



GOVERNMENT OF ASSAM
CRIME INVESTIGATION DEPARTMENT HEAD QUARTER
ASSAM :: ULUBARI :: GUWAHATI

No. CID/Cell-VII/Law/F.66/Prosecution/2022/ 3275

Dtd 09.10.2024

CIRCULAR No. 01/2024

Subject:- Submission of Police Report to Trial Court under Section 193 BNSS and Section 173 Cr.P.C.

- Reference:
1. Gauhati High Court Notification n0 68 dtd 05.10.2024
 2. No. CID/Cell-VII/Law/F.66/Prosecution/2022/100 Dtd. 10.05.2023
 3. No. CID/Cell-VII/Law/F.66/Prosecution/2022/203 Dtd. 13.07.2023

In connection with the subject cited and the references mentioned, your attention is drawn to the provisions of law that upon completion of investigation of a criminal case, the investigating officer is required to submit the **Police Report** [Section 193 (3) of BNSS and Section-173 (2) of the Cr.P.C.] popularly known as **Charge Sheet or Final Report**; along with the relied up on materials on record like the seized exhibits, documents, reports of laboratory & the opinion of the expert and statements recorded under Section 180 of BNSS and Section 161 of the Cr.P.C. before the Competent Court.

Relevant Legal Position:

2. Sub-clause (3) (i) of Section 193 of the BNSS and Sub clause (2) (ii) of Section-173 of the Cr.P.C. provides that as soon as investigation is completed, the officer-in-charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, **a report in the form prescribed by the State Government**. The Govt. of Assam notified the prescribed format of the Police Report vide Notification No. HMA.204/2021/27 Dtd.22/12/2021 U/S 173(2) Cr.P.C. (Annexure-A). The **section does not say or direct the O.C. of a Police Station to forward the Original Case Diaries** along with the Police Report so prepared by the Investigating Officer.

3. Section 192 of the BNSS and Section 172 of the Cr.P.C. mandates writing of diaries of the proceedings in investigation - popularly described as "Case Diaries", by

the investigating officer. At the same time, the sub clause (5) of section 192 of the BNSS and sub clause (3) of the section 172 of the Cr.P.C also makes the **Case Diaries 'exclusive' or 'privileged' documents.**

"192 (5): Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court"

"172(3) Cr.PC: Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court"

4. Sub section 2 of Section 192 of BNSS and Sub Section 1-A of Section 172 of Cr.P.C. (The Amendment Act 2008), stipulates that the statements of witnesses recorded during the course of investigation under section 180 of BNSS and section 161 of CrPC shall be inserted in the case diary. This does not mean that instead of sending the copies of the statements with the police report, the original case diaries are to be sent to the Court. **The statements recorded under section 180 of the BNSS and section 161 of the Cr.P.C. must be annexed with the police report.**

5. **Assam Police Manual:** Rule 188 and Rule 191 of Assam Police Manual, Pt-V stipulates that the Case Diaries of a case should be regarded as confidential and should not be allowed to be seen by any other person except the officials as noted in the Rule.

Sub clause (b) of Rule-191 says, "Subject to the power of a magistrate and judge no one except the following persons will be allowed to see the Case Diaries until final disposal of the case by the magistrate or judge. Diaries which relate to facts or contain mention of facts which either for personal reasons or for reasons of state it may be desirable to keep strictly confidential, be kept in the personal custody of the Superintendent of Police even after disposal of the case..."

Even Rule 193(d) of the APM, Part-V, specifies that in S.R. cases, C.D. be written in triplicate with one copy to C.I., one to S.P. office and one P.S. copy, nowhere, the manual says one copy be sent to Court.

6. Section 192 (4) of the BNSS states that **"Any Criminal Court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial."** Even though, the Case Diary shall not be sent with the Police Report (Charge Sheet or Final Report), the Investigating Officer shall ensure that the Case Diaries are sent to the concerned court whenever called for. No police officer should misquote this circular to deny the competent court access to the case diaries.

7. This brings into question the **custody of the Case Diary** after submission of Police Report (Charge Sheet or Final Report). The investigating officer shall submit a **digital copy of the Police Report and all its enclosures** submitted to the Court to the SP/SDPO Office so that when the Investigating Officer comes to the Court for adducing evidence, the SP/SDPO Office Crime Branch would make the digital Case Diary available. The original Case Diary should be with the Officer in Charge (OC) of the Police Station and it will be his responsibility to produce the Case Diary when asked for during the trial.

8. Section 193 (7) of the BNSS states *"If the police officer is of opinion that any part of any such **statement is not relevant to the subject-matter** of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate to exclude that part from the copies to be granted to the accused and stating his reasons for making such request."* The Investigating Officer should pay attention to compliance of these provisions.

