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# A CRITICAL ANALYSIS OF POLICE INVESTIGATION PROCEDURES IN COMPARISON WITH CRPC AND BNSS

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## ABSTRACT

The Code of Criminal Procedure (CrPC), 1973, was amended and replaced in the BNSS, 2023, and came into effect on 01 July 2024, creating a major turning point in the Criminal justice system of India. An evaluation and amendment brought between these acts, namely BNSS, 2023 and CrPC, 1973, is presented in this article with particular attention paid to the revolutionary changes made in the BNSS under Chapter XIII (Sections 173–196). For efficiency and transparency in the criminal justice system, the BNSS incorporates various methods like technology, such as digital FIRs (E-FIR and Zero FIR), electronic communication, forensic evidence and electronic trials. Additionally, it grants reforms aimed at improving accountability and restricting police custody for the detained person. After this Act came into force, the transformation and supremacy of India's Criminal justice system became very strong, considering the colonial law CRPC, 1973. Critical assessment of these amendments exposes chances for improvement in greater transparency, efficiency, and accountability. The Code of Criminal Procedure (CrPC), 1973, was modernised and amended as per the needs in modern India in the new Act, namely BNSS, 2023, marking a major turning point in India's criminal justice system. A comparison between BNSS and CrPC is presented in this article, with particular attention paid to the revolutionary modifications made to BNSS in Chapter XIII (Sections 173–196). Additionally, it presents reforms aimed at improving accountability and restricting police custody. This research paper adopts a doctrinal form of research methodology along with the analytical methodology of research. Doctrinal legal research also referred to as armchair research. Though successful execution is difficult, all of these improvements have the potential to transform Indian judicial system. Critical assessment of these modifications exposes chances for improvement in greater transparency, efficiency, and accountability.

**Keywords:** Accountability, Transparency, Bharatiya Nagarik Suraksha Sanhita (BNSS), Code of Criminal Procedure (CrPC), Criminal justice reform, Technological innovation and Police investigation procedures.

## INTRODUCTION

Criminal justice system of India has long been criticized for its inefficiencies, delays and lack of transparency. The Code of Criminal Procedure (CrPC), 1973, has been the cornerstone of India's justice system for nearly five decades. However, with the advent of technology and changing societal needs, there has been a growing recognition of the need for reform. In response, the Indian government has enacted the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, a comprehensive legislation aimed at modernizing Indian justice system.

The BNSS introduces significant reforms to the existing framework, incorporating technological innovations, enhancing transparency and accountability and rearrangement police investigation procedures. This article provides a critical analysis of the BNSS, with a specific focus on Chapter XIII (Sections 173-196), which deals with police investigation procedures. We examine the transformative changes introduced by the BNSS, highlighting both opportunities and challenges and to discuss the implications of these reforms for Indian justice system.

## I. THE CRIMINAL JUSTICE SYSTEM IN INDIA

### 1.1 Overview

The criminal justice system of India consists of the set of agencies and processes established by governments for the administration of criminal justice, with the objective of controlling crime and imposing punishment on persons who violate the law. The Union of India is a Federal State at present, which consists of the Central government and the State governments in that there are 28 states and 8 union territories<sup>1</sup>. All the states have their powers and functioning under the Article 246 of the Constitution of India, 1950 places the police institutions in the State List<sup>2</sup>. However, the Union laws are followed by the Police, Judiciary, and Correctional Institutes that are basic organs of the criminal justice system. The Federal laws are, however, followed by the Police, Judiciary, and Correctional Institutes, which is the basic framework of the Criminal Justice System<sup>3</sup>. The system applied in India towards the dispensation of criminal

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<sup>1</sup>General Information - Know India: National Portal of India. <https://knowindia.india.gov.in/general-information/>. Accessed 28 Feb.2025.

<sup>2</sup> The Constitution of India 1950, art 246, Legislative Department, Ministry of Law and Justice, Government of India (<https://legislative.gov.in/constitution-of-india/>) accessed 3 March 2025.

