



Padala Rama Reddi Law College

Program

Sl #	Item	Description
1.	Workshop Title	BNSS – An Effective and Practical Approach to Criminal Justice Administration in TG
2.	Venue	Conference hall, PRR Law College Location : https://maps.app.goo.gl/Vq7QCyk4GZajutk9
3.	Date	Saturday, 22 nd August 2026
4.	Time	10.00am to 12.30pm
5.	Keynote Speaker	Sri. M Satyanarayana garu, Deputy Director of Prosecutions, Sangareddy Unit, T.G.
6.	Moderator	Dr. P. Vijaya Kalyani, Principal, PRR Law College
7.	Workshop coordinator	Nagesh & Team (Final year LLB)

Workshop Questions and Answers

BNSS 2023 – Practical Responses from a Deputy Director of Prosecutions

1. What are the major challenges faced by prosecutors after the implementation of BNSS?

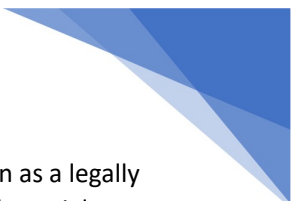
The BNSS has modernised criminal procedure, but it also places greater responsibility on the prosecution to understand technology, statutory timelines and procedural compliance. The principal challenges are: adapting to the new section numbering and altered procedures; ensuring that investigations comply with the statutory requirements; handling electronic and digital evidence; monitoring time limits affecting remand and default bail; and maintaining effective coordination with Investigating Officers and forensic experts.

In my view, the real challenge is not merely knowing the new provisions. A prosecutor must ensure that the investigation is legally sustainable from the beginning and that every important piece of evidence is capable of being proved at trial. The prosecution must therefore move from a passive 'charge-sheet examination' approach to continuous case monitoring.

2. What are the most common mistakes made by Investigating Officers that affect the prosecution case?

The recurring mistakes are incomplete scene-of-crime documentation, failure to identify and examine material witnesses promptly, defective seizure and chain-of-custody documentation, delay or omission in collecting forensic evidence, inconsistencies between the case diary and the final report, improper appreciation of medical evidence, and inadequate handling of electronic evidence.





Another serious problem is treating the charge-sheet as the end of investigation rather than as a legally reasoned presentation of the evidence. A prosecutor should identify these weaknesses before trial, communicate them to the Investigating Officer in writing where appropriate, and ensure that lawful corrective steps are taken without manufacturing evidence or improving a weak case artificially.

3. How can coordination between the Investigating Officer and Public Prosecutor be improved under BNSS?

Coordination should begin before the charge-sheet is filed. The prosecutor should examine the proposed final report, the statements, medical and forensic material, seizure records and electronic evidence and identify genuine legal or evidentiary gaps. The Investigating Officer should then be given a clear list of issues requiring clarification or lawful further investigation.

I strongly prefer structured case conferences rather than informal discussions. Every important advice should be recorded, while preserving the independence of the Investigating Officer and the prosecutor. The prosecutor must never dictate what evidence should be created; the role is to ensure that relevant evidence already available or lawfully obtainable is properly collected, preserved and presented.

4. What practical difficulties arise in implementing electronic evidence provisions during criminal trials?

The practical difficulties usually concern authenticity, integrity, source identification, extraction, preservation, chain of custody and certification. Investigators may possess a screenshot or copied file but fail to establish how it was obtained, from which device or system, whether the data was altered, and who had custody of it.

Under the Bharatiya Sakshya Adhiniyam, electronic records are recognised as evidence, but the statutory requirements for proving their contents must still be satisfied. In practice, the prosecutor should ensure that the original device or lawful source is identified wherever relevant, the extraction process is documented, hash values and other integrity safeguards are preserved where applicable, and the required certificate is properly prepared. A digital file is not self-proving merely because it is produced from a computer or mobile phone.

