arrest of accused.

(viii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(ix) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(x) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(xi) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) The Chargesheet shall be prepared and sent to Scrutiny within 45 days of

the arrest, if the accused is in Judicial Custody Remand at the time.

(ii) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(iii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iv) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(v) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Attempt to Commit Robbery when Armed with Deadly Weapon

(U/s 312 of BNS)

PUNISHMENT

Punishment of not less than 7 years

Scenario: ***"An individual was caught trying to break into a jewellery store with workers present inside at night. He was armed, but no items were actually stolen as he was apprehended before completing the theft."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of Attempt to commit robbery when armed with deadly weapon:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) IO shall enquire as to who had informed the Police and verify the same.

(iii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team and videographer on the scene of crime.

(iv) In this particular case being an offence of attempt to commit robbery

when armed with deadly weapon, punishment in BNS is not less than 7 years. Hence, Forensic Expert is to be called at the Scene of Crime.

(v) IO shall immediately take custody of the apprehended accused from the caller/public/jeweller etc.

(vi) The scene of crime shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(vii) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime

(i) Scene of crime shall be thoroughly examined by I.O. and Forensic Experts.

(ii) The weapon of offence, found on the accused should not be touched by anyone.

(iii) The first one to examine the weapon being carried by the accused, should be the finger print proficient along with the Forensic Expert so that in case any chance prints are present on the weapon of offence (found on the accused) used for breaking into the jewellery shop, or any trace of shards of glass or other metal present on the weapon used to break open a passage in the jewellery shop etc. are not damaged.

(iv) The same shall also be done for the deadly weapon being carried by the accused.

(v) The I.O. shall prepare seizure memo containing list of exhibits.

(vi) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(vii) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) It is pertinent to mention that in this case Section 312 of BNS comes into play. However, when a person is not armed with deadly weapon and then attempts to commit robbery then it attracts Sec 309 (5) of BNS. Moreover, if in such course, the accused causes hurt to the victim, then it attracts Sec. 309 (6) of BNS (and relevant sections of Arms Act).

b. Process of registering FIR

(i) IO shall prepare RUKKA for registration of case U/s 312 BNS.

(ii) Information which is directly connected with the case or likely to form important evidence like any suspicious sound/activity in or near concerned jewellery shop be incorporated in the FIR.

(iii) FIR being an important document shall be drawn with great care and caution giving all details and description.

(iv) I.O. shall also examine the jeweller/caller/witnesses (to find out as to how did they know about the attempted robbery) and CCTVs to find out the exact sequence of event, role of accused person (s) etc. so that the RUKKA prepared makes sense.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) IO shall perform a cursory search of the accused and seize the weapon (s) carried from him with the help of Forensic Experts so that chance prints can be lifted from it.

(ii) A sketch of recovered weapon of offence should be carefully prepared.

(iii) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(vii) The weapon offence should be sent to autopsy surgeon after FSL

examination is complete and FSL result is received for opinion about the possibility of injuries on the person of deceased by the recovered weapon.

(viii) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(ix) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(x) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused person came and left. This should also include the surrounding areas of scene of crime, where the incident took place, from where the exhibits were lifted and the source of light during night.

(ii) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(iii) IO shall also investigate whether any servant/salesman/other staff of the jewellery shop was involved in the attempted robbery.

(iv) IO shall analyse CDR of any such suspect and match it against mobile no. of accused, if obtained.

(v) IO shall find out the exit plan of the accused, had he been successful in committing the robbery i.e. whether he had any vehicle parked nearby or he was with another accomplice etc.

(vi) IO shall trace details of vehicle used in such act, if any, to establish backstory and motive of the act.

(vii) I.O. shall check all the CCTV Cameras both inside the jewellery shop

and outside to ascertain route adopted by assailant to reach and flee after committing crime.

(viii) If the footage is hazy, then IO shall send the footage to FSL for getting a clearer picture/image of the accused to pin him at the Scene of Crime.

(ix) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(x) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(xi) The I.O. shall find out the motive of crime.

(xii) IO shall procure certified copy of PCR form and shall examine the caller.

(xiii) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xiv) IO shall record statement of the witness i.e. worker present inside the jewellery shop U/s 180 BNSS.

(xv) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xvi) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xvii) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence i.e. weapon of offence etc. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(xviii) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also

contain the role of accused person (if more than one, they shall also be covered) involved in the crime.

(xix) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xx) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxi) The Chargesheet shall be prepared and sent to Scrutiny within 75 days of the arrest, if the accused is in Judicial Custody Remand at the time.

c. Procedure Of Arrest

(i) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(ii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iii) IO shall prepare Personal Search memo of the accused and get it signed by witnesses then and there.

(iv) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(v) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vi) The finger prints of accused will also be taken to get tallied with chance prints.

(vii) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

d. Court Proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vi) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 40 days from the date of arrest of accused.

(vii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(viii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(ix) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(x) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

House Breaking

(U/s 331 (3) of BNS)

PUNISHMENT

Punishment of imprisonment which may extend up to 10 years

Scenario: ***"An incident of house breaking occurs in a residential area of New Delhi and house is ransacked, a large amount of money and jewelry articles are stolen."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. The following procedures/guidelines are suggested to the I.O. in cases related to offence of house breaking during night:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) On receiving information about the offence, I.O. shall immediately rush to the scene of crime.

(ii) Here, the beat staff of that area shall also be informed accordingly by Duty Officer, who will reach at the scene of crime immediately.

(iii) After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team and videographer on the scene of crime.

(iv) In this particular case being an offence of house breaking during night, punishment in BNS is imprisonment which may extend up to 10 years. Hence, Forensic Expert is to be called at the Scene of Crime.

(v) The scene of crime shall be guarded/cordoned immediately after reaching

the spot and shall remain so till the completion of initial investigation.

(vi) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime

(ii) Scene of crime shall be thoroughly examined by I.O. and Forensic Experts.

(iii) Search shall be made regarding possibility of chance print from scene of crime.

(iv) The weapon of offence used for entry, if found, should not be touched by anyone.

(v) The first one to examine the weapon should be the finger print proficient along with the Forensic Expert so that in case any chance prints are present on the weapon of offence are not damaged.

(vi) IO shall also examine the scene of crime for any clue which may disclose any identity or characteristic of accused person like ID/Cigarette butts etc.

(vii) The I.O. shall prepare seizure memo containing list of exhibits.

(viii) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(ix) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Process of registering FIR

(v) IO shall prepare RUKKA for registration of case U/s 331 (3) of BNS.

(vi) Information which is directly connected with the case or likely to form

important evidence like any suspicious sound/activity in or near the place of incident be incorporated in the FIR.

(vii) FIR being an important document shall be drawn with great care and caution giving all details and description.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) While seizing the recording from CCTV, its hash value shall be generated and a certificate in under the provision of BSA 2023 shall be obtained from the owner of CCTV and the same be mentioned in the Seizure Memo.

(ii) FSL Form shall be filled with due care and caution and IO shall ask only relevant questions.

(iii) To maintain the integrity of the exhibits I.O. should as soon as possible, after preparing the forwarding letter, send the exhibits for expert opinion to FSL, Doctor etc.

(iv) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document and it shall be drawn correctly by indicating the directions from where the accused persons intruded and left. It shall also include the surrounding areas of scene of crime and show the place of incident, the places from where the exhibits were lifted and the source of light during night.

(ii) Permanent address (s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(iii) IO shall make inquiries from the neighbours, nearby security guards and other street vendors.

(iv) IO shall take details of stolen articles and jewellery from complainant.

(v) Address (s), phone numbers (WhatsApp), email IDs and alternate addresses of the maid/servant working there shall be obtained from complainant.

(vi) Name and mobile number of the electrician, carpenter, painter, washerman and others relevant persons shall be obtained from complainant by IO.

(vii) Finger Prints of family members and other suspects shall be obtained.

(viii) The chance prints lifted from the Scene of Crime, finger prints of inmates and family members of complainant shall be sent for expert opinion to Finger Print Bureau.

(ix) The finger prints of accused person (s) shall also be taken to get matched with chance prints.

(x) I.O shall check all the CCTV Cameras near the place of incidents to ascertain the route adopted by the accused person to reach at the place of incidents and escape after committing crime.

(xi) If there is no clue about the suspects, the dump data shall be obtained and it shall be analysed meticulously.

(xii) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(xiii) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

(xiv) IO shall procure certified copy of PCR form and examine the caller.

(xv) I.O. shall examine the injured, witnesses, relatives (to find out about previous quarrels etc) and CCTVs to find out the exact sequence of event, role of accused person (s), motive.