9. Section 192 (8) of the BNSS also states *"Subject to the provisions contained in sub-section (7), the **police officer investigating the case shall also submit such number of copies of the police report along with other documents duly indexed to the Judicial Magistrate for supply to the accused** as required under section 230:*

Provided that supply of report and other documents by electronic communication shall be considered as duly served". The Investigating Officer may provide as many copies as directed by the Court. The Court may also clarify from the accused if he/she wants the copy to be transmitted electronically or in printed form and the Investigating Officer shall comply forthwith.


10. Continuing with the Notification No 68 of the Gauhati High Court *"While accepting the Final Police Report Form with all its enclosures, the concerned Courts shall ensure that provisions of Section 173 Cr.P.C/193(6) BNSS and 193(8) BNSS are strictly complied with by the investigating officer. Courts shall also ensure that there shall be one copy for the use of Court and another copy for the prosecutor apart from the number of copies required to be furnished to the accused persons."* The **Police Report submitted (whether Charge sheet or Final report) should be duly indexed and paginated with running numbers**. The new Police Report format (Annexure-A) notified U/S 173(2) Cr.P.C. is a comprehensive one with inbuilt memo of evidence. This should include all the enclosures of relied upon documents as well.

11. A digital copy of the Police Report along with its enclosures, thus prepared should be sent to the concerned court from the official email of the OC of the Police

Station to the official email of the concerned court (i.e. NIC email addresses only). The SP/ SDPO shall collect the official email address and send that to the concerned PS. No email shall be sent on any other address.

12. Relevant entries in CCTNS must be made (IIF-5) without delay.

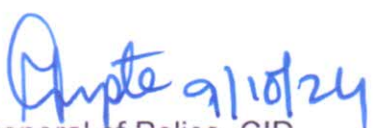
Encl: Annexure - A (Gazette Notified Police Report Format)


Addl. Director General of Police, CID,
Assam, Guwahati.
Addl. Director General of Police,
Criminal Investigation Department
Assam, Guwahati

Memo No. CID/Cell-VII/Law/F.66/Prosecution/2022/ 3275-A Dtd. 09-10-2024.

Copy to:

- (i) Registrar, Gauhati High Court, Guwahati Assam.
- (ii) The Director General of Police, Assam, Guwahati.
- (iii) The Commissioner of Police, Guwahati, Assam,
- (iv) All Superintendent of Police, Assam,
- (v) All Deputy Commissioner of Police, Guwahati, Assam.
- (vi) The Inspector General / Dy. Inspector General of Police, (WR) Bongaigaon / (NER) Tinsukia / (CR) Diphu / (SR) Silchar / (NR) Tezpur / (CWR) Guwahati for necessary action.


Addl. Director General of Police, CID,
Assam, Guwahati.
Addl. Director General of Police,
Criminal Investigation Department
Assam, Guwahati



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 608 দিশপুৰ, বৃহস্পতিবাৰ, 23 ডিচেম্বৰ, 2021, 2 পূহ, 1943 (শক)
No. 608 Dispur, Thursday, 23rd December, 2021, 2nd Pausa, 1943 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
HOME (A) DEPARTMENT :: DISPUR

NOTIFICATION

The 22nd December, 2021

No. HMA.204/2021/27.- The Governor of Assam is pleased to notify the following format of Final Police Report Form (Charge Sheet/Final Report) by amending Form No. 148 and Form No. 149 of Assam Schedule XL (A), Part (I) of Assam Police Manual, Part-V referred to in Rule 217 and Rule 222.

FINAL POLICE REPORT FORM
(CHARGE SHEET/FINAL REPORT)
(Referred to in Rule 217 and Rule 222 of APM, Part-V)
(Under Section 173 Cr.P.C)

IN THE COURT OF _____

(1) Name of the PS _____ District _____ FIR No _____ Year _____ Date _____

(2) Final Report/Chargesheet (tick the option) No. _____ Date _____

(3) (i) Act _____ Sections _____
(ii) Act _____ Sections _____
(iii) Act _____ Sections _____
(iv) Other Acts and Sections _____

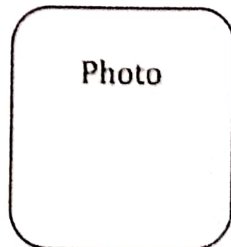
120

- (4) Type of Final Form/Report- Charge Sheeted/ Not Charge sheeted for want of evidence/FR undetected/FR untraced/FR offence abated/FR Un-occurred (tick applicable portion)
- (5) If Final Report Un-occurred- False/Mistake of fact/Mistake of Law/Non-cognizable/Civil Nature (tick applicable portion)
- (6) If Chargesheeted : Original/Supplementary(tick applicable portion)
- (7) Name of the I.O. _____ Rank _____
(if more than one IO, all to be mentioned)
- (8) (a) Name of the Complainant/ Informant: _____
(b) Father's / Husband's Name: _____
(c) Address of the Complainant : _____
(d) Contact Number _____; Email id _____
- (9) Details of Properties/Articles recovered/seized during the investigation (separate list can be attached, if necessary).