<sup>3</sup>University of Hong Kong Libraries, 'OSCOLA Citation Style' (LibGuides, 2022) (<https://libguides.lib.hku.hk/c.php?g=969320&p=7047657>) accessed 3 March 2025

justice is the adversarial system of common law borrowed from the British Colonial Rulers<sup>4</sup>. In the Indian Criminal Justice Administration, the Police investigate, whereas the role of the Judge is akin to that of a neutral umpire and also a fact-finder and he also decides the sentence. The sentence is executed upon the Correctional institutes.

## **II. STRUCTURE OF CRIMINAL JUSTICE SYSTEM**

It consists of the four main pillars for maintaining law and order and keeps the society under the control and away from crime<sup>5</sup>.

### **2.1 (1st Pillar) INVESTIGATION BY POLICE OFFICER**

Section 161 of the CrPC 1973 and the Corresponding Provision is Section 180 of BNSS, 2023 deals with Examination of Witnesses by police<sup>6</sup> it allows the investigation officer to examine and question anyone who may know about the case and write down their statement and also the same may also be recorded by the audio – video electronic means<sup>8</sup>.

### **2.2 (2nd Pillar) PROSECUTION OF CASE BY THE PROSECUTORS**

Section 24 of the CrPC 1973 and the Corresponding Provision is Section 18 of BNSS, 2023 deals with the prosecutors<sup>9</sup>, it allows the prosecutors to charge an accused for his commission of a crime and through prosecution he must try to show that he/she is guilty in a court of law.

### **2.3 (3rd Pillar) DETERMINATION OF GUILT BY THE COURTS**

Section 353 of the CrPC 1973 and the Corresponding Provision is Section 392 of BNSS, 2023 deals with the Judgement<sup>10</sup>, The court after conducting the procedures under the procedural law passes and pronounces the sentence using its discretion, considering aggravating and mitigating factors, the offender's background and the likelihood of their reform.

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<sup>4</sup>Kulshreshtha VD. Landmarks in Indian Legal and Constitutional History, 4-6

<sup>5</sup>Pathshala, "E ADHAYANAN" available at (<https://epgp.inflibnet.ac.in/>) accessed 3 March 2025.

<sup>6</sup>Section 161 of the Criminal Procedure Code, 1973

<sup>7</sup>Section 180 of the BharatyaNagarikSuraksha Sanhita, 2023

<sup>8</sup>Section 180(3) of the BharatyaNagarikSurakshaSanhita, 2023

<sup>9</sup>Section 24 of the the Criminal Procedure Code 1973

Section 18 of the BharatyaNagarikSuraksha Sanhita,,2023

<sup>10</sup>Section 353 of the the Criminal Procedure Code 1973

Section 392 of the BharatyaNagarikSuraksha Sanhita,2023

## **2.4 (4th Pillar) CORRECTION THROUGH THE PRISON SYSTEM**

In India, we follow the reformatory theory system; it emphasises rehabilitating offenders and reintegrating them into society. The imprisonment in India is used for the reformation and rehabilitation of the prisoner through education, labour, vocational training and yoga and meditation<sup>11</sup>.

## **III. KEY CHANGES INTRODUCED BY BNSS**

Chapter XIII of The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 governs the powers of the police to maintain law and order, public order, prevent crimes, and undertake criminal investigations. These powers include filing First Information Reports (FIRs), making arrests, detaining individuals, conducting searches and seizures, and using force. However, these powers are subject to restrictions to safeguard individuals from the misuse of police powers, which can lead to excessive use of force, illegal detentions, custodial torture, and abuse of authority<sup>12</sup>.

The Supreme Court has issued various guidelines to prevent the arbitrary exercise of police powers<sup>13</sup>. The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, amends provisions in the CrPC related to detention, investigation methods, examination of witnesses, police custody, and the use of handcuffs<sup>14</sup>, as well as the maintenance of police diaries. Chapter XIII of the BNSS deals with these provisions, aiming to strike a balance between effective law enforcement and individual rights.

