PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

SUB: Standing Operating Procedure of investigation under new Acts.

Introduction:-

Consequent upon the enactment of new Criminal Act namely BNSS, 2023 and notified by the Government of India, which will be enforced w.e.f. 01.07.2024. Therefore, there is need to issue the following directions to implement to improve the working of the officials of the Police Stations and other Units of the Chandigarh Police.

1. Directions regarding registration of FIR U/s 173 BNSS 2023.

   a) In case, SHO received an information of cognizable offenceinthe police station through electronic communication, the same is required to be got signed from the person, who made the information.

   b) The electronic information is required to be taken on record and the signature of the person who made the information is required to be obtained within three days.

   c) The FIR for the offences U/S 64 to71, section 74 to 79 & section 124 of BNS, 2023 is required to be recorded by the Woman Police Officer.

   d) The FIR for the offences U/S 64 to 71, section 74 to 79 & section 124 of BNS, 2023 is required to be recorded in the presence of special executor or an Interpreter, in case statement is made by temporary or permanently, mentally or physically disabled woman. The statement is further required to be recorded at the residence of the victim or the informant. Further, the statement has to be recorded at the place of convenience of the

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victim/informer.

e) The information made as mentioned in clause (d) shall be recorded in Videography.

f) The statement U/S 183 is further required to be recorded from the Magistrate for the offences U/S 64 to 71, section 74 to 79 & section 124 of BNS, 2023 and the Woman Police Officer shall move an application before the Ld. Judicial Magistrate mentioning there that the such statement shall be recorded by a Woman Magistrate and in her absence by a male magistrate in presence of a woman.

2. Directions regarding conducting of Videography U/s 176(3) of BNSS-2023.

a) The investigating officers are directed to conduct the photography and videography of the place of occurrence of offence.

b) The investigating officers are further directed to call the forensic expert at the spot of crime to collect forensic evidence in casethe offence is punishable more than seven years.

c) The investigating officers (women officer) are further directed to record the statement of victim of an offence of rape at her residence or at the place of her choice.

3. Directions regarding recording of statement U/s 180 of BNSS-2023 during the course of investigation.

a) The investigating officer without any delay may record the statement of any witness through audio-video electronic means:

b) The investigating officer without any delay may also record the statement of the witness through audio-video electronic means, of the victim of an

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offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78. section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, shall be recorded, by a woman police officer or any woman officer.

4. **Directions regarding recording of statement before judicial magistrate U/s 183 of BNSS-2023 during the course of investigation.**

a) The investigating officer without any delay made request to the Magistrate without any delay to get record the statement of the victim in cases punishable under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 and such statement of the victim is required to be recorded by a women magistrate or in her absence by a male magistrate in presence of a woman.

b) The investigating officer are further directed that the (statement U/s 183 of BNSS-2023 are required to be recorded for all the offences punishable with imprisonment for ten years or more or with imprisonment for life or with death, the Magistrate shall record the statement of the witness brought before him by the police officer.

c) The investigating officer are further directed to submit an application before the Ld.Magistrate for the purpose of recording of statement of person who is temporarily or permanently, mentally or physically disabled, the Magistrate shall take the assistance of an interpreter or a special educator in recording the statement.

d) The investigating officer are further directed to submit an application before the Ld. Magistrate for the purpose of recording of statement of person who

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is temporarily or permanently, mentally or physically disabled, the statement made by the person, with the assistance of an interpreter or a special educator, shall be recorded through audio-video electronic means preferably by mobile phone.

5. Directions regarding filing of charge sheet before judicial magistrate U/s 193 of BNSS-2023 after the conclusion of investigation.

a) The investigation under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71 of the Bharatiya Nyaya Sanhita, 2023 or U/s 4/6/8/10 of POCSO Act shall be completed within two months from the date of FIR.

b) The sequence of custody is required to be submitted in case of electronic device.

c) The information of investigation is required to be communicated to informer or the victim regarding the progress of investigation including through electronic communication within ninety days of registration of FIR.

d) The copy of Chargesheet along with documents be suppliedto the accused as well as to the victim by electronic means.

e) The permission of the court trying the case for conducting further investigation is required and the same shall be completed within the period of ninety days.

f) In case, the investigation is not concluded within the period of ninety days, then, investigation officer shall move an application before the expiry of ninety days with prayer to the concerned magistrate to extend the time for further investigation.

Director General of Police
Puducherry

Distribution: All concerned.

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