

: Dated Aizawl, the 19th June, 2024.

STANDING ORDER NO. 6/2024

**STANDARD OPERATING PROCEDURE FOR FILING CHARGESHEET
IN THE COURT U/S 193 OF BNSS-2023**

Prompt and proper filing of charge sheet is a prerequisite for successful prosecution of the cases in the court. Hence, the Investigating Officers shall comply with the following instructions-

- (i) The investigation under section 64, section 65, section 66, section 67, section 68, section 69, section 70, and 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.
- (ii) The sequence of custody is required to be submitted in case of electronic device.
- (iii) 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.
- (iv) The copy of the charge-sheet can also be supplied along with documents by electronic mode to the accused as well as to the victim.
- (v) 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. 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 to the concerned magistrate with prayer to extend the time for further investigation.

GENERAL INSTRUCTIONS

Drafting charge-sheet in an organized, proper and logical manner helps in presenting the evidence in cogent manner. It also makes the task of the court easier in understanding the case and referring to various documents placed on file.

Therefore, the following must be done in drafting Charge-sheet and arranging file before sending it to court-

- ✎ Starting from the first information received in the Police Station, a detail account of incident as per sequence of events, investigation done at the scene of crime, evidence collected, witnesses examined and results/opinions on various samples obtained, be mentioned in a concise and logical manner in the body of charge-sheet.
- ✎ In case, a section of law is altered/changed which will minimize or maximize the gravity of the offence, cogent reasons must be given in the charge-sheet for doing so.
- ✎ Evidence collected in supporting various sections of law applied should be highlighted.
- ✎ Evidence on file, i.e., documentary and oral against specific offenders should be reflected/discussed accordingly accused person-wise.
- ✎ The full description of the absconders and list of the property owned by them be attached with the Charge-sheet. Mention about the proceedings under section 84/85, BNSS'2023, if started against the absconders.
- ✎ List of witnesses should also contain the page numbers of their statements placed on file.
- ✎ List of documents should also contain the names of witnesses who will prove the same.
- ✎ Original statements and all the documents collected including photographs, opinions and reports of experts, site plan, sketches, etc., should be made part of judicial file.
- ✎ If need be, prosecutors may be consulted prior to or after preparation of draft Charge-sheet to check that all the needful has been done and file is complete in all respects.
- ✎ Proper paging of the file should be done.

OCs and SDPOs will check the entire file before signing the same and ensure that-

- (a) All the papers and documents entered in the list given on the Charge-sheet are properly attached to the Charge-sheet.
- (b) Is the copy of Police Station file complete? Does it contain a copy of the F.I.R? Is the file properly prepared and signed by Station seal, etc.?

- (c) Are the sketches of the weapons of offence attached to the Charge-sheet? Do they bear the signatures of the preparing officer and the weight of the weapon?
- (d) Is the list of stolen property attached to the Charge-sheet? If so, does it bear the signatures of the complainant and the officer writing the list, with date?
- (e) In murder and hurt cases whether the post-mortem reports, inquest reports, medical reports are attached to the Charge-sheet or not?
- (f) Whether the list of properties, etc. recovered, produced, or seized in the case are correctly prepared, dated and signed by witnesses and officer preparing them? Also whether the signatures of the witnesses of recovery who are entered in the Charge-sheet appear on the lists?
- (g) Were the accused's search slips sent to Bureau and was any reply received? If so, what?
- (h) Are the identification certificates of the accused attached to Charge-sheet?
- (i) Which of the accused persons are previous convicts? Give brief note of their conviction with dates.
- (j) Whether all the persons who were accused of committing the offence in the F.I.R. or First Case diary have been sent up for trial? Note if some of them are omitted or some new are added. Also note if the officer sending the Charge-sheet has noted any reasons for doing so in the brief.
- (k) Are all the eye or other necessary witnesses whose names were mentioned in F.I.R. entered in the Charge-sheet? If not, are any reasons given in brief for doing so?
- (l) Check the dates on which the several accused were arrested.
- (m) Were remands regularly taken and was the Charge-sheet prepared in proper time?
- (n) Whether all necessary evidence has been entered in the Charge-sheet? Note if there are any omissions.
- (o) Whether the personal bonds and bail bonds of accused persons and the recognizances of all witnesses are attached to the Charge-sheet or not? If they are attached, note if they are complete, and properly bind the accused and witnesses for attendance. If arrangements for producing witnesses along with the Charge-sheet have not been made, are any reasons given in the Charge-sheet for not doing so?

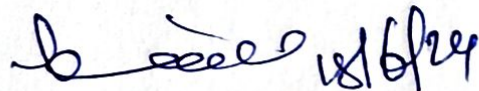
- (p) Whether the full description of the absconders and list of the property owned by them are attached to the Charge-sheet. Whether separate report for obtaining the warrant of arrest of absconder was received, whether proceedings under section 84/85, BNSS'2023, have been started.
- (q) In cases of kidnapping and abduction note if the medical opinion and copies of birth register are attached with the Charge-sheet.
- (r) Whether the statements of prosecution witnesses were separately recorded under Section 180 BNSS'2023?
- (s) By whom has the Charge-sheet been prepared?
- (t) Has any unnecessary delay been made in the course of investigation or in Charge-sheeting the case?
- (u) Other necessary facts, defects and omissions made in the investigation, etc., which require special notice or which necessitate some action. Particular care should be taken to see whether enquiry has been made regarding the connections of Prosecution Witnesses with the complainant and with the accused.



(LALBIAKTHANGA KHIANGTE), IPS
Director General of Police,
Mizoram, Aizawl.

No. IGP(A&T)/NCL(BNSS/BNA/BSA 2023)/28/24/35 Dt. 19 June, 2024
Copy to :

- 1) SO to DGP, Mizoram.
- 2) IGP(Hqrs)/IGP(L&O) for kind information.
- 3) DIG(NR)/DIG(SRO)/DIG(ER)/DIG(CID)/DIG(Trg.) Mizoram for kind information.
- 4) AIG(Hqrs)/AIG(Legal) Mizoram for kind information.
- 5) All District SPs, Mizoram, SP CID(Crime)/SP Cyber Crime/SP Narcotic for information and necessary action.



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Director General of Police,
Mizoram, Aizawl.