Sl.No.	Property Description	Estimated Value (in Rs.)	PS Property Register No.	From whom/ where recovered or seized	Disposal
1	2	3	4	5	6

- (10) Particulars of accused persons charge sheeted (use separate sheet for each accused):

- (i) Name: _____ Whether verified _____
- (ii) Father's Name _____ (iii) Date/Year of Birth _____
- (iv) Sex _____ (v) Nationality _____ (vi) Passport No. _____
Date of issue _____ Place of issue _____
- (vii) Aadhar Number _____ (viii) Contact Number _____
- (ix) Email id _____
- (x) Religion _____ (xi) Whether SC/ST/OBC _____



- (xii) Occupation_____
- (xiii) Address_____
- (with landmark of the locality)
- Whether verified_____
- (xiv) Provisional Criminal No._____
- (xv) Regular Criminal No. (if known)_____
- (xvi) Date of Arrest_____
- (xvii) Date of release on bail _____
- (xviii) Date on which forwarded to Court_____
- (xix) Under Acts & Sections_____
- (xx) Name (s) of bailors/sureties and address_____
- (xxi) Previous convictions with case reference_____
- (xxii) Status of the accused_____

(Not Arrested/Arrested) (If Arrested - Bailed by Police/Bailed by Court/Judicial Custody) or (Absconding/Proclaimed offender)

NB: If more than one accused charge-sheeted, details of all accused be given.

(11) Particulars of accused persons - not charge-sheeted (use separate sheet for each accused)

- (i) Name : _____ Whether verified_____
- (ii) Father's Name _____ (iii) Date/Year of Birth_____
- (iv) Sex _____ (v) Nationality _____ (vi) Passport No. _____
- Date of issue _____ Place of issue _____
- (vii) Aadhar Number _____ (viii) Contact Number _____
- (ix) Email id _____
- (x) Religion _____ (xi) Whether SC/ST/OBC _____
- (xii) Occupation _____
- (xiii) Address _____
- (with landmark of the locality)
- Whether verified _____

- (xiv) Date of Arrest _____
- (xv) Date of release on bail _____
- (xvi) Date on which forwarded to Court _____
- (xvii) Name (s) of bailors/sureties and address _____
- (xviii) Previous convictions with case reference _____
- (xix) Any special remarks including reasons for not charge sheeting :

(NB: If more than one accused not charge-sheeted, then details of all be given)

- (12) (i) Particulars of witnesses cited/relied upon :-
(Attach separate sheet, if required)

Sl. No.	Name	Father's/ Husband's Name Date/ Year of Birth	Occupation	Permanent Address with Aadhar Number, Contact Number and Email id	Statement recorded or not. If yes, number of pages	Type of evidence to be tendered and serial numbers of documents to be marked by the witness, if any
1	2	3	4	5	6	7

- (ii) Particulars of Documents cited/relied upon (attach separate sheet if required)

Sl. No.	Details of the document	Number of pages	Brief of contents of the document	By whom the document will be marked during trial, serial number of witness
1	2	3	4	5

(iii) List of Articles/Material Objects relied upon (Attach separate sheet, if required).

Sl. No.	Description of the Article/Material Object	Perishable or permanent	Location of the Article/Material Object [In FSL/with Expert/in Malkhana/Deposited in court/ in Bank/in Treasury/Others (specify)]	If Disposed details of court order
1	2	3	4	5

(13) If FIR is false, indicate action taken or proposed to be taken U/s 182/211 IPC

(14) Result of laboratory analysis/Expert Opinion/Medical Examination

(15) Whether Prosecution Sanction, if required, obtained or not, if yes, particulars thereof

(16) Brief facts of the case (add separate sheet, if necessary)

Charge
(Attach separate sheet, if necessary)

(17) Notice served to complainant if Final Report _____

Yes/ No _____ Date _____

(18) Dispatched on _____

(19) No. of enclosures _____

(20) List of enclosures : As annexed

Forwarded by Officer-in-Charge

Name.....

Rank.....

Signature of the Investigating Officer

(submitting the Final Report/Charge-sheet)

Name.....

Rank.....

NIRAJ VERMA,

Principal Secretary to the Govt. of Assam,
Home & Political Department, Dispur.