## **3.1 KEY CHANGES SECTION WISE**

### **3.1 COMPARATIVE ANALYSIS OF SECTION 173 OF BNSS AND SECTION 154 OF CRPC**

#### **Information in cognizable offence:**

**Section 173** of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 enhances the investigative process by introducing reforms that prioritize Time Boundary Investigation, in

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<sup>11</sup> Section 3 of The Prison act, 1894

<sup>12</sup> Chapter XIII of the Bharatiya Nagarik Suraksha Sanhita, 2023

<sup>13</sup> Kharak Singh vs The State of UP and others AIR 1962

<sup>14</sup> Section 43(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023

case of cognizable offence the complainant can file an complaint from regardless of jurisdiction and the same can be done by technological integration that is through orally or through any electronic communication to an officer in charge of police station and also any person can file an complaint in case of cognizable offence<sup>15</sup>. The section aims to curb delays and inefficiencies, improving transparency in the investigative procedures, particularly in serious offenses such as terrorism, national security violations, crimes against women and other cognizable offence<sup>16</sup>.

- Section 173(1)(i) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 continues to mandate the registration of FIR, and notably, it emphasizes that FIRs should be registered irrespective of the police station's jurisdiction. This provision strengthens the right of the informant, reducing the chances of refusal by the police
- Section 173(1)(ii)A significant reform in BNSS is the explicit provision for FIR to be lodged through electronic means. Section 173(1)(ii) mandates that an FIR filed electronically must be signed by the informant **within three days**. This brings accountability and ensures that electronically lodged complaints are formalized with a signature, bridging the gap between convenience and procedural requirements<sup>17</sup>.

Practical Use: This provision facilitates quicker reporting of crimes in remote areas or in cases where visiting a police station is impractical. It also integrates digital technology into legal processes.

### 3.2 SIGNIFICANT PROVISION AIMED AT PROTECTING WOMEN.

In cases of offences against women, a police officer's recorded statement will be deemed equivalent to a statement recorded by a Magistrate for chief examination<sup>18</sup>.

- This provision eliminates the need for multiple statements, reducing unnecessary delays and trauma for the victim and also the victim can be examined at the convince place of the victim of their choice and all such information shall be video graphed<sup>19</sup>.

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<sup>15</sup>Hallu&ors –Vs- The State of M.P. AIR 1974 SC

<sup>16</sup> Section 173(1) of the BharatyaNagarikSuraksha Sanhita,2023

<sup>17</sup> Section 173(1)(ii) of the BharatyaNagarikSuraksha Sanhita,2023

<sup>18</sup> Section 183(6)(a) of the BharatyaNagarikSuraksha Sanhita,2023

<sup>19</sup> Section 173(1)(ii)(a)(b)(c) of the BharatyaNagarikSuraksha Sanhita,2023

### **3.3 PRELIMINARY INQUIRY FOR THE OFFICE PUNISHABLE FOR 3 YEARS OR MORE BUT LESS THAN 7 YEARS**

The BNSS, in Section 173(3), provides a clear framework for the necessity of conducting a preliminary inquiry for offenses that are punishable between three and seven years of imprisonment and the police in charge of police station should get the prior permission from the officer not below the rank of Deputy Superintendent of Police(DSP) considering the nature of offence. This provision assesses the cases prima facie and provides an additional layer of protection to prevent frivolous or false complaints, thereby balancing the necessity for a preliminary check without impeding justice. Further, the same proceedings should be confirmed within 14 days of receiving the complaint<sup>20</sup>.

This codified approach reduces ambiguities and gives police a more structured guideline, while still ensuring that cognizable offenses are promptly addressed.

