

POLICE REPORT ON COMPLETION OF INVESTIGATION AND DISCLOSURE OBLIGATIONS UNDER THE BNSS: A CLOSER LOOK

by

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A criminal investigation does not end simply because the police have questioned people, collected evidence, or arrested a suspect. There must be a proper record of what the investigation has found. This is where the police report becomes important. It tells the court what the police have discovered and whether there is enough material to proceed against a person. At the same time, the information collected during the investigation cannot be hidden from the accused without a proper legal reason. The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which came into force on 1 July 2024, sets out rules for preparing this report and sharing the relevant documents. These rules matter because an unfair investigation can affect both the victim seeking justice and the person facing criminal charges.

THE REPORT THAT BRINGS THE INVESTIGATION TO COURT

Section 193 of the BNSS deals with the report of a police officer after completing an investigation. It broadly replaces Section 173 of the old Code of Criminal Procedure, 1973 (CrPC). The report is commonly called a charge sheet when the police believe there is enough evidence to prosecute the accused. If the evidence does not support prosecution, the police may submit a closure or final report explaining their conclusion.

The police report is not a judgment. It does not prove that the accused is guilty. Instead, it places the investigation's findings before the Magistrate, who must independently consider the material and decide the next legal step. A police officer may believe that a person committed an offence, but the court is not required to accept that opinion blindly.

Under Section 193(3), the report must contain important details, including the names of the parties, the nature of the information received, the names of people familiar with the case, and whether an offence appears to have been committed and by whom. It must also state whether the

accused has been arrested, released on a bond or bail bond, or forwarded in custody. For certain sexual offences, the relevant medical examination report must be attached. The report must also mention the sequence of custody of an electronic device. These details help the court understand how the investigation was handled.

SPEED MATTERS, BUT SHORTCUTS CAN HURT JUSTICE

Section 193(1) says that an investigation must be completed without unnecessary delay. This does not mean every investigation must finish within one fixed period. Different cases may require different amounts of time. A simple theft case may involve a few witnesses and CCTV footage, while a cybercrime investigation may require financial records, technical examination, and information from several locations.

However, delay can cause real problems. Witnesses may become difficult to find, electronic records may be lost, and an accused person may remain in custody while waiting for the case to move forward. Victims, too, may spend months or years waiting for an answer.

Section 193(2) sets a specific two-month period for investigations relating to offences listed under Sections 64, 65, 66, 67, 68, 70 and 71 of the Bharatiya Nyaya Sanhita, 2023, and certain offences under Sections 4, 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012. The period runs from the date the information is recorded by the officer in charge of the police station.

This deadline is important, but speed should not replace careful investigation. A report filed quickly but missing important evidence may weaken the case. The aim should be to finish within the legal time while maintaining accuracy and fairness.

THE VICTIM SHOULD NOT BE LEFT IN THE DARK

One useful feature of Section 193(3)(ii) is its requirement that the police inform the informant or victim about the progress of the investigation within ninety days. This information may be given through electronic communication or another permitted method.

For example, suppose a person's phone is stolen and the police register a case. If the complainant receives no information for several months, they may not know whether the police have traced the phone, identified a suspect, or closed the investigation. Regular updates can reduce this uncertainty and help people understand what is happening.

Section 193(3)(iii) also requires the police officer to communicate the action taken to the person who first provided information about the offence, in the manner prescribed by State Government rules.

These provisions recognise that criminal proceedings do not concern only the accused and the State. The victim or informant also has a genuine interest in knowing whether action has been taken. Still, an update about progress is not the same as access to every confidential detail of an ongoing investigation. The law must balance meaningful communication with the need to protect evidence and witnesses.

EVIDENCE MUST TRAVEL WITH THE REPORT

A police report should not be treated as a short statement saying that the accused committed an offence. Section 193(6) requires the police, in cases covered by the provision, to send the Magistrate the documents or relevant extracts on which the prosecution intends to rely, unless they have already been sent during the investigation. The police must also forward the statements recorded under Section 180 of the BNSS of the people whom the prosecution proposes to call as witnesses.

This requirement matters because the court needs more than the investigating officer's conclusion. It needs access to the material supporting that conclusion. Documents, witness statements, medical reports and electronic records may all help explain why the police believe a case should proceed.

In *Satya Narain Musadi v. State of Bihar* (1979), the Supreme Court considered the requirements for a police report under Section 173 of the CrPC. The Court explained that the report and its supporting documents must be considered together when deciding whether the Magistrate can take cognizance of an offence. Although the case concerned the earlier law, its reasoning remains useful when understanding the corresponding requirements under Section 193 of the BNSS.

