



Recording of Statement

Valentina

What is a statement?

Statement means something that someone says or writes which gives information in a definite way on a particular matter or issue.

CRIME BRANCH CIRCULAR No. 19/2024

Summoning of witnesses & their examination under section 179 & 180 BNSS, 2023

Section 179 and 180 BNSS, 2023 empowers a Police officer to summon and examine any person in course of investigation of a case. However, the law imposes certain limitations as far as summoning of a person to the police station is concerned. Considering this, the following general guidelines are formulated by the CID CB to be followed by investigating officers while summoning and recording statement of witnesses under Sec. 179 and 180 BNSS, 2023.

Sec 179 BNSS: Police Officer's power to require attendance of Witnesses

(1) Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:

Provided that

- **no male person under the age of fifteen years or above the age of sixty years**
- **or a woman**
- **or a mentally or physically disabled person**
- **or a person with acute illness**

shall be required to attend at any place other than the place in which such person resides: ***Provided further that if such person is willing to attend at the police station, such person may be permitted so to do.***

(2) The State Government may, by rules made in this behalf, provide for the payment by the police officer of the **reasonable expenses of every person**, attending under sub-section (1) at any place other than his residence.

Manner of examination & recording of statement

- (a) The IO may examine any person acquainted with the facts and circumstances of the case.
- (b) The person so examined, is bound to truly answer all questions relating to the case.
- (c) The IO may reduce into writing any statement either in question answer form or in a narrative form.
- (d) The statement will be recorded verbatim as stated by the witness and without any literary improvisation.
- (e) Before examining the witness, he should be properly counselled to make him comfortable.
- (f) The witness shall not be compelled to make self incriminating statement.

- (g) The statement may also be recorded by audio-video electronic means.
- (h) Signature/thumb impression of witnesses must not be taken on the statement.
- (i) *Statement of victim of offences u/s 64 to 71 and 74 to 79 and 124 of BNS and Sec 4, 6, 8 and 10 of POCSO Act shall only be recorded by a woman police officer and it may also be recorded by audio-video electronic means.*
- (j) While recording statement of witnesses in audio-visual means, the IO shall ensure presence of independent witnesses.
- (k) After recording statement of a witness, the IO should read over the content of the statement to him. In case, on such reading, the witness wants any modification in his statement the same should be allowed.

- (l) The IO may examine as many as witnesses. But he should record statement of important witnesses having substantial acquaintance with the subject matter.
- (m) It is not mandatory to cite all examined witnesses in the charge sheet.

Sample Notice

Notice under Section 179/195 of the Bharatiya Nagarik Suraksha Sanhita

No.

/PS

Dt.

To,

(Name of Noticee)

(Last Known Address)

Phone No.....

Case Ref:-

Sub:-

Appearance before the Investigating officer for examination.

The aforesaid investigation is being conducted by ----- PS. In course of investigation of the case, it is ascertained that, you are acquainted with the facts and circumstances of the case.

In exercise of the powers conferred under sub-section (1) of section 179 of BNSS, you are hereby requested to appear before me at AM/PM on at Police Station for your examination.

Failure to attend in compliance to this Notice can render you liable for legal action.

Investigating Officer

Name/Designation

PS

Mobile No.

Notice under Section 179 /195 of the Bharatiya Nagarik Suraksha Sanhita

No.

/PS

Dt.

To,

(Name of Noticee)

(Last Known Address)

Phone No.....

Case Ref:-

Sub:- **ବୟାନ ରେକର୍ଡ କରିବା ପାଇଁ ତଦକ୍ଷକାରୀ ଅଧିକାରୀଙ୍କ ସମ୍ମୁଖରେ ହାଜର ହେବା ପାଇଁ ।**

ଉପରୋକ୍ତ ତଦକ୍ଷ ----- ଆନା ଦ୍ୱାରା କରାଯାଉଛି । ମାମଲାର ତଦକ୍ଷ ସମୟରେ ଏହା ଜଣାପଡ଼ିଲା ଯେ, ଆପଣ ମାମଲାର ତଥ୍ୟ ଏବଂ ପରିଷ୍ଲିତ ସହିତ ପରିଚିତ ।

BNSS ର ଧାରା 179 ର ଉପ-ଧାରା (1) ଅନୁଯାୟୀ ପ୍ରଦ୍ବାନ କରାଯାଇଥିବା କ୍ଷମତା ବ୍ୟବହାର କରି, ଆପଣଙ୍କୁ ଏଠାରେ ଅନୁରୋଧ କରାଯାଉଛି ଯେ ଆପଣ ଆପଣଙ୍କର ବୟାନ ରେକର୍ଡ କରିବା ପାଇଁ _____ ପୋଲିସ ଷ୍ଟେସନରେ _____ ତାରିଖ _____ ସମୟରେ ମୋ ସମ୍ମୁଖରେ ହାଜର ହୁଅଛୁ ।

ଏହି ନୋଟିସ୍ ପାଲନ କରିବାରେ ବିପଳ ହେବା ଦ୍ୱାରା ଆପଣ ଆଇନଗତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ପାଇଁ ଦାୟୀ ହୋଇପାରନ୍ତି ।

Investigating Officer

Name/Designation

PS

Mobile No.