## **IV. COMPARATIVE ANALYSES OF SECTION 174 OF BNSS AND SECTION 155 OF CRPC**

### **4.1 INFORMATION AS TO NON-COGNIZABLE CASES AND INVESTIGATION OF SUCH CASE**

Section 174(1)(ii) introduces a new provision where daily diary reports must be forwarded to the magistrate fortnightly or every 14 days. This reform ensures better oversight of on-going investigations, ensuring accountability in the investigation process. It ensures that cases are not unduly delayed, with the judiciary having regular updates on the progress of criminal cases<sup>21</sup>.

## **V. COMPARATIVE ANALYSIS OF SECTION 175 OF BNSS AND SECTION 156 OF CRPC**

### **5.1 POLICE OFFICE'S POWER TO INVESTIGATE COGNIZABLE CASE**

Any Police officer in charge of Police station can investigate cognizable cases without a magistrate's order. The Superintendent of Police can also direct a Deputy Superintendent of

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<sup>20</sup> Section 173(3)(i) of BNSS,2023

<sup>21</sup> Section 174(1)(ii) of BNSS,2023

Police to investigate a case<sup>22</sup>.

## 5.2 MAGISTRATE POWERS

Any Magistrate is receiving a Private complaint on cognizance of offences<sup>23</sup> against the public servants arising in course of employment. The magistrate will order for investigation after considering the police officer's input and receiving a report from the officer superior to the Public servant. After all this procedures only the cognizance against the public servants will take place<sup>24</sup>.

## VI. COMPARATIVE ANALYSIS OF SECTION 176 OF BNSS AND SECTION 157 OF CRPC

### 6.1 PROCEDURE FOR INVESTIGATION

It includes provisions for recording crime scenes, collecting forensic evidence, and recording statements from rape victims<sup>25</sup>. If any offence which is made punishable for seven years or more, the officer in charge of police station shall do Video recording on mobile phone or any other electronic device and cause the forensic expert to visit the crime scenes to collect forensic evidence<sup>26</sup>.

This provision is highly beneficial for investigating officers, enabling them to conduct a thorough and meticulous investigation. Additionally, it facilitates the swift completion of investigations, ensuring a more efficient and effective process.

## VII. COMPARATIVE ANALYSIS OF SECTION 179 OF BNSS AND SECTION 160 OF CRPC

### 7.1 POLICE OFFICER'S POWER TO REQUIRE ATTENDANCE OF WITNESSES

This section gives police officers the power to require witnesses to attend an investigation. It also exempts certain people from attending a police station they are No Male person under the age of 15 or above the age of 60 years or a woman or a mentally or physically disabled person

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<sup>22</sup> Section 175(1) of BNSS,2023

<sup>23</sup> Section 210 of the BharatyaNagarikSuraksha Sanhita,2023

<sup>24</sup> Section 175(4)(a)&(b) of the BharatyaNagarikSuraksha Sanhita,2023

<sup>25</sup> Section 176 of the BharatyaNagarikSuraksha Sanhita,2023

<sup>26</sup> Section 176(3) of the BharatyaNagarikSuraksha Sanhita,2023

or a person with actual illness shall be required to attend any place other than the places in which such person resided and if such person is willing to attend at the police station, such person may be permitted so to do<sup>27</sup>. This provision makes the witness to feel safe and give proper statements without any internal or external threats from any sources and further gives assistance to disabled people.

## **VIII. COMPARATIVE ANALYSIS OF SECTION 180 OF BNSS AND SECTION 161 OF CRPC**

### **8.1 EXAMINATION OF WITNESSES BY POLICE**

It grants police officers the power to examine witnesses, ensuring they answer truthfully while providing protections against self-incrimination and all the statements made under this section may also be recorded by audio-video electronic means. If the victim is a woman the witness can be recorded by a woman police officer or any woman officer<sup>28</sup>. This section provides crucial protection to witnesses, safeguarding them against self-incrimination. Furthermore, it upholds women's rights by ensuring that enquiries are conducted by a woman officer, thereby protecting the victim's dignity and preventing further trauma.