(xvi) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(xvii) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(xviii) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(xix) Only that part of disclosure statement of accused is admissible, which leads to recovery of relevant facts/material evidence related to the case. Therefore, disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence i.e. stolen articles, tools used for house breaking etc. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police, it plays an important role in investigation.

(xx) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(xxi) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(xxii) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person (s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xxiii) The Chargesheet shall be prepared and sent to Scrutiny within 75 days of the arrest, if the accused is in Judicial Custody Remand at the time.

(xxiv) TIP of recovered Jewellery and other stolen articles which have identity shall be got conducted as per provisions of BNSS 2023.

c. Search of accused

(i) Efforts be made to identify the accused through Photo TIP i.e. dossiers (available photographs of suspects) from the injured or CCTV cameras or eyewitness of the incident. (available photographs of suspects) from the injured or eyewitness of the incident.

(ii) IO shall also strive to recover stolen article and cash from the accused and if necessary, PC remand of accused shall be obtained and sincere efforts shall be made to recover remaining articles.

(iii) In case of identified accused/co-accused who is absconding efforts should be made to gather all information i.e. details of family, friends, relatives, employers/employees, any girlfriend, source of incomes, mobile numbers etc.

(iv) IO shall also get reward declared and ensure opening of Look Out Circular (LOC).

(v) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

d. Procedure of arrest

(i) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(ii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iii) IO shall prepare Personal Search memo of the accused.

(iv) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(v) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vi) The finger prints of accused will also be taken to get tallied with chance prints.

(vii) IO shall update the required information of IIF-III (i.e. Arrest Form) and IIF-IV (i.e. Property Seizure Detail) in CCTNS Module.

e. Court proceedings

(i) TIP: There should be no delay in Test Identification of accused is an important aspect in the investigation.

(ii) Endeavour of the I.O. should be that TIP be got conducted at first opportunity and thereafter should seek police custody remand of the accused.

(iii) If the accused is not known to the witnesses, then I.O. shall take precaution to keep his face muffled. TIP of the accused should be conducted strictly in accordance with Sec 54 of BNSS.

(iv) Such an accused when kept in lockup then also steps should be taken that witness should not meet him.

(v) Statement of witness be recorded after TIP. This statement should identify the accused as the person who had committed the offence and should also contain the name, parentage and address of the accused.

(vi) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(vii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

(viii) The investigating officer may also weigh the possibility of advanced scientific tests viz. Gait Analysis, Polygraphy, Brain Mapping and Narco Analysis Tests, after due consent of the accused and orders from the Hon'ble court as laid down in judgments of court from time to time and advice of prosecution branch be obtained wherever required in this regard.

(ix) In cases the accused wants to make a confession, it shall be ensured that the accused is sent to judicial custody and is summoned by the court for recording of confession.

(x) If, during investigation, it is found that there are more than one accused and one or more of them wants to become an 'APPROVER', then the same procedure shall be adopted.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iii) Keeping in view Section 193 (9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(iv) Witness Protection Scheme, if any witness is threatened, shall be ensured.

Arms ACT

(U/s 25) Arms Act

PUNISHMENT

Not less than 7 years which may extend to 14 years

Scenario: ***"During picket checking, two persons on a bike were coming from Akshardham side towards Sarai Kale Khan and were apprehended by the picket staff and on cursory search, one desi katta was recovered from their possession."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. ***In such cases of Arms Act, generally the accused is either apprehended by the picket/patrolling staff or there is a secret information passed on to the IO/SHO or any other police officer. This information is to be given to the DO/Police Station who will then reduce it into a DD entry form and the same is marked to an IO for further necessary action.*** The following procedures/guidelines are suggested to the I.O. in cases related to offence of Arms Act:

1. HANDLING THE CALL/INFORMATION

a. Whether offense occurred or otherwise

(i) In this scenario, the picket staff ought to haveinformed the Duty Officer of Police Station about apprehension and recovery of illegal weapon i.e. desi kattaetc. from the possession of the accused persons.

(ii) This information has to be lodged in the form of a DD entry on CCTNS and the same shall be marked to an IO,with the permission of concerned SHO,for further necessary action.

(iii) On reaching the scene of crime, IO shall call the forensic experts, crime team (mobile crime team) and videographer on the scene of crime and take over the custody of the apprehended accused persons from the picket staff.

(iv) IO shall then take into his custody the illegal weapon i.e. desi katta recovered from the accused persons. After verification and confirmation of offence, I.O. shall inform senior officers and also call the forensic experts, crime team (mobile crime team) and videographer on the SoC.

(v) IO shall record the details of the accused persons and check whether they are BC/Externee/History Sheeters etc.

(vi) IO shall verify the details of the vehicle being used by the accused persons to check if it was reported stolen or not or if a fake number plate is being used.

(vii) If found stolen, IO shall subsequently inform the concerned police station about the recovery of the stolen vehicle and get a DD entry lodged.

(viii) The SoC shall be guarded/cordoned immediately after reaching the spot and shall remain so till the completion of initial investigation.

(ix) The Scene of crime be photographed and video-graphed from all angles.

b. Examination of the scene of crime

(i) IO shall check if there is any round loaded in the firearm and shall take it out of the barrel

(ii) Scene of crime shall be examined by I.O. and Forensic experts.

(iii) Efforts should be made by IO to make independent witness join the proceedings.

(iv) The illegal weapon i.e.desikatta should be examined by Forensic Expert for any evidence.

(v) Lifting of exhibits/evidence from scene of crime would be done by forensic experts in consultation with I.O.

(vi) I.O. shall check all the CCTV Cameras to ascertain the route of the accused

persons and spot them with the weapon, and preserve said CCTV footage.

(vii) IO shall prepare a sketch of the recovered arm and cartridges.

(viii) The I.O. shall prepare seizure memo containing list of exhibits.

(ix) All documents prepared prior to registration of FIR shall bear the DD No. of departure of the raiding party.

(x) The videography of the exhibits must continue i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(xi) The chain of custody shall be maintained and the police officer having custody shall be examined each stage.

2. REGISTRATION OF FIR

a. Ascertain the relevant law

(i) IO is supposed to ascertain what offence is made out as per contents of written complaint/statement.

(ii) Here, sections 25 Arms Act will be attracted.

(iii) On receipt of FSL result, necessary permission/sanction from concerned DCP U/s 39 Arms Act, to prosecute the accused, be obtained.

(iv) If the vehicle being used is stolen, then it shall be seized U/s 106 BNSS.

b. Process of registering FIR

(i) IO shall record detailed statement of member(s) of the picket staff as complainant.

(ii) IO shall mention the dimensions of the recovered desi katta and the cartridges i.e. length of barrel, length of butt, length of the body, total length, description of the katta, description of barrel, mark of identification, diameter of the live round, length and marking on live round etc.

(iii) IO shall prepare rukka(endorsed complaint) for registration of case U/s 25 Arms Act.

(iv) FIR being an important document shall be drawn with great care and caution giving all details and description.

3. INVESTIGATION

a. SEARCH AND SEIZURE/ Lifting evidence (digital and non-digital evidence)

(i) IO shall prepare a sketch of the recovered arm, and cartridges.

(ii) IO will get the sketch signed by the accused and witnesses.

(iii) IO will prepare separate pulandas of the katta, and the recovered cartridges, mark them as pulanda A and pulanda B and seal them with his seal and seize them through Seizure Memo.

(iv) The entire process of examination of SoC, seizure of the illegal weapon and signing of the Seizure memo shall be video-graphed as per Sec 176 (3) BNSS.

(v) Preservation of CCTV footage, identification of accused in CCTV footage, presence of witnesses on the spot be checked.

(vi) While taking recording from CCTV, its hash value shall be generated and must be mentioned in the Seizure Memo.

(vii) IO will fill up the FSL form with due care and raise following queries for FSL–

1. whether it is a fire arm covered under the provisions of Arms Act.

2. whether it is in working condition.

(viii) Exhibits should be sent to FSL at the earliest.

(ix) While forwarding the exhibits, IO shall ensure proper affixation of Sample Seal on the requisite form and get a Road Certificate issued for the same from Malkhana.

b. DOCUMENTATION (site plan, seizure memos, recording statements)

(i) SITE PLAN: Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused personswere coming and which direction were they going in. This should also include the surrounding areas of scene of crime, where were they apprehended etc.

(ii) Permanent address(s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(iii) IO shall update all information in CCTNS.

(iv) The I.O. shall find out the motive of their possessing the katta.