Sample Notice

- Male person under the age of fifteen years or above the age of sixty years
- Woman
- A mentally or physically disabled person
- A person with acute illness

Notice under Section 179 /195 of the Bharatiya Nagarik Suraksha Sanhita

No.

/PS

Dt.

To,

(Name of Noticee)

(Last Known Address)

Phone No.....

Case Ref:-

Sub:- **Appearance before the Investigating officer for examination.**

The aforesaid investigation is being conducted by ----- PS. In course of investigation of the case, it is ascertained that, you are acquainted with the facts and circumstances of the case.

Hence, you are hereby requested to convey the date & time and your place of choice where you desire to be examined.

Investigating Officer

Name /Designation

PS

Mobile No

Notice under Section 179 /195 of the Bharatiya Nagarik Suraksha Sanhita

No.

/PS

Dt.

To,

(Name of Noticee)

(Last Known Address)

Phone No.....

Case Ref:-

Sub:-

ବୟାନ ରେକର୍ଡ କରିବା ପାଇଁ ଉଦ୍ଦିଷ୍ଟକାରୀ ଅଧିକାରୀଙ୍କ ସମ୍ମୁଖରେ ହାଜର ହେବା ପାଇଁ ।

ଉପରୋକ୍ତ ଉଦ୍ଦିଷ୍ଟ ----- ଆନା ଦ୍ୱାରା କରାଯାଉଛି । ମାମଲାର ଉଦ୍ଦିଷ୍ଟ ସମୟରେ ଏହା ଜଣାପଡ଼ିଲା ଯେ, ଆପଣ ମାମଲାର ତଥ୍ୟ ଏବଂ ପରିଷ୍କାର ସହିତ ପରିଚିତ ।

ତେଣୁ, ଆପଣଙ୍କୁ ଏଠାରେ ଅନୁରୋଧ କରାଯାଉଛି ଯେ ଆପଣ ଯେଉଁଠାରେ ବୟାନ ରେକର୍ଡ କରିବା ପାଇଁ ଚାହୁଁଛନ୍ତି ସେହି ତାରିଖ, ସମୟ ଏବଂ ଆପଣଙ୍କର ପସନ୍ଦର ଛାନ ଜଣାନ୍ତୁ ।

Investigating Officer

Name/Designation

PS

Mobile No.

Sec 180 BNSS: Examination of witnesses by police

- (1) Any police officer making an investigation under this Chapter, or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer, **may examine orally any person supposed to be acquainted with the facts and circumstances of the case.**
- (2) Such person shall be bound to answer truly all questions relating to such case put to him by such officer, **other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.**

Article 20(3) of the Indian Constitution guarantees the fundamental right against **self-incrimination**, meaning no person accused of an offense can be compelled to be a witness against themselves.

(3) ***The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records:***

Provided that statement made under this sub-section may also be recorded by audio-video electronic means:

Provided further that the statement of a woman against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, **shall be recorded, by a woman police officer or any woman officer.**

Sec 181 BNSS: Statements to police and use thereof

(1) No statement made by any person to a police officer in the course of an investigation under this Chapter, shall, *if reduced to writing, be signed by the person making it*; nor shall any such statement or any record thereof, whether in a *police diary or otherwise*, or any part of such statement or record, be used for any purpose, save as hereinafter provided, *at any inquiry* or trial in respect of any offence under investigation at the time when such statement was made:

Recording of statement in the matter of
report on suicide

Sec 195 BNSS: Power to summon person

(1) A police officer **proceeding under section 194** may, **by order in writing, summon two or more persons** as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case and every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture:

- Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place where such person resides:
- Provided further that if such person is willing to attend and answer at the police station, such person may be permitted so to do.:

Legal Provisions for Non-attendance

Sec 208 BNS: Non attendance in obedience to an order from public servant.

