

STAGES OF A CRIMINAL CASE: SIMPLIFIED STEP-BY-STEP GUIDE WITH RELEVANT SECTIONS FROM THE BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS), 2023



1. Filing a Complaint

- The victim (complainant) reports the crime to the police by filing a complaint.
- Relevant Section: Section 154, BNSS, 2023 – Information in cognizable cases.

2. Preliminary Inquiry

- The police conduct an initial investigation to verify if the complaint is genuine and has criminal elements.
- Relevant Section: Section 157, BNSS, 2023 – Procedure for investigation.

3. FIR Registration

- If the complaint is valid, the police register a First Information Report (FIR), marking the start of the formal case.
- Relevant Section: Section 156, BNSS, 2023 – Police officer's power to investigate cognizable cases.

4. Arrest of the Accused

- The police may arrest the accused and must present them before a magistrate within 24 hours.
- Relevant Sections:
 - Section 59, BNSS, 2023 – Person arrested to be informed of grounds of arrest and of right to bail.
 - Section 60, BNSS, 2023 – Person arrested not to be detained more than twenty-four hours.

5. Bail Process

- The accused can apply for bail (after arrest) or anticipatory bail (to avoid arrest).
- Relevant Sections:
 - Section 88, BNSS, 2023 – Anticipatory bail.
 - Section 439, BNSS, 2023 – Special powers of High Court or Court of Session regarding bail.

6. Police Investigation

- The police investigate further by questioning witnesses and gathering evidence.
- **Relevant Section: Section 161, BNSS, 2023 – Examination of witnesses by police.**

7. Charge Sheet Submission

- After completing the investigation, the police file a charge sheet with the court.
- **Relevant Section: Section 173, BNSS, 2023 – Report of police officer on completion of investigation.**

8. Case Number Assignment

- The court assigns a case number, making it an official court case.

9. Summons Issuance

- The court issues a summons to the accused, requiring their appearance on a specific date.
- **Relevant Section: Section 204, BNSS, 2023 – Issue of process.**

10. Appearance in Court

- The accused appears in court, either personally or through a lawyer.
- **Relevant Section: Section 205, BNSS, 2023 – Magistrate may dispense with personal attendance of accused.**

11. Initial Examination of the Accused

- The court asks the accused for their response to the charges.
- **Relevant Section: Section 251, BNSS, 2023 – Substance of accusation to be stated.**

12. Plea of Guilt or Denial

- If the accused pleads guilty, the court may convict them accordingly. If not guilty, the case proceeds to trial.
- **Relevant Sections:**
 - **Section 252, BNSS, 2023 – Conviction on plea of guilty.**
 - **Section 253, BNSS, 2023 – Conviction on plea of guilty in absence of accused in petty cases.**

13. Trial Begins (Evidence Stage)

- The court examines evidence and witness statements to verify the charges.

- **Relevant Sections:**

- Section 274, BNSS, 2023 – Record in trial of summons-cases and inquiries.
- Section 275, BNSS, 2023 – Record in warrant-cases.

14. Prosecution Witnesses Present Evidence

- The complainant and other witnesses testify.
- **Relevant Section: Section 276, BNSS, 2023 – Record in trial before Court of Session.**

15. Cross-Examination of Prosecution Witnesses

- The defense lawyer questions the prosecution witnesses to challenge their statements.
- **Relevant Section: Section 278, BNSS, 2023 – Procedure in regard to such evidence when completed.**

16. Second Examination of the Accused

- The court questions the accused again to explain the evidence presented against them.
- **Relevant Section: Section 313, BNSS, 2023 – Power to examine the accused.**

17. Defense Evidence (Optional)

- If the accused wishes to present their own witnesses, they must seek court permission.
- **Relevant Section: Section 315, BNSS, 2023 – Accused person to be competent witness.**

18. Cross-Examination of Defense Witnesses

- The prosecution lawyer questions the defense witnesses to challenge their statements.

19. Closing Arguments

- Both the prosecution and defense lawyers present their final arguments to the court.
- **Relevant Section: Section 314, BNSS, 2023 – Oral arguments and memorandum of arguments.**

20. Judgment

- **The court delivers its decision:**
 - **Conviction: The accused is found guilty.**
 - **Acquittal: The accused is found not guilty.**
- **Relevant Section: Section 353, BNSS, 2023 – Judgment.**