(v) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(vi) Only that part of disclosure statement of accused is admissible, which leads to discovery of relevant facts/material evidence related to the case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(vii) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(viii) Case diaries should be written as per the provisions of Sec 192 BNSS.

(ix) The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements.

(x) Source of weapon and chain of providing weapon right up to the manufacturer should be sincerely traced and investigated.

(xi) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person(s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(xii) IO shall also seek permission/sanction from concerned DCP U/s 39 Arms Act, after receipt of FSL result.

c. Procedure of arrest

(i) On the satisfaction of the I.O. the accused person shall be arrested and grounds of arrest should be mentioned in the Arrest Memo.

(ii) Immediately, information of arrest of accused should be given to the friend/relative/nominated person and designated police officer (as per BNSS).

(iii) His personal search memo be prepared.

(iv) The accused shall be medically examined as per Section 53 of the BNSS, 2023.

(v) As per Section 349 BNSS, IO can take samples of Handwriting, specimen signatures, finger impressions and voice impressions of any person including accused person without effecting his/their arrest.

(vi) The finger prints of accused will also be taken to get tallied with chance prints.

d. Interrogation and personal search of accused

(i) Personal Search of the accused persons be conducted and their Personal Search Memos be prepared.

(ii) Antecedents of the accused be verified through CRIS and Information Sheet.

(iii) IO shall verify the previous criminal antecedents of the accused persons and check if they are BC/History Sheeters/Externee etc.

(iv) In such a case appropriate proceeding be initiated against the accused persons.

(v) IO to record the disclosure statement very carefully and shall make effort

to find the source of weapon.

(vi) IO shall analyze the CDR of the accused persons and verify with the version of the accused and trace the source of weapon.

(vii) IO shall also check the Google Timeline of the mobile phones of the accused persons to corroborate their statements with the itinerary shown by the Google.

(viii) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

e. Court proceedings

(i) As per Sec 187 of BNSS, now IO can take total 15 days of Police Custody Remand in parts up to 60 days from the date of arrest of accused.

(ii) IO shall also keep in mind that merely the option of him taking PC Remand of accused is not a ground for rejection of bail of accused.

4. FINAL REPORT

(i) IO shall submit copy of chargesheet to the Court for providing the same to victim as per Sec 193 which also mandates that giving such document electronically is also valid.

(ii) Previous Involvements/Convictions for enhanced punishment, if any found, shall be also be mentioned.

(iii) If any Supplementary chargesheet has to be filed, it shall be mentioned in the main chargesheet and corresponding entry shall be made in the particular register maintained in the record room of the police station.

(iv) Keeping in view Section 193(9) of BNSS, IO shall seek permission from Court for filing the supplementary chargesheet during trial and further investigation shall be completed within 90 days which may be extended by the court.

(v) Witness Protection Scheme, if any witness is threatened, shall be ensured.

NDPS ACT

(U/s 21) NDPS Act

PUNISHMENT

Rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years

Scenario: ***"Acting upon a secret information received in the police station about one car coming from Akshardham side towards Sarai Kale Khan in which substantial amount of Narcotic Substance could be found, two accused persons were apprehended and 350 gms Heroine was recovered from their possession."***

In every case the information regarding commission of a cognizable offence is received through PCR call or orally or telephonically, or directly to the Duty Officer of police station or from Hospital, or reporting of incident in person or through any other mode. The police investigation is mainly concerned in finding out exactly where, when and why was the crime committed. ***In such cases of NDPS Act, generally the accused is either apprehended by the picket/patrolling staff or there is a secret information passed on to the IO/SHO or any other police officer. This information is to be given to the DO/Police Station who will then reduce it into a DD entry form and the same is marked to an IO for further necessary action.***

The main issue in this case is of quantity of Narcotic Drugs. There are 3 types of quantities. Lesser quantity, less than commercial and commercial quantity. There is a table for quantity of various Narco drugs.

Substance	Less than commercial quantity	Commercial quantity
Ganja	1kg	20 kg.
Charas	100 gms	1 kg.
Opium	25 gm	2.5 kg
Heroine	5 gm	250 gm
Cocaine	2 gm	100 gm.
Morphine	5 gm	250 gm
LSD/MDMA	2 mg	100 mg

In less than commercial quantity, the accused is granted bail by court on its discretion but in commercial quantity, no bail is granted to accused u/s 37 NDPS Act.The following procedures/guidelines are suggested to the I.O. in cases related to offence of NDPS Act:

1. PROCEEDINGS IN THE POLICE STATION AFTER RECEIVING INFORMATION:

(i) In this scenario, when the secret information is received by the police officer, he shall inform his senior i.e. the SHO who will satisfy himself with the information and then pass it over to ACP.

(ii) The information shall be lodged as a DD entry and treated as intimation as per Sec. 42 NDPS Act.

(iii) Permission for conducting raid received either in writing or verbally should be noted in the DD entry.

(iv) This DD entry as intimation U/s 42 NDPS Act shall be forwarded to concerned ACP within 72 hours of lodging of DD entry.

(v) After receiving consent of the senior officers, IO shall form a raiding party and take all necessary equipment like IO bag, Field testing kit, electronic weighing scale etc. and shall lodge a DD entry of the departure of the raiding party.

(vi) If suspect is a lady, then a female police officer shall be involved in the raiding party.

(vii) In case government vehicle is being taken, its log book shall also be filled and this shall also be mentioned in the DD entry.

(viii) Before departure, a note should be made in the DD entry if search warrant is obtained and if not, why search warrant/arrest warrants could not be obtained, especially when search is made after sunset.

2. PROCEEDINGS AT THE SPOT

(i) Upon reaching the spot, IO shall try to involve public witnesses to join the raiding party (in writing).

(ii) Upon being gestured by the informer, the raiding party shall swing into action and stop the suspected persons and inform the accused of suspicion of him carrying illegal contraband and his right to be frisked in presence of nearest G.O. or Magistrate.

(iii) IO shall also verify the details of the vehicle being used by the accused persons to check if it was reported stolen or not or if a fake number plate is being used.

(iv) If found stolen, IO shall subsequently inform the concerned police station about the recovery of the stolen vehicle and get a DD entry lodged.

a. Notice U/s 50 NDPS Act

(i) IO will then serve the notice U/s 50 NDPS Act on the accused in language of his understanding and get it acknowledged from him.

(ii) In other case where only house/vehicle/premises search is involved instead of search of a person, the process of Notice U/s 50 NDPS Act is not required as per statute.

(iii) The notice u/s 50 NDPS Act will contain the facts that the suspect has a legal right to conduct search of police party before his search. It is his legal right to call the nearest magistrate or G.O. for his personal search.

(iv) The notice U/s 50 NDPS Act should bear the DD no, date and P.S. (DD no of departure be given) and the original copy will be served upon the suspect with acknowledgement of his receipt.

(v) Reply of the accused on the notice U/s 50 NDPS Act shall be taken on the copy and ACP shall be called at the spot for further proceedings, if he desires so. Otherwise, personal search can be done by the raiding party itself (as per his reply).

(vi) IO to call Forensic Assistant and Videographer on the scene of crime.

(vii) The videography of the exhibits continues i.e. sealing of exhibits, preparation of seizure memo or any other document, signatures of witnesses and IO on Seizure Memo and other relevant documents (as per Sec 105 BNSS).

(viii) The chain of custody shall be maintained and the police officer having

custody shall be examined each stage.

(ix) The accused shall then be frisked and in this scenario, 350 gms Heroine is found on him.

b. Search and Seizure:

(i) The contraband recovered from the physical possession of the accused shall be tested by the IO on the Field-Testing Kit to ascertain the nature and type of drug recovered.

(ii) The contraband shall be weighed and afterwards a pulanda shall be made and sealed with seal of IO.

(iii) Every sealed pulanda should have the signature of witnesses and possessor on its cover.

(iv) All articles related to the commission of offence like- vehicle, bag. briefcase etc should be seized.

(v) Seizure memo shall be prepared cautiously mentioning all details of contraband (date, time, quantity, name of drug, seal etc.).

(vi) The Seizure memo shall be prepared by IO who shall be cautious not to mention FIR No. on it. It shall be signed by ACP on the spot and when it is sent to the Police Station along with the Case property, it shall be endorsed by SHO who shall also make a DD entry to this effect.

(vii) The case property along with seizure memo shall be sent to the Police Station where the SHO will counterseal the case property pulanda with his seal and shall get it deposited in Malkhana.

(viii) An inventory of the seized items including conveyance/vehicle (if any) shall be prepared by the IO.