(1) Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time or departs from the place where he is bound to attend before the time at which it is lawful for him to depart,—

(a) shall be punished with simple imprisonment for a term which **may extend to one month**, or with fine which **may extend to five thousand rupees**, or with both;

(b) where the summons, notice, order or proclamation is to attend in person or by agent in a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Non-Cognizable, Bailable, Any Magistrate

**Nayapalli PS Case No. 65 dated 02.04.2025 u/s
126(2)/115(2)/296/351(2) BNS**

ମୁଁ ରାମ ସାହୁ ବୟସ: ୪୨ ବର୍ଷ, ପିତା:- ହରି ସାହୁ, ସାଲିଆସାହି, ଥାନା:- ନିଯାପଲ୍ଲୀ, ଭୁବନେଶ୍ୱର, ମୁଁ ନିବେଦନ କରୁଛି ଯେ ମୁଁ ଜଣେ ବ୍ୟବସାୟୀ ଏବଂ ଇନ୍ଦ୍ରଧନୁ ମାର୍କେଟରେ ମୋର ଏକ ବିଦ୍ୟୁତ୍ ଦୋକାନ ଆଛି । ୦୧.୦୪.୨୦୨୫ ସନ୍ତ୍ରୀ ପ୍ରାତି ୦୭:୧୫ ସମୟରେ, କାମରୁ ଫେରିବା ପରେ, ଯେତେବେଳେ ମୁଁ ବସ୍ତି ପାଇଁ ଉଦ୍ଦିଷ୍ଟ ସାଧାରଣ ଜଳ ପଣ୍ଡରୁ ପାଣି ଆଣିବା ପାଇଁ ଧାଡ଼ିରେ ଛିଡ଼ା ହୋଇଥିଲି, ହଠାତ୍ ଶଙ୍କର ପ୍ରଧାନ ମୋଟେ ୬୦ଲା ପେଲା କରି ମୋଟେ ଅଣ୍ଣୀଙ୍କ ଭାଷାରେ ଗାଳି ଦେଲା ଓ ମୋଟେ ବିଧା ମୁଥ ମାରିଲା । ସେ ମୋଟେ ଜିବନରୁ ମାରିବାକୁ ଧମକ ମଧ୍ୟ ଦେଲା । ସେଠାରେ ଉପସ୍ଥିତ ଅନ୍ୟମାନେ ତାଙ୍କୁ ଅଟକାଇବାକୁ ଚଣ୍ଡା କଲେ, କିନ୍ତୁ ସେ ସେଠାରୁ ପଳାଇଗଲା । ମୁଁ ଅଭିଯୁକ୍ତଙ୍କ ବିରୁଦ୍ଧରେ ଆବଶ୍ୟକ ଆଇନଗତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରିବାକୁ ଏବଂ ମୋଟେ ନ୍ୟାୟ ଦେବାକୁ ଅନୁରୋଧ କରୁଛି ।

**Statement of _____, Age:- _____, S/o:- _____, At:-
_____, PS:- _____, PO:- _____, Dist:- _____,
M. No. _____ recorded u/s 180 of BNSS in connection with
Nayapalli PS Case No. 65 dated 02.04.2025 u/s
126(2)/115(2)/296/351(2) BNS**

ମୁଁ _____ ବୟସ: _____ ବର୍ଷ, ଗ୍ରାମ:- _____ ପିତା:- _____ ଆମା:- _____, ଜିଲ୍ଲା:- _____, ପୋଲିସ
ଅଧିକାରୀଙ୍କ ସମ୍ମୁଖରେ ମୋର ବୟାନ ଦେବା ଏହିକି ଯେ,
ଏହା ମୋର ବୟାନ ।

Recorded by me

(Name of the Police Officer
with designation)



JOIN LATEST JUDGMENTS FOR LAWYERS WHATSAPP GROUP @ 7347447651

**JOIN LATEST JUDGMENTS FOR LAWYERS WHATSAPP GROUP TO
UPDATE YOURSELF FOR:**

**LATEST LEGAL UPDATES,
JOB ALERTS,
INTERNSHIP NOTIFICATIONS,
NOTES,
PDF FILES,
LAW RELATED VIDEOS,
FORMATS OF LEGAL DRAFTS,
JUDGMENTS OF SUPREME COURT
&
HIGH COURTS OF INDIA.**

**PLEASE CONTRIBUTE THE PERMANENT MEMBERSHIP FEES
(LIFETIME) OF RS 500/- ONLY TO CONTINUE WITH THE GROUP.**

**PAY THROUGH GOOGLE PAY/PHONEPE/ PAYTM
@ MOB. 7347447651.**

**CONTRIBUTE PERMANENT MEMBERSHIP FEES (LIFETIME) OF RS 500/- ONLY TO JOIN
THE GROUP. PAY THROUGH GOOGLE PAY/PHONEPE/ PAYTM @ MOB. 7347447651**