## **XI. COMPARATIVE ANALYSIS OF SECTION 183 OF BNSS AND SECTION 164 OF CRPC**

### **9.1 RECORDING OF CONFESSION STATEMENT**

It primarily changed the authority to record confessions and statements, allowing any "Magistrate of the District" to do so, whether or not he has the jurisdiction in the case, record any confession statement made to him in the course of an investigation under this chapter<sup>29</sup>, unlike the previous CrPC where only a specific Judicial Magistrate within the district could record such statements<sup>30</sup>; however, the BNSS specifies that the Magistrate recording the statement should be from the district where the FIR is registered, not necessarily where the crime occurred, which is a key difference from the older law.

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<sup>27</sup> Section 179(1) of the BharatyaNagarikSuraksha Sanhita,2023

<sup>28</sup> Section 180 of the BharatyaNagarikSuraksha Sanhita,2023

<sup>29</sup> Section 183(1) of the BharatyaNagarikSuraksha Sanhita,2023

<sup>30</sup> Section 164 of Criminal procedure code,1973

## **9.2 WIDER AUTHORITY FOR RECORDING STATEMENTS**

Any "Magistrate of the District" can now record confessions and statements under BNSS, not just a specific Judicial Magistrate as per the previous CrPC. While the Magistrate can be from the district where the FIR is registered, not necessarily where the crime took place, which is important to note due to the possibility of registering FIRs outside the crime location under the BNSS.

## **9.3 AUDIO-VIDEO RECORDING PROVISION**

It allows for recording statements through audio-video electronic means, enhancing the accuracy and reliability of evidence<sup>31</sup>.

## **9.4 SPECIAL PROVISIONS FOR VULNERABLE WITNESSES**

The section includes specific guidelines for recording statements of victims in sensitive cases like rape, requiring a woman Judicial Magistrate to record the statement and in her absence by a male magistrate that to in the presence of a woman.

## **9.5 SPECIAL PROVISIONS FOR WITNESSES**

If the offence is 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, in case the witness 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 and the same shall be recorder through audio-video electronic means preferably by mobile phone<sup>32</sup>.

## **9.6 PROTECTION FROM MULTIPLICITY OF EXAMINATIONS**

The statement recorded by the police officer shall be deemed as the examination-in-chief of the witness. This provision safeguards the witness from:

- Multiple examinations

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<sup>31</sup> Section 183(6) of the BharatyaNagarikSuraksha Sanhita,2023

<sup>32</sup> Section 183(6) of the BharatyaNagarikSuraksha Sanhita,2023

- Repeated questioning
- Undue trauma and harassment

By treating the initial statement as examination-in-chief, the witness is shielded from unnecessary repetitions, ensuring a more efficient and witness-friendly justice process<sup>33</sup>.

## **X. COMPARATIVE ANALYSIS OF SECTION 185 OF BNSS AND SECTION 165 OF CRPC**

### **10.1 SEARCHES BY POLICE OFFICER**

A New Era of Transparency in Police Searches: Imagine a world where police searches are conducted with utmost transparency and accountability. The Bharatiya Nagarik Suraksha Sanhita (BNSS) is making this a reality.

### **10.2 A GAME-CHANGER**

It mandates that all police searches be recorded through audio-video electronic means, such as mobile phones or any electronic device. This ensures that every step of the search process is documented, leaving no room for ambiguity or misconduct. Copies of the recording must be submitted to the relevant Magistrate within 48 hours. This adds an extra layer of accountability, ensuring that police officers are held responsible for their actions<sup>34</sup>.

The new provision in the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is indeed a significant step towards creating a more transparent and accountable criminal justice system in India. By mandating the recording of police searches, the provision aims to:

- Prevent misconduct and abuse of power: Recording searches can help prevent police brutality and ensure that officers are held accountable for their actions.
- Ensure that evidence is handled properly: Video recording of searches can help maintain the integrity of evidence and prevent tampering.

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<sup>33</sup> Section 183(6)(b) of the BharatiyaNagarikSuraksha Sanhita,2023

<sup>34</sup> Section 185(5) of the BharatiyaNagarikSuraksha Sanhita,2023

- Provide a clear record of events: Recording searches creates a clear and unbiased record of events, which can be useful in investigations and court proceedings.