3. PROCESS IN THE POLICE STATION

a. Process of registering FIR

(i) The 1stIO present on the spot will then send a RUKKA for registration of case against the accused U/s 21 NDPS Act.

(ii) Care should be taken for registration of the case under appropriate section of law,especially where more than one person is involved, section 29 of NDPS Act should be added and in case of use of any premises section 25 of NDPS Act should be added.

(iii) The police personnel taking the RUKKA to the Police Station shall also take with him the seized pulanda and the seizure memo.

(iv) Upon reaching the Police Station, the Police personnel shall hand over the RUKKA to DO for registration of case and the pulanda and seizure memo to the SHO.

(v) After registration of FIR, 2nd IO will be deputed who will take the copy of FIR, original RUKKA and proceed to the scene of crime.

b. Depositing pulanda in PS

(i) Upon reaching the Police Station, the Police personnel shall hand over the RUKKA to DO for registration of case and the pulanda and seizure memo to the SHO who will counterseal the pulanda and endorse the seizure memo (mention the FIR No. on Seizure Memo in his writing) followed by lodging a DD entry to this effect. (55 NDPS Act)

(ii) SHO will also ensure that the seized pulanda is deposited in Malkhana C.P. the same day and an entry to this effect is made in the Register No. 19 under his own name and not the IO's.

4. PROCEEDING BY 2NDIO @ S.O.C.

The 1stIO shall hand over the accused and copy of 50 NDPS Notice to the 2ndIO who shall then arrest the accused and conduct his personal search.

a. Arrest and Search:

(i) The 2nd IO shall fill the Arrest Memo and Personal Search Memo of the accused on the spot and shall ensure that the original copy of 50 NDPS Act Notice is taken into Police possession through the personal search memo.

(ii) The Personal Search memo shall be signed by ACP as he will be present on the spot at the time.

(iii) Here, it is pertinent to mention that the 1stIO can be a Police officer of and above the rank of HC as he is merely a complainant in the entire proceedings but the 2ndIO must be an officer above the rank of H.C.

(iv) After arresting the accused, if the 2ndIO feels need, he may conduct search of any house/premises suspected to contain any more contraband or substantial clues related to this case. However, in such case, the officer conducting search shall not be below the rank of S.I. Moreover, this search must be conducted in the presence of at least 2 independent public witnesses.

b. Site Plan

(i) 2ndIO shall then prepare the Site Plan.

(ii) Site plan of place of occurrence is an important document. It shall be drawn correctly by indicating the directions from where the accused persons were coming and which direction were they going in. This should also include the surrounding areas of scene of crime, where were they apprehended etc.

(iii) It is pertinent to mention that if scene of crime, place of recovery of weapon, place of incidence or any other relevant exhibits are different locations then separate site plans should be prepared by the I.O.

5. PROCEEDINGS IN P.S. BY 2ND IO:

(i) After satisfying himself with the proceedings at the scene of crime, 2ndIO shall return to the Police Station with the arrestee accused and present him to the SHO who shall verbally interrogate the accused to his satisfaction.

(ii) Subsequently, the 2ndIO shall lodge the DD entry of his arrival from scene of crime in this case wherein he shall mention all the proceedings conducted by him and shall also mention that the accused was presented by him in front of SHO who has satisfied himself after interrogating him verbally.

a. Statements U/s 181 BNSS

(i) IO shall complete his case file (record statements U/s 181 BNSS of all

witnesses etc.) and present the accused in the Court.

(ii) While recording such statements, IO shall mention proper timing of each activity/proceeding.

(iii) IO The I.O. should be careful while recording the statement of witnesses that there should be no contradiction in their statements and should also contain the role of each accused persons involved in the crime.

(iv) Permanent address(s), phone numbers (WhatsApp), email IDs and alternate addresses of witnesses with their age and professions shall be written while recording their statements so that they can be served notice/ summons at later stage electronically.

(v) While requiring attendance of any person, IO shall keep in mind the provisions of Sec 179 BNSS.

(vi) Real facts as explained by the complainant and witnesses should be recorded and shall be inserted in the main body of case diaries as per requirement of section 192 BNSS.

(vii) Hearsay facts shall not be written in their statements because as per section 55 BSA (old 60 of Indian Evidence Act) 'Oral evidence' must be direct.

(viii) IO shall update all information in CCTNS by updating Form IIF-II i.e. Crime Scene Detail Form.

b. Investigation/Documentation

(i) The I.O. shall find out the motive of their possessing the contraband.

(ii) I.O. shall examine the witnesses and check CCTVs to retrace the route taken by the accused persons.

(iii) Disclosure statement of accused given before police is not admissible during trial unless supported by recovery. However, it is pertinent to mention that disclosure statement of accused during investigation is an important aspect to establish complete chain of events.

(iv) Only that part of disclosure statement of accused is admissible, which leads to discovery of relevant facts/material evidence related to the

case, so disclosure statement needs to be recorded carefully mentioning discovery of new facts leading to the recovery of material evidence. If any material evidence is recovered pursuant to his disclosure statement and at the instance of accused, which was earlier not known to police plays important role in investigation.

(v) Maintenance of record of crime and criminal is an important aspect. IO shall ensure updation of all relevant entries with MHCR/MHCM/CCTNS more particularly IIF-II, IIF-III, IIF-IV, Parcha-12, CCTNS CDs, sending of original CDs, to VRK through MHCR/SHO and sending of exhibits to FSL, if required.

(vi) I.O. after completion of investigation of a case for the day, should lodge DD Entries bearing the complete details of the accused person(s), details of seizures, information given to friend/relative/nominated person and designated police officer.

(vii) Emphasis should be given on the seizure of incriminating articles like mobile phones, laptop, weighing machines, packing devices and other registered available for unearthing the criminal group involved in drug trafficking and violation of NDPS Act.

1. IO shall check complete involvement of the accused persons and may also use CRIS to this effect.

2. IO shall strive to check the source of contraband.

3. IO shall analyze the CDR of the accused persons and Google Timeline of their mobile phones in order to verify the version of the accused and trace the network/source of contraband.

(viii) Every police station shall constitute a team comprising staff specialized in technical analysis like having CCTV footages from cameras, dump data lifting and analysis, CDR & IPDR analysis.

6. PROCEEDINGS IN COURT

(i) While presenting the accused in Court, IO shall request for his Police Custody Remand for tracing the original supplier.

(ii) IO shall also move an application U/s 52A NDPS Act for withdrawal of samples from the seized contraband in the presence of Court.

7. FSL FORM

(i) The 2 samples withdrawn along with the remaining contraband will be sealed once again, with the seal of Court this time and sent to Malkhana, P.S. from where they shall be sent to FSL within 3 days.

(ii) IO shall ask requisite query in the FSL form i.e. Whether diacetylmorphine is present in the seized substance?

8. OTHER IMPORTANT POINTS

(i) Both the 1stand 2ndIO shall mandatorily prepare separate reports U/s 57 NDPS Act (also called Special Report) of the proceedings undertaken by them in the case, get it forwarded by SHO and send it to ACP within 48 hours of arrest.

(ii) IO shall file chargesheet of the case within a time period of 180 days as the quantity is commercial in this scenario. However, in case of non-commercial quantity the chargesheet shall be filed within 60 days.

(iii) Application for pre-trial disposal of seized narcotics drugs and conveyance seized (if any) in conformity with the section 52A of NDPS Act.

9. POST-CHARGESHEET PROCESS

After the chargesheet has been filed, IO shall explore options of initiating proposals of PITNDPS Act and/or forfeiture of property. For this, the following documents shall be collected and placed on file by the IO.

For PITNDPS

1. Complete judicial papers
2. Remand Papers
3. Bail applications
4. Bail bonds
5. Present status of accused

6. Information received about recent activities in these types of cases and the information shall be lodged in CCTNS

7. Source of the contraband to be mandatorily caught

8. Thorough analysis of CDR of the nexus involved

For forfeiture of property

1. Any property bought in the last 6 years (to be calculated from the date of FIR) by the accused with no justification about the source of buying like ITR, bank account transactions etc. it can be seized.

2. An application after collecting such relevant intel like ITR, source of money etc. shall be moved to DCP concerned and a Freezing Order for the property(s) shall be obtained.

3. The Freezing Order shall be sent to the concerned authority in Lok Nayak Bhavan within 48 hours of the dispatch number being marked. (67 NDPS Act)

4. Thereafter, the authority is responsible for confirming the order within the next 48 hours.

The Call Center Case

1. A windowless basement in a multi-storeyed building of Janakpuri District Centre bustling with unscrupulous business activities in the dark of night. Three rows of 12 cubicles hum with activity, each manned by a smooth-talking caller with a headset and a script hanging before them for reading. This is an illegal call center indulged in preying upon unsuspecting overseas victims by instilling fear of hacking/infection of their computer system.

