

Section of BNSS

94

OFFICE OF THE DIRECTOR
ADDL. DEPUTY COMMISSIONER

Police
OF POLICE UT, CHANDIGARH
R 9, CHANDIGARH- 160009

STANDING ORDER No. 66/2024

Standard Operating Procedure for Summon to Produce Documents as prescribed under Section 94 BNSS

The criminal investigation involves the collection of evidence both oral and documentary to testify veracity of allegation and to arrive at a logical conclusion. Wherever such document is necessary for the purpose of any investigation or inquiry, the Magistrate and Officer-in- Charge of the Police Station is empowered to issue a summon or written order for the production of those documents

1. Definition

Document has been well defined under Section 2(d) of BSA-2023 and it includes any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing necessary for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita

2. Guidelines

Section 94 of BNSS empowers both the Court and the Officer in Charge of the Police Station to call for production of such documents required for the purpose of any investigation, inquiry, trial or other proceeding. In light of the above, the following guidelines are to be followed.

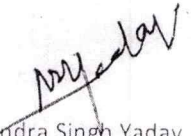
- a. The order for production of documents can only be issued to the person in whose possession or power such document or thing is believed to be
- b. That such order (physical or electronic form) shall bear signature of the officer issuing it and also the seal of the Police Station.
- c. The order shall specifically mention type of documents to be produced and time and place of production
- d. The person to whom such order is issued may
 - i. produce the document physically, or
 - ii. caused its production through his agent duly authorized by him unless there is specific order/ direction issued for his physical presence and examination
- e. The Officer in charge shall acknowledge a receipt of such documents produced before him with proper seal and signature of the office. If the documents are seized, then a copy of the seizure list shall be handed over to the person concerned under proper acknowledgement. In such cases, all formalities of seizure as per provision under Section 105 of BNSS shall be observed
- f. When the person so ordered to produce the document at the specified date, time and place fails to produce or cause to be produced the document without any intimation, the Investigating Officer/ Officer in Charge may conduct search of the premises in accordance with Section 96, 103, 104, 185 & 186 of BNSS.
- g. Chain of Custody of all such seized documents including electronic documents and devices are to be mentioned in the case diary and will be duly proved in the Court during trial

However, the Officer in Charge of the Police Station have no power to issue order for production of the document mentioned below.

- (a) No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit. (Section 129 of BSA).
- (b) No Public officer shall be compelled to disclose communications made to him in official confidence when he considers that the public interests would suffer from the disclosure (Section 130 of BSA).
- (c) Letter, postcard or other document or any parcel or thing in the custody of the Postal Department. In case the document is required for the purpose of investigation, then the Officer in Charge/Investigating Officer shall pray to the Court for cause production of such document.

This SOP is subject to modifications on the basis of feedback from the investigating officers/ Supervisory officers.

Issued for meticulous compliance.


(Surendra Singh Yadav, IPS)
Director General of Police,
Union Territory, Chandigarh

No. 11371-400/UT/HAC/Dated Chandigarh the:- 27/1/2024

- Copy to all concerned

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