This provision is a victory for human rights and a testament to India's commitment to justice and transparency. The use of audio-video electronic means for investigation and trial is a significant reform that can help build trust in the criminal justice system<sup>35</sup>

## **XI. COMPARATIVE ANALYSIS OF SECTION 187 OF BNSS AND SECTION 167 OF CRPC**

### **11.1 PROCEDURE WHEN INVESTIGATION CANNOT BE COMPLETED WITHIN 24 HOURS**

It retains the 15-day limit on police custody to the accused person in the whole or in parts, any time during the initial 40 or 60 days out of detention period of 60 or 90 days as the case may be regardless of jurisdiction<sup>36</sup>. However, it introduces a crucial change in its wording, allowing investigating agencies to seek this detention of the accused person beyond the period of 15 days with the authorisation of magistrate for the effective investigation.<sup>37</sup>

### **11.2 RIGHTS OF THE ACCUSED**

#### **DEFAULT OR STATUTORY BAIL**

If the investigation is not completed within 60 or 90 days as the case may be the accused can avail statutory bail, commonly known as default bail, when police does not conclude the investigation within the stipulated time frame that is maximum period for investigations, as outlined in Section 187(3) of the BharatiyaNagarikSurakshaSanhita (BNSS), is 60 or 90 days, depending on the severity of the offense. In those circumstances the accused can seek default bail if the investigation exceeds the prescribed time frame<sup>38</sup>.

#### **Conditions for Default Bail:**

- The accused is entitled to default bail once they submit bail application before the Hon'ble

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<sup>35</sup>Law Brother, 'Use of Audio Video Electronic Means for Investigation & Trial According to BNSS' (Law Brother, 2023) (<https://lawbrother.co.in/judgments/supreme-court/use-of-audio-video-electronic-means-for-investigation-trial-according-to-bnss/>) accessed 3 March 2025.

<sup>36</sup> Section 190 of the BharatiyaNagarikSuraksha Sanhita, 2023

<sup>37</sup>V. SenthilBalaji v. The State (2023)

<sup>38</sup> Section 183(6) of the BharatiyaNagarikSuraksha Sanhita, 2023

Court.

- This right becomes enforceable only after the allotted investigation window has lapsed.
- It remains applicable whether the accused applies for default bail during the ongoing bail application or after the charge sheet is filed.

### **11.3 STOPPING OF FURTHER INVESTIGATION**

The BharatiyaNagarikSurakshaSanhita (BNSS) has introduced a significant reform to ensure timely investigations, marking a new paradigm in the justice system. If an investigation isn't completed within six months from the date of the accused's arrest, the Magistrate will halt further investigation<sup>39</sup>. However, the investigating officer can appeal to the Sessions Magistrate with special reasons to justify the delay, and if satisfied, the Sessions Magistrate may permit further investigation<sup>40</sup>. This provision aims to prevent indefinite detention, ensure swift justice, and promote accountability among investigating agencies, striking a balance between thorough investigations and the rights of the accused.

## **XII. COMPARATIVE ANALYSIS OF SECTION 190 OF BNSS AND SECTION 170 OF CRPC**

### **12.1 PROCEDURE WHEN INVESTIGATION CANNOT BE COMPLETED IN 24 HOURS**

It primarily clarifies that police are not required to arrest an accused person solely to ensure their appearance before a Magistrate if sufficient evidence exists for trial, instead allowing them to take security from the accused for their court attendance, even if the accused was not initially in custody; this change essentially emphasizes the principle of not unnecessarily detaining individuals during the investigation process<sup>41</sup>.

#### **No mandatory arrest for appearance:**

The police can now forward an accused to a Magistrate without taking them into custody if

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<sup>39</sup> Section 187(9) of the BharatiyaNagarikSuraksha Sanhita,2023

<sup>40</sup> Section 187(10) of the BharatiyaNagarikSuraksha Sanhita,2023

<sup>41</sup> Section 190(2) of the BharatiyaNagarikSuraksha Sanhita,2023

they find sufficient evidence, provided they secure the accused's appearance through a bond.