2. You being posted in Police Station of the area, have a secret information that a group of cyber cones is running an illegal call center to cheat vulnerable senior citizens of US.

3. A pop-up alert on screen of an innocent old lady aged 79 years living in US, blares a dire warning: "Virus Detected! Immediate Action Required!" Panicked, the lady dials the number provided, unwittingly stepping into the web of deceit.

4. From other end, i.e. the illegal call center being operated in night in Janakpuri, Delhi, a smooth-talking operator having assumed named "Alex" greets her with a practiced blend of concern and authority by introducing himself from a Microsoft. He paints a terrifying picture of malware wreaking havoc on the computer of prey to steal her bank details, and jeopardizing her life savings. The old lady, trusting and vulnerable, falls prey to Alex's fear mongering.

5. The Con Alex prescribes a "miracle cure" - a remote access software that grants him full control over prey's computer. With practiced ease, he navigates her system, planting fake malware and generating fabricated error messages. The old lady, watching in horror, readily agrees to pay the exorbitant "repair fee" Alex demands.

6. The old lady, blinded by fear and desperation, hands over her credit card information. Alex, his eyes gleaming with avarice, drains her savings account by transferring all her savings in a bank account situated in Thailand. From Thailand, Alex get cash after deducting the commission to the middle man who is called blocker in world of cybercrime.

7. There are 12 desktops on each cubicle with headset on callers. There are almost

similar scripts typed on paper hanging before eyes of the callers on each cubicle. There is one partitioned cabin in which three persons with expansive phone are persons and apparently managing the business. Some dairies are lying on their table. There is one person who give technical support to the group and there is one who provide tea etc.

Steps needed to be taken while investigation of above-mentioned case

SCENARIO 1

Technical investigation part

1. Thoroughly interrogate the victim (if any), he will provide with the TFN number on which he had called and the details of the add on which he had clicked due to which the warning message arisen or if had searched on google and found the number to resolve the issue.

2. Then ask the website owner who had published the ad-camping of the website or if it is on google the google will provide the details of the ad-campaigner.

3. Further depending on the details provided by the agencies in point number 2 details of the mobile numbers, Email addresses, Bank accounts, Company names, gateways, IP addresses etc details from the concerned agencies will be called.

Money trail

1. Details of the bank account of the victim including the suspected transaction details shall be called.

2. Further it has to be checked that the transactions were through wire or some gateway or any other banking channel i.e. through crypto wallets or gift cards.

3. If there is a transaction through crypto wallets then check the blockchain on which the transactions have taken place and try to identify the wallets which are on trusted platforms like Binance, Paxful etc the details of the wallets can be called.

SCENARIO 2

If found a running call center

1. First of all, make all the calling agents' part with their systems and take screenshots of the systems that are running.

2. Take RAM dump of all the system that are being used bythe calling agents. Also seize the Script present with them and data of the targeted called persons.

3. Also check for the SIP server in the setting of the softphone dialer.

4. The details of the point number 3 will help us in providing the details of the call seller (the person who is running the ad campaign).

Further interrogation of the persons will lead us to the money trail followed by them to transfer money from abroad to them.

The Digital Arrest Case

1. A TSP (normal) call was received by 65 years an innocent old lady. The person on the other side of the call told that a parcel which is bound to Tiwan is intersected by custom department at Mumbai. The parcel carries one Aadhar Card, PAN Card, Bank Accounts Kit Book, mobile SIM Cards and some psychotropic substance (like MDM etc in commercial quantity). And now the case is being transferred to Andheri-East Police Station and it will be investigated by the office of DCP Bal Singh Rajput.

2. Further a call was received from the Landline Number of Police Station Andheri East (Spoofed call) and the officer on the call narrated the same scenario as above mentioned and further terrified the lady that she will face charges under NDPS Act, Money Laundering Act and will go to jail as the psychotropic substance is in commercial quantity and the charges are of Life Imprisonment.

3. Further the lady tried to justify her version and told that she has no such bank accounts, then the officer asked for details of the bank accounts that are being operated by her and the balance in it.

4. Thereafter, the officer asked her to make a Skype Call and the person on the other side was present in police uniform and present in an office like police station. And told the lady that he will help her only if she will not disclose this case to any one nor her family members. And thereafter told the lady that they will check all her bank accounts and other details till then she has to transfer all her bank accounts balance to RBI Bank Accounts that they will provide.

5. Thereafter the lady transferred all her bank account balance to the bank accounts provided by the person on the other side of the Skype call and thereafter the person asked the lady that she have to delete all the chats and call histories from her phone as the person(officer) is helping her out of the scope of his duty and further asked the lady that he will inform her once the enquiry in the matter will be finished.

6. The money so transferred by the lady will be transferred to mule bank accounts and further Crypto currencies will be purchased from any Crypto platform

(mostly P2P on Binance). Further the crypto currency will be transferred to cold/paper crypto wallets.

Steps needs to be taken while investigation above mentioned case

1. The call route of all the calls shall be asked from the TSP (Telecom Service Provider) of the victim. Further, registrant details of the user who has initiated the call form the website which is provided by the TSP shall be called and if the call is on WhatsApp, then details from the WhatsApp shall be called regarding the alleged account.

2. Skype UserID (if any provided by the complainant) details shall be called from Microsoft including IP details.

3. Further transactions of the money that has been transferred from the account of the victim to be resolved till the end beneficiary.

4. If the money at any stage converted to crypto then details of such wallets shall be called from the crypto platforms, and if the wallets not found any platform the check on blockchain and try to find out the wallets through which the money traversed and are on eminent platforms i.e.Binance, Paxful, Coinbase, etc.

5. CDR of the mobile numbers came in contact of the victim and IP address details of the mule bank accounts shall be called and try to verify the persons in whose possession the IP address resolved mobile number or internet connection is found.

The Investment Fraud Case

1. A random call was received by a person having his medium private business from a random number. On the other side of the call there was a lady which after initial interaction told that the call was initiated due to wrong dialling of the numbers and further asked about his source of living and further introduce herself as an investor on trading platform website/Application.

2. Further after 3-4 interaction on calls, she asked the person to handle her portfolio as she was having some health issue on the trading platform website/ Application based on the bites given in a WhatsApp group and made him to join that WhatsApp group and shares the credentials of her portfolio.

3. On the backend the trading platform website/Application were managed by the persons/group of which the lady is also a part and shows a huge profit on the trades made by the person.

4. Thereby the person thought that this is some profitable business and asked the lady that he will also want to trade and further the lady made him to join a WhatsApp group in which bites will be shared and further made him to create an account of the trading platform. Further some initial amount has to be deposited in the trading platform to get it started (staring investing in trades).

5. At initials level the platform shows that the person is making huge profit and let the person to withdraw some amount if he wants to withdraw. Thereby induces the person to invest more and once the person invested a considerable amount then the will made the trades made by the person going in losses. And further if the person wants to withdraw the they will ask for charges on the pretext of the one or the other.

6. The trading platform are superfluous and have no links with the real market. The platforms are created only to induce the persons and will be deleted after some time.

7. The amount initially transferred by the victims will go to mule accounts and further transferred to different mule accounts and thereafter crypto currencies will be purchased through P2P and further the crypto currencies will be

transferred to Cold/Paper Wallets.

Steps needs to be taken while investigation above mentioned case

1. The call route of all the calls shall be asked from the TSP (Telecom Service Provider) of the victim. Further, registrant details of the user who has initiated the call form the website which is provided by the TSP shall be called and if the call is on WhatsApp, then details from the WhatsApp shall be called regarding the alleged account.

2. Registrant details of the hostname and the details of the platform hosting service provider shall be called from the service provider.

3. Details of the WhatsApp group including Admin details shall be called from WhatsApp including IP logs details.

4. Further transactions of the money that has been transferred from the account of the victim to be resolved till the end beneficiary.

5. Details of the mobile numbers and email IDs associated with the mule accounts shall be called from respective service provider.

6. If the money at any stage converted to crypto then details of such wallets shall be called from the crypto platforms, and if the wallets not found any platform the check on blockchain and try to find out the wallets through which the money traversed and are on eminent platforms i.e. Binance, Paxful, Coinbase, etc.

7. CDR of the mobile numbers came in contact of the victim and IP address details of the mule bank accounts shall be called and try to verify the persons in whose possession the IP address resolved mobile number or internet connection is found.

