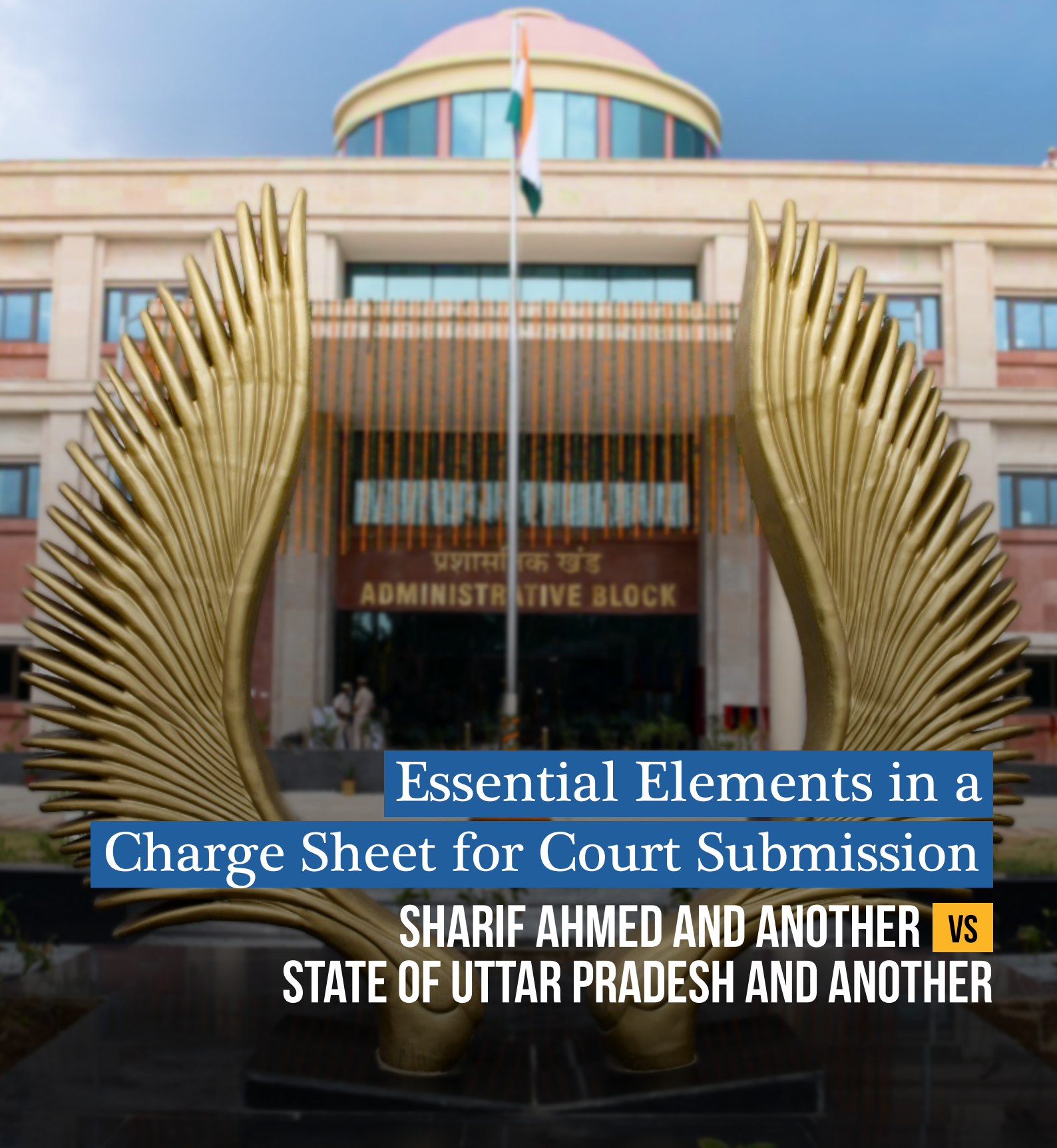




# THE LAW LEDGER

The Fortnightly e-journal from Delhi Police Academy



Essential Elements in a  
Charge Sheet for Court Submission

SHARIF AHMED AND ANOTHER **VS**  
STATE OF UTTAR PRADESH AND ANOTHER

## Essential Elements in a Charge Sheet for Court Submission

# Sharif Ahmed And Another Vs. State Of Uttar Pradesh And Another

### BRIEF OF THE JUDGEMENT



(Criminal Appeal No. 2357 of 2024)  
Judgement Date: 1 May, 2024



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### Facts of the Case

The appeal, in this case, concerns the nature of chargesheets filed by the state/police in some jurisdictions, particularly when they lack sufficient details of facts constituting the offense or relevant evidence - The main issue is whether chargesheets are being filed without adequate details or evidence, often merely reproducing the complainant's details from the FIR, and whether this meets the legal requirement. The judgment discusses the legal position on the contents of a chargesheet as per Section 173(2) of the Code of Criminal Procedure.

### Issues Advanced

**What should be there in the charge sheet at the time of filing the same in the court?**

### Judgement

In this case, the issue was related to chargesheets being filed without stating sufficient details of the facts constituting the offence or putting the relevant evidence on record. In some states, the chargesheets merely carry a reproduction of the details mentioned by the complainant in the First Information Report (FIR), and then proceed to state whether an offence is made out, or not made out, without any elucidation on the evidence and material relied upon.

The question of the required details being complete must be understood in a way which gives effect to the true intent of the chargesheet under Section 173(2) of the Code. The requirement of “further evidence” or a “supplementary chargesheet” as referred to under Section 173(8) of the Code, is to make additions to a complete chargesheet, and not to make up or repartee for a chargesheet which does not fulfill requirements of Section 173(2) of the Code. The charge sheet is complete when it refers to material and evidence sufficient to take cognizance and for the trial. The nature and standard of evidence to be elucidated in a chargesheet should prima facie show that an offence is established if the material and evidence is proven. The charge sheet is complete where a case is not exclusively dependent on further evidence.