⇒ **Focus on reasonable grounds:**

The section emphasizes that the police officer must have "reasonable grounds" to believe an offence has been committed before forwarding an accused to a Magistrate.

⇒ **Right to be heard before cognizance:**

The new section indirectly implies that the accused should be given an opportunity to be heard before the Magistrate takes cognizance of the offence.

Overall, the change in Section 190 BNSS aims to promote a more procedural approach to criminal justice by minimizing unnecessary arrests and ensuring that individuals are brought before a Magistrate only when there is substantial evidence against them

### **XIII. COMPARATIVE ANALYSIS OF SECTION 192 OF BNSS AND SECTION 172 OF CRPC**

#### **13.1 DIARY OF PROCEEDINGS IN INVESTIGATION**

This section mandates police officers to maintain a thorough diary of proceedings during investigations, including the time of receiving information, date of FIR registration, places visited, witness statements, and all proceedings made under the investigation in chronological order. The diary must be a separate, paginated volume for each case, although it cannot be used as evidence in court. Instead, it allows courts to access it for trial purposes, codifying the practice of documenting investigation details in a systematic manner to refresh the investigating officer's memory. Notably, neither the accused nor their agent is entitled to request or view these diaries, even if they are referenced by the court<sup>42</sup>.

### **XIV. COMPARATIVE ANALYSIS OF SECTION 193 OF BNSS AND SECTION 173 OF CRPC**

#### **14.1 REPORT OF POLICE OFFICER ON COMPLETION OF INVESTIGATION**

It primarily deals with the police officer's report (Charge Sheet )on completion of an

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<sup>42</sup> Section 192 of the BharatyaNagarikSuraksha Sanhita,2023

investigation, essentially requiring them to submit a detailed report to the magistrate including information about the case, parties involved, and whether an offense appears to have been committed, all while mandating that investigations be completed without unnecessary delay; this section essentially replaces the previous Section 173 of the Code of Criminal Procedure (CrPC) with added provisions like informing the victim or informant about the investigation progress within 90 days and allowing further investigation during trial with court permission only<sup>43</sup>.

#### **14.2 EXPEDITED INVESTIGATIONS FOR OFFENCES AGAINST WOMEN**

In cases of offences against women, investigations must be completed within 2 months from the date of recording the information by the police officer. Upon completion of the investigation, the report shall be forwarded to the Magistrate through electronic communication, ensuring a swift and efficient process<sup>44</sup>.

#### **14.3 FURTHER INVESTIGATION:**

If a police officer has already filed a final report before the Magistrate, but subsequently obtains fresh evidence during the trial, they may seek court permission to reopen the investigation. Upon obtaining court approval, the police officer must complete the additional investigation within 90 days, allowing new evidence to be considered while maintaining a timely and efficient judicial process<sup>45</sup>.

### **XV. CONCLUSION**

In conclusion, the implementation of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, marks a significant revolution in India's criminal justice system. By introducing provisions such as audio-video recordings, time-bound investigations, transparency, and accountability, the BNSS, 2023, brings much-needed modernization to the colonial-era Code of Criminal Procedure (CrPC). This new law fosters public confidence and trust in the criminal justice system, while also creating a deterrent for wrongdoers and ensuring accountability among investigation officers. Ultimately, the BNSS, 2023, aims to punish wrongdoing, in fast track

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<sup>43</sup> Section 193(1) of the BharatiyaNagarikSuraksha Sanhita,2023

<sup>44</sup> Section 193(2) of the BharatiyaNagarikSuraksha Sanhita,2023

<sup>45</sup> Section 193(9) of the BharatiyaNagarikSuraksha Sanhita,2023

mode also strengthening the evidence and also offence against woman are specially treating, thereby upholding justice and promoting a safer society.