Introduction (Economic Offences Cases)

The globalization and liberalization of economy has not only attracted huge funds and investments from abroad but has also brought in state-of-the-art technology in the country. Liberalization of credit policies by banks/financial institutions has led to manifold increase in business activities. An adverse fall out of all this has been a spurt in the incidents of white-collar crimes. Thus, we find instances of highly skilled professionals/educated persons/organized racketeers putting in use their skills by misusing the technology in perpetrating white collar crimes in a systematic manner. Large scale use of internet for commercial and other activities has given rise to various types of cybercrimes. Various types of modus operandi have come to be used for commission of such offences which has necessitated a specialized approach in their investigation so as to successfully prosecute the white-collar criminals.

With the above aim in site, an effort has been made to list out the steps of investigation applicable to different types of white-collar crimes by classifying these into various categories such as land related-frauds, multi-level marketing frauds, admission rackets, cybercrimes, copy right violations, etc.

S.No.	DETAILS/TYPES OF FRAUD/CHEATING
1.	Fraud related to Pre-launch schemes by builders/ developers
2.	Frauds related to NRI Properties
3.	Frauds related to the property of senior citizens
4.	Frauds related to group housing societies
5.	Frauds related to illegal sale of Govt. land & agricultural land
6.	Cases related to forgery
7.	Frauds related to forged letters of MP's and Ministers
8.	Frauds related to racket of manpower of export/ visa
9.	Frauds related to Job racket
10.	Frauds related to admission racket
11.	Frauds related to share market

S.No.	DETAILS/TYPES OF FRAUD/CHEATING
12.	Fraud related to Chit fund
13.	Frauds related to multi-level marketing
14.	Frauds related to Export-Import racket
15.	Frauds committed by partnership firms, Pvt and Ltd. Companies with bankers/ financial institutes
16.	Cases involving creation of blogs/fake profile of persons with obscene material on social networking sites like orkut.com, facebook
17.	Cases related to hacking/unauthorized access into emails
18.	Case related to Nigerian lottery scams
19.	Frauds related to copy right violation
20.	Frauds related to trade mark violation
21.	Frauds by non-banking financial institutions (NBFC)
22.	Cases related to corporate frauds
23.	Frauds related with income tax refunds
24.	Frauds related to manpower rackets

General View in cases of fraud/Cheating

1. Cheating is defined in Bhartiya Nyaya Sanhita in Section 318(1) while in Indian Penal Code, it was defined under section 415.

2. Definition of fraudulently is defined in Section 2 (9) of Bhartiya Nyaya Sanhita, it was defined in Section 25 of IPC. In common language word cheat is also called fraud.

3. The most common sections used in the cases of investigation of cheating, fraud and forgery are as under. Details have been given in comparison with IPC.

S.N.	Section as per IPC 1860	Heading	Section as per BNS, 2023	Heading	Remarks
CHAPTER XVII OF OFFENCES AGAINST PROPERTY					
1.	403	Dishonest Misappropriation of Property	314	Dishonest misappropriation of property.	Change in Punishment
2.	404	Dishonest Misappropriation of Property possessed by deceased person at the time of death	315	Dishonest misappropriation of property possessed by deceased person at the time of his death.	No Change
3.	405	Criminal Breach of Trust	316(1)	Criminal Breach of Trust	Changes done
4.	406	Punishment for Criminal Breach of Trust	316(2)	Criminal Breach of Trust	
5.	407	Criminal Breach of Trust by carrier etc.	316(3)	Criminal Breach of Trust	

S.N.	Section as per IPC 1860	Heading	Section as per BNS, 2023	Heading	Remarks
6.	408	Criminal Breach of Trust by clerk or servant	316(4)	Criminal Breach of Trust	
7.	409	Criminal Breach of Trust by public servant or by banker, merchant or agent	316(5)	Criminal Breach of Trust	
8.	410	Stolen Property	317(1)	Stolen Property	Changes done "word cheating has been added" Earlier cheating was not included in the definition of stolen property.
9.	411	Dishonestly receiving stolen property	317(2)	Stolen Property	
10.	412	Dishonestly receiving property stolen in commission of dacoity	317(3)	Stolen Property	
11.	413	Habitually dealing in the stolen property	317(4)	Stolen Property	
12.	414	Assisting in concealment of stolen property	317(4)	Stolen Property	
13.	415	Cheating	318(1)	Cheating	Changes in Punishment
14.	417	Punishment for Cheating	318(2)	Cheating	

S.N.	Section as per IPC 1860	Heading	Section as per BNS, 2023	Heading	Remarks
15.	418	Cheating with the knowledge that wrongful loss may ensue to persons whose interest offender is bound to protect	318(3)	Cheating	
16.	420	Cheating and dishonestly inducing delivery of property	318(4)	Cheating	
17.	416	Cheating by personation	319(1)	Cheating by personation	Changes in Punishment
18.	419	Punishment for cheating by personation	319(2)	Cheating by personation	
19.	421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors	320	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors	Changes in Punishment
20.	422	Dishonest or fraudulently preventing debt being available for creditors	321	Dishonest or fraudulently preventing debt being available for creditors	No Change
21.	423	Dishonest or fraudulent execution of deed of transfer containing false statement of consideration	322	Dishonest or fraudulent execution of deed of transfer containing false statement of consideration	Changes in Punishment

S.N.	Section as per IPC 1860	Heading	Section as per BNS, 2023	Heading	Remarks
22.	424	Dishonest or fraudulent removal or concealment of property	323	Dishonest or fraudulent removal or concealment of property	Changes in Punishment

S.N.	Section as per IPC 1860	Heading	Section as per BNS, 2023	Heading	Remarks
CHAPTER XVIII OF OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS					
1	464	Making a false document	335	Making a false document	No Change
2	463	Forgery	336(1)	Forgery	No Change
3	465	Punishment for forgery	336(2)	Forgery	
4	468	Forgery for the purpose of cheating	336(3)	Forgery	
5	469	Forgery for the purpose of harming reputation	336(4)	Forgery	
6	466	Forgery of the record of Court or of the public record	337	Forgery of record of court or of public register, etc.	Changes done
7	467	Forgery of valuable security, will etc.	338	Forgery of valuable security, will, etc.	No Change, however before adding this section definition of valuable security may please be considered. (defined at 2(31) of BNS)
8	474	Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it as genuine	339	Having possession of document described in section 337 or 338, knowing it to be forged and intending to use it as genuine.	

S.N.	Section as per IPC 1860	Heading	Section as per BNS, 2023	Heading	Remarks
9	470	Forged document or electronic record	340(1)	Forged document or electronic record and using it as genuine.	No Change
10	471	Using as genuine a forged document or electronic record	340(2)	Forged document or electronic record and using it as genuine.	
11	472	Making or possessing counterfeit seal, etc., with intent to commit forgery	341(1)	Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 338.	Changes done
12	473	Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.	341(2)	Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 338.	
13	-	-	341(3)	Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 338 (New).	
14	475	Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material	(4)	Counterfeiting device or mark used for authentication documents described in section 338, or possessing counterfeit marked material.	No Change

S.N.	Section as per IPC 1860	Heading	Section as per BNS, 2023	Heading	Remarks
15	476	Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material.	342(1)	Counterfeiting device or mark used for authenticating documents, described in section 338, or possessing counterfeit marked material.	
16	477	Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security	343	Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security.	No Change
17	477A	Falsification of accounts	344	Falsification of accounts.	No Change
18	479	Property mark	345(1)	Property mark	No Change
19	481	Using a false property mark	345(2)	Property mark	
20	482	Punishment for using a false property mark	345(3)	Property mark	
21	489	Tampering with property mark with intent to cause injury	346	Tampering with property mark with intent to cause injury	No Change
22	483	Counterfeiting a property mark used by another.	347(1)	Counterfeiting a property mark	No Change
23	484	Counterfeiting a mark used by a public servant	347(2)	Counterfeiting a property mark	

S.N.	Section as per IPC 1860	Heading	Section as per BNS, 2023	Heading	Remarks
24	485	Making or possession of any instrument for counterfeiting a property mark	348	Making or possession of any instrument for counterfeiting a property mark	No Change
25	486	Selling goods marked with a counterfeit property mark	349	Selling goods marked with a counterfeit property mark	No Change
26	487	Making a false mark upon any receptacle containing goods	350(1)	Making a false mark upon any receptacle containing goods	Changes done
27	488	Punishment for marking use of any such false mark	350(2)	Making a false mark upon any receptacle containing goods.	