The chargesheet is integral to the process of taking cognizance, the issue of notice and framing of charge, being the only investigative document and evidence available to the court till that stage. **Substantiated reasons and grounds for an offence being made in the chargesheet are a key resource for a Magistrate to evaluate whether there are sufficient grounds for taking cognizance, initiating proceedings, and then issuing notice, framing charges etc.**

The Hon’ble Court observed that the recent judgment of the **Hon’ble Supreme Court in Dablu Kujur v. State of Jharkhand, 2024 SCC Online SC 269** aptly crystallizes the legal position in the following words:

**17. Having regard to the provisions contained in Sec. 173 it is hereby directed that the Report of the police officer on the completion of the investigation shall contain the following:**

**(i) A report in the form prescribed by the State Government stating**

- a. the names of the parties;
- b. the nature of the information;
- c. the names of the persons who appear to be acquainted with the circumstances of the case;
- d. Whether any offence appears to have been committed and, if so, by whom;
- e. Whether the accused has been arrested;

- f. Whether he has been released on his bond and, if so, whether with or without sureties;
- g. Whether he has been forwarded in custody under sec. 170.
- h. Whether the report of the medical examination of the woman has been attached where the investigation relates to an offence under Sec. 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or sec. 376E of the Penal Code, 1860

**(ii) If upon the completion of the investigation, there is no sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, the Police officer in charge shall clearly state in the Report about the compliance of Sec. 169 Cr. P.C.**

**(iii) When the report in respect of a case to which Sec. 170 applies, the police officer shall forward to the Magistrate along with the report, all the documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during the investigation; and the statements recorded under Sec. 161 of all the persons whom the prosecution proposes to examine as its witnesses.**

(iv) In case of further investigation, the Police officer in charge shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed and shall also comply with the details mentioned in the above sub-para (i) to (iii).

**Statements under Section 161 of the Code and related documents have to be enclosed with the list of witnesses. The role played by the accused in the crime should be separately and clearly mentioned in the chargesheet, for each of the accused persons.**