The lesson is straightforward: the report must provide the court with the required information, while the supporting material gives substance to the police's claims.

DISCLOSURE IS PART OF A FAIR TRIAL

Filing the report is only one part of the process. The next question is whether the accused receives the documents needed to understand the case against them.

Section 193(8) requires the police to submit the necessary number of copies of the report and other documents, properly indexed, for supply to the accused under Section 230 of the BNSS. It also recognises electronic communication as a valid method of service.

Section 230 requires the Magistrate, in a case based on a police report, to provide the accused with the prescribed copies without delay and within the statutory period, which is generally fourteen days from production or appearance of the accused. The documents include the police report, the first information report, relevant witness statements, and other documents forwarded with the report, subject to the law's stated exceptions.

Consider a case in which the prosecution relies on CCTV footage to claim that the accused was present at the scene. If the accused is not given access to the relevant material in the legally required form, it becomes harder to challenge the prosecution's version. Disclosure allows the defence to check the evidence, identify possible errors, and prepare its response.

This does not mean that every piece of information must always be disclosed without restriction. Section 193(7) allows the police officer to identify portions of a witness statement considered irrelevant or whose disclosure is not essential in the interests of justice and is inexpedient in the public interest. The officer must give reasons and request the Magistrate to exclude those portions from the copies supplied. The provision therefore involves judicial oversight rather than giving the police an unlimited power to withhold material.

DIGITAL EVIDENCE CREATES NEW QUESTIONS

Modern investigations increasingly depend on mobile phones, CCTV recordings, emails, call records and other electronic material. Such evidence can be useful, but it also raises questions about accuracy, privacy and access.

Section 193 specifically requires the report to mention the sequence of custody of an electronic device. In simple terms, the record should help show how the device was handled during the investigation. This matters because unexplained gaps in custody can raise doubts about whether the evidence was changed or properly preserved.

In *P. Gopalkrishnan v. State of Kerala* (2019), commonly known as the Dileep case, the Supreme Court considered access to a memory card containing electronic evidence. The Court treated the contents of the memory card as a document and recognised the accused's entitlement to a copy, subject to appropriate safeguards concerning privacy and the circumstances of the case. The

decision arose under the CrPC, but it remains relevant to understanding disclosure under Section 230 of the BNSS.

The challenge today is to provide usable copies while protecting sensitive information. Simply giving an accused a disc or file may not be enough if it cannot be opened, is incomplete, or raises genuine questions about authenticity. Courts and investigating agencies must take care that digital disclosure is meaningful, not merely a formality.

A CHARGE SHEET DOES NOT END THE INVESTIGATION FOREVER

People sometimes assume that once the police file a charge sheet, no further investigation can take place. Section 193(9) makes clear that this is not so. If further investigation produces additional oral or documentary evidence, the police must send a further report to the Magistrate. The relevant requirements under Section 193 apply to that report as far as possible.

This can be important where new witnesses come forward or forensic results arrive after the first report has been filed. Further investigation may help correct gaps and bring additional facts before the court. However, it should not become a way to keep a case uncertain indefinitely.

The section adds a specific safeguard for further investigation during trial: the police must obtain permission from the court trying the case, and the investigation must be completed within ninety days. The court may extend that period. This gives the investigating agency room to follow fresh evidence while allowing the trial court to supervise the process.

The filing of a report also has consequences for bail. Under Section 187(3) of the BNSS, an accused may acquire a right to default bail if the investigation is not completed and the required report is not filed within the applicable statutory period, subject to the law's conditions. Whether a report is legally complete can become a serious issue. A missing document does not automatically make every charge sheet invalid; the court must examine the law and the nature of the alleged defect.

CONCLUSION

Section 193 brings together several duties: completing investigations without unnecessary delay, recording the required details, updating the victim or informant, forwarding supporting evidence, and preparing copies for disclosure. These duties are connected. A report that is late, unclear, or

unsupported can affect the progress of the case. Documents that are not properly shared can prevent the accused from preparing a meaningful defence.

The BNSS came into force on 1 July 2024, so its practical success depends on how consistently police stations, prosecutors and courts apply these rules. Electronic communication may make the process quicker, but technology alone cannot guarantee fairness. Records must be accurate, documents must be complete, and requests to restrict disclosure must be handled carefully.

In the end, a police report should do more than move a file from the police station to the courtroom. It should give the court a reliable account of the investigation and allow the accused to understand the case they must answer. When both reporting and disclosure duties are taken seriously, the criminal process has a better chance of being timely, transparent and fair to everyone involved.



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