(1) Approach in investigation of Cheating cases

The Cheating investigative process involves several key steps, including:

1. Gathering initial data from complainant, banks and other sources including government authorities and alleged party,
2. Formulating and executing strategies,
3. Conducting investigative intelligence and analysis,
4. Performing transaction analysis,
5. Utilizing computer forensics including emails, ledgers maintained at computers,
6. Examination of both the parties,
7. Final observation/conclusion

Each of these components is vital to the overall success of the investigation, as they ensure that all relevant information is gathered and analysed, and innocent individuals are safeguarded.

A. What is the goal of investigation in Cheating Cases?

The primary goal of such investigation is to ascertain whether any cheating has taken place, the manner in which it was perpetrated, the persons involved, and the amount of money lost.

B. What are the steps when dealing with Cheating cases?

i. When dealing with fraud, it is important to first identify the potential fraud through data analysis, examination/interrogation, and document reviews.

ii. Next, gather the necessary evidence and analyse it to determine the scope of the fraud/Cheating and identify potential perpetrators.

iii. Lastly, recover/seize assets and achieve financial restitution by taking appropriate legal action.

C. What are the elements of a fraud investigation report?

A fraud/Cheating investigation report should cover several key components. This includes:

i. Investigative approach

ii. Pertinent facts and analysis of the evidence

iii. Determination

iv. Suggested corrective action

Key Notes:

i. In order to ensure the highest quality, an expert investigation report should be prepared by IO with extensive experience in the field of fraud investigation.

ii. All these details need to be included for a successful investigation report. In the report, maintaining thoroughness and objectivity is vital. This involves presenting all relevant information and avoiding any conclusions on legal matters.

iii. A well-prepared fraud investigation report can serve as a critical tool in recovering losses, holding responsible parties accountable, and preventing further fraudulent activity.

iv. While taking on record, the photocopy of documents whose original not on record, IO must mention the fact that photocopy has been matched with the original by the producer.

V. Photocopy must be self-attested by the producer.

vi. Seizure must be done through a person whose custody is defined under the provision of proper custody.

vii. It is to note that after freezing the bank account, information to Court be made at earliest u/s 106 of BNSS, 2023.

viii. Against the habitual criminals, we may explore the possibility to take actions

under section 111 and 112 of BNS, 2023.

ix. If during investigation, it came into light that accused had procured assets through illegal means, then, we may proceed action as per provisions of u/s 107 of BNSS, 2023 for attachment and forfeiture or restoration of property.

X. Where, specimen signatures, finger print and voice sample are required to be taken from any person, we may follow the provisions, laid down in section 349 of BNS, 2023. In new provision, arrest is not required. It includes any person, which means even the complainant, witness is covered under this definition.

(2) Ponzi Scheme

A Ponzi scheme is considered a fraudulent investment program. It involves using payments collected from new investors to pay off the earlier investors. The organizers of Ponzi schemes usually promise to invest the money they collect to generate supernormal profits with little to no risk.

However, in the real sense, the fraudsters don't really plan to invest the money. Their intention is to pay off the earliest investors to make the scheme look believable. As such, a Ponzi scheme requires a constant flow of funds to sustain itself. When the organizers can no longer recruit more members or when a vast proportion of the existing investors decide to cash out, the scheme tumbles.

A. Breaking Down Ponzi Schemes

A Ponzi scheme is simply a type of investment scam where investors are promised substantial returns. Companies that participate in Ponzi schemes focus all of their attention on luring new clients. Once the new entrants invest, the money is collected and used to pay the original investors as "returns."

However, a Ponzi scheme is not the same as a pyramid scheme. With a Ponzi scheme, investors are made to believe that they are earning returns from their investments. In contrast, participants in a pyramid scheme are aware that the only way they can make profits is by recruiting more people to the scheme. To a great extent, Ponzi schemes are investment tricks.

B. Red Flags of Ponzi Schemes

Most Ponzi schemes come with some common attributes such as:

1. Promise of high returns with minimal risk

In the real world, every investment one makes carries with it some degree of risk. In fact, investments that offer high returns typically carry more risk. So, if someone offers an investment with high returns and few risks, it is likely to be a too-good-to-be-true deal. Chances are the investor won't see any returns.

2. Overly consistent returns

Investments experience fluctuations all the time. For example, if one invests in the shares of a given company, there are times when the share price will increase, and other times it will decrease. That said, investors should always be skeptical of investments that generate high returns consistently regardless of the fluctuating market conditions.

3. Unregistered investments

Before rushing to invest in a scheme, it's important to confirm whether the investment company is registered with U.S. Securities and Exchange Commission (SEC) or state regulators. If it's registered, then an investor can access information regarding the company to determine whether it's legitimate.

4. Unlicensed sellers

According to federal and state law, one should possess a specific license or be registered with a regulating body. Most Ponzi schemes deal with unlicensed individuals and companies.

5. Secretive, sophisticated strategies

One should avoid investments that consist of procedures that are too complex to understand.

C. History of the Ponzi Scheme

The scheme got its name from one Charles Ponzi, a fraudster who duped thousands of investors in 1919. Ponzi promised a 50% return within three months on profits earned from international reply coupons. Back in the day, the

postal service offered international reply coupons, which enabled a sender to pre-purchase postage and incorporate it in their correspondence. The recipient would then exchange the coupon for a priority airmail postage stamp at their home post office.

Due to the fluctuations in postage prices, it wasn't unusual to find that stamps were pricier in one country than another. Ponzi saw an opportunity in the practice and decided to hire agents to buy cheap international reply coupons on his behalf then send them to him. He exchanged the coupons for stamps, which were more expensive than what the coupon was originally bought for. The stamps were then sold at a higher price to make a profit. This type of trade is known as arbitrage, and it's not illegal.

However, at some point, Ponzi became greedy. Under the Securities Exchange Company, he invited people to invest in the company, promising 50% returns within 45 days and 100% within 90 days. Given his success in the postage stamp scheme, no one doubted his intentions. Unfortunately, Ponzi never really invested the money, he just plowed it back into the scheme by paying off some of the investors. The scheme went on until 1920 when the Securities Exchange Company was investigated.

D. How to Protect Yourself from Ponzi Schemes

In the same way that an investor researches a company whose stock he's about to purchase, an individual should investigate anyone who helps him manage his finances. The easiest way to go about it is to contact the SEC and ask if their accountants are currently conducting open investigations (or investigated prior cases of fraud).

Also, before investing in any scheme, one should ask for the company's financial records to verify whether they are legit.

Key Takeaways

A Ponzi scheme is simply an illegal investment. Named after Charles Ponzi, who was a fraudster in the 1920s, the scheme promises consistent and high returns, yet supposedly with very little risk. Although such a scheme can work in the short term, it runs out of money eventually. Therefore, investors should always be skeptical of investments that sound too good to be true.

More Resources

To keep learning and developing your knowledge of financial analysis, we highly recommend the additional CFI resources below:

- Cash Larceny
- High-Yield Investment Program (HYIP)
- Threats to Auditor Independence
- Top Accounting Scandals
- See all wealth management resources
- See all capital markets resources

Some famous Cases of Ponzi Scheme

- Bike Boat Case-UP, also dealt by EOW.
- Saradha Group financial scandal- West Bengal.
- Sahara India Pariwar investor fraud case.

(3) Anti-Land & Building Rackets

Now a day, numerous townships are mushrooming all over the country, particularly around the metropolis or the cities of trade or tourist importance. The recent upward trend of property rates has left an impression on general public that investment in properties, particularly in the upcoming township projects, is an easy and shortcut way of earning huge profits. Under the influence of rising trends in property rates, thousands of people have invested in property market. This has given an opportunity to the unscrupulous land mafia who has come up with lucrative offers for providing world class residential / commercial facilities through various townships in and around the area of commercial and strategic importance. Huge investments are made by these

builders in advertising these projects through print and electronic media apart from well designed 'VELVET TOUCH BROCHURES' having fine prints with amenities to be provided and scenic beauty of the proposed site along with sports/Bollywood stars projected as `BRAND AMBASSADORS'. Lucrative welcome notes are there on these brochures, touching the heart of a common man. All this led to the innocent investors falling prey to such fraudulent schemes.

A. Frauds related to pre -launch schemes bybuilders/ developers:

This is a relatively new kind of fraud, wherein private developers induce the public at large to believe that they are authorized to construct a residential / commercial township, having the requisite permission from the Govt. agencies viz. license from the concerned Town Planner, Change of Land Use, etc. and as a result people part with their hard-earned money by investing in so-called projects. This money is misappropriated by the developers for their own use or sometimes used on other projects.

B. Steps to be taken by the IO:

a) To collect and verify the status/details of land in question being allegedly possessed by builder/developers from the concerned Land-Owning Agency.

b) To verify the status of land use from the concerned office of Town Planning.

c) To verify whether the builder/developers have valid license for developing residential township/commercial project from the concerned office of Town Planning.

d) To collect the record from the Registrar of Cooperatives Societies (ROC) regarding directors/shareholders of alleged company/builder/ developers/ RCS as well.

e) To seize the pamphlets/brochures issued/distributed by the alleged company/builders/developers.

f) To collect the advertisement published in newspapers and also collect the proof of the payment for the same to establish the inducement.

g) To examine the publisher of alleged printed pamphlets/brochures and seize the master printer. Also collect the proof of payment.

h) To freeze all bank Accounts of the alleged builders/developers/company and its directors suspected of having cheated the money under intimation to the concerned court.

i) To collect the A/c statements, A/c opening form, name & designation of the authorized signatory of the alleged company/builder/developers from the bank and also record the statements of concerned bank officials.

j) While collecting the bank A/c statement from the bank, a certificate in this regard must also be collected under the Bankers Act.

k) To scrutinize the bank A/c statement of the alleged company/builder/ developer to establish the diversion/misappropriation of the cheated amount by the alleged builder/developers.

l) Assistance of a CA can be taken in this regard whenever the cheated amount is very high. Role of dealers/commission agents be decided.

m) Liability and responsibility of various directors of the Company should be looked into.

n) To collect the record from the office of the alleged builder/company/ developers to find out the details of investors.

o) To collect the proof of payment paid by the investors to the builder.

p) To examine the auditor who conducted the audit of the alleged company/ builder/developers and collect audit report from the auditor as well as from ROCs

q) All the victims /investors must be examined, and relevant documents must be taken on record/ seized.

r) LOC of the accused/suspect must be opened after registration of the case and collection of evidence' to prevent them from fleeing out of the country.

s) The Brand Ambassador of the alleged company, if any, be also examined.

t) To appoint empanelled C.A. to scrutinize the bank A/c statements/seized record of the alleged company to establish misappropriation of the fund by the alleged builders.

u) Finalize the investigation by incorporating the whole facts in Final Report in details.

(4) Frauds related to group housing societies

The Cooperative Group Housing Societies are formed with the sole objective of providing housing facilities to its members on no profit no loss basis. These societies are provided land by the DDA at cheaper prices after their clearance from the office of Registrar of Co-operative Societies.

A typical modus operandi related to frauds committed by various Group Housing Societies are as follows:

- The founder members of the society induct proxy members and thereafter their memberships are utilized to earn huge profit.
- Sick societies are revived from the office of DDA & ROCS by the builder mafia or other influential persons on the basis of forged documents.
- Bogus memberships are shown in the name of non-existent persons.
- Bungling misuse of funds of societies by the Management Committee of Society.
- Illegal draws of flats by the Management.

Steps to be taken by the IO

a) Complainants to be examined and all relevant documents be collected and got verified/ proved.

b) Other victims of the concerned Group Housing Society be got identified and examined at length. Their statements recorded and placed on records.

c) Collect the details of original membership of the society from the ROCS and original record be seized. All the original member of the society be verified and examined.

d) Collect the proof of the payment of membership charges in respect of all the original members of society.

e) Collect details of all the correspondence made with DDA with regard to allotment of land of the society in question. Also collect the guidelines/ procedures for allotment of land to Group Housing Society from the office of DDA.

f) Collect the bank account statement of society, its authorized signatory and all the correspondence made by the society with the banker from time to time. The account statement of society be scrutinized with the help of CA to establish the allegation of misappropriation/siphoning off fund by the Management Committee, if any.

g) Prepare a list of office bearers and verify their role.

h) Documents submitted by the members with society be collected and the same be thoroughly scrutinized.

i) Collect the details of new / resigned / expelled members from the office of ROCS as well as from the office bearers of the Management Committee of the concerned Group Housing Society. Also collect the proof of payments made to the members who have resigned as well as taken from newly inducted members.

j) Collect the audit report of the society and scrutinize with the help of the CA. Examine the Auditor who conducted the audit of the said society.

k) Bye-laws of the society, proceedings register, General body meeting register, members register, audited balance sheet and other relevant record be obtained from the Management Committee of the alleged society.

l) All record with the regard to the appointment of Contractor and Architect be obtained from the said society along with the details regarding terms 86 conditions, payment, agreement and powers delegated to the Contractor.

m) Particulars and addresses of all the members must be verified individually, .so as to establish the genuineness and bonafide of the members.

n) Collect the details of procedure adopted for new membership due to vacancies arising out of expulsion and resignation of old members and it should be clearly gone through. No office bearer can allot membership to any person on of his own volition. The procedure required for this includes notification in newspapers and draw of lots.

o) In case of allegations of forgery, relevant documents to be seized and sent for expert's opinion along with specimen/admitted signatures/writings to GEQD with proper questionnaire.

p) Finalize the investigation by incorporating the whole facts in Final Report in details.

(5) Frauds Related to Illegal Sale of Government Land & Agricultural Land

It is seen that illegal sale of Government land is being resorted to by land grabbers. These land grabbers pose themselves as colonizers and offer plots for sale of land belonging to Government. The modus operandi is to first encourage encroachment on such land by constructing temporary structures which are later sold to innocent buyers, who do not realize that the land belongs to the Government.

And whereas in case of agricultural land, the modus operandi adopted by land mafia/ colonizer that agricultural land is directly sold by the land owners themselves to innocent persons and to avoid its registration, area of such plots is kept to less than a Bigha. Land is transferred through instruments such as Power of Attorney, Will or

Agreement to Sell. In all such areas, the alleged land mafia/colonizer display plans of the colony showing internal roads, site for civic facilities like DESU Sub-Stations, Hospitals and places of worship etc., to indicate that in future the entire area would be converted into a regular colony.

Steps to be taken by the IO

a) Complete record of the Govt. Land should be immediately obtained from the concerned Revenue Authorities through seizure memo and concerned government official be examined and cited as witness.

b) If the land is acquired by the government, then complete particulars of Gazette Notification of acquisition, area of the acquired land, award no., etc., be obtained from the office of Tehsildar.

c) Collect the status that whether compensation was paid to the landlords, if so, in part/full. The same should be properly verified from the LAC concerned.

d) Clear demarcation of the land in question be carried out with the help of the land-owning agency.

e) Verification of the documents produced by the persons residing over the Govt. Land be carried out in a proper way. If document is notarized, then concerned Notary be examined.

f) Persons selling the land be identified and the documents in support of the ownership claimed by them should be scrutinized minutely.

g) Proof of payment received by sellers be obtained from victims and they be examined as witnesses.

h) Role of property dealers be probed.

i) Witnesses of purported documents like Sale Deeds/Will/GPA/SPA be traced and examined. The role of their criminal involvement should also be probed.

j) Account statements of accused be scrutinized.

k) Expert opinion in respect of the ownership, claimed by vendors/ vendees of the Govt. Land should be obtained with the help of documents in dispute and the standard material.

l) Role of the vendees be clearly identified that whether they purchased the land under a conspiracy or whether they are merely victims of circumstances.

m) Finalize the investigation by incorporating the whole facts in Final Report in details.

Note: For proper investigation in fraud cheating cases, we should go through the following Standing orders issued by PHQ:

S.N.	Standing Order No	Heading
1.	Crime 06/22	Investigation in Economic Offences
2.	L&O 21/22	Expeditious investigation of Cases in Delhi Police
3.	L&O 64/22	Scientific Aids to Investigation
4.	Crime 28/22	Related to PMLA and FIU
5.	L&O 79/22	Final Form Report

EDITING TEAM

The following committee was instrumental in preparing this handbook:

i. Ms.Chhaya Sharma, Spl. CP Training Division

ii. Shri Hari Singh, ACP/E.O.W.

iii. Shri Sanjay Bharadwaj, ACP/Metro

iv. Inspr. Rajeev Malik (IFSO/Spl. Cell)

v. Inspr. Rajeev Bhardwaj (Spl. Cell)

vi. Inspr. Naresh Malik (DPA)

vii. Inspr. Anil Berwal (DPA)

viii. Inspr. Devender Singh (SHO/Seemapuri)

ix. Inspr. Sanjeev Kumar (DPA)

x. Inspr. Suresh Kumar (E.O.W.)

xi. SI Rajni Kant Mishra (West District)

xii. Shri Raunak Singh (Lawyer)