5. What skills should a young advocate develop to effectively handle criminal cases under BNSS?

A young criminal lawyer should develop five core skills: command over statutory procedure, disciplined reading of the record, evidence appreciation, courtroom advocacy and professional judgment. The advocate must know the BNSS, Bharatiya Sakshya Adhiniyam and Bharatiya Nyaya Sanhita together rather than studying them in isolation.

Equally important is the ability to identify what must be proved, by whom, and through which admissible evidence. Young advocates should learn to prepare a case chronology, witness chart, exhibit chart and list of possible weaknesses before entering court. Above all, they should cultivate patience and credibility. A prosecutor who is fair with the Court and does not overstate a weak point earns far greater persuasive authority when the strong points of the case are presented.

6. What advice would you give to law students who want to build a career in criminal prosecution?

First, develop a strong foundation in criminal law, procedure and evidence. Second, spend time observing actual trials; courtroom practice teaches lessons that textbooks cannot. Listen carefully to how witnesses answer, how objections are taken, how documents are proved and how judges test the prosecution case.

I would also advise students to read judgments critically rather than merely memorising case names. Prepare short case briefs stating the facts, issue, evidence, ratio and practical lesson. Finally, cultivate integrity. Public



prosecution is not private litigation with the State as a client. The prosecutor represents the administration of criminal justice. A prosecutor seeks a just result, not a conviction at any cost.

7. If the investigation is not completed within the statutory period, how should the prosecution deal with the accused's claim for default bail?

Default bail is a statutory consequence of failure to complete investigation within the period prescribed by law, subject to the conditions laid down by the applicable provision and judicial interpretation. The prosecution should therefore maintain a precise custody and remand calendar from the first production of the accused.

If the statutory period has expired and the accused has acquired an enforceable right to default bail in the circumstances of the case, the prosecutor should not attempt to defeat that right by filing an incomplete or legally defective report merely to avoid the consequence. The proper approach is to place the true procedural position before the Court, oppose bail only on legally sustainable grounds, and simultaneously ensure that the investigation is completed as expeditiously as possible. Under BNSS section 187, the applicable period depends on the offence and the statutory conditions.

8. Under BNSS, how should the prosecution respond when the accused seeks discharge after receiving the police report and accompanying documents?

The prosecution should treat a discharge application as a stage for demonstrating whether the materials, taken at their face value and considered with the governing legal test, disclose sufficient ground to proceed. It is not the stage for conducting a mini-trial or asking the Court to finally decide the credibility of witnesses.

The prosecutor should identify the ingredients of the alleged offence, correlate each ingredient with the material collected during investigation, and address the principal defence objections. If there is a genuine defect in the charge or an obvious legal error, the prosecution should address it transparently and seek the appropriate procedural course rather than defending an unsustainable charge. The object is to ensure that only legally supportable charges proceed to trial.

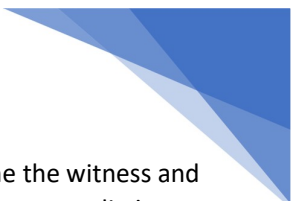
9. At what stage should the Public Prosecutor practically examine the charge-sheet before the Court takes cognizance, and what defects should the prosecutor specifically look for?

Ideally, the prosecutor should examine the final report before it is formally presented for judicial consideration, or at the earliest possible stage immediately after receipt. The review should be substantive, not clerical.

I would specifically check the identity of the accused, jurisdiction, limitation where relevant, correct penal provisions, sanction or statutory permissions, completeness of witness statements, medical and forensic reports, seizure documentation, chain of custody, documentary and electronic evidence, expert opinions, material contradictions, and whether every ingredient of the proposed offence has supporting evidence. I would also check whether any exculpatory or relevant material has been ignored. A prosecutor's review should improve legality and clarity, not manufacture a case that the investigation does not support.

10. If a material witness changes their statement during trial, what is the correct practical procedure for the prosecution to confront and impeach that witness?

The prosecutor should first establish the witness's testimony in Court clearly and identify the precise portion that departs from the earlier statement. The witness should not be unfairly labelled hostile merely because there is a minor omission or an understandable elaboration.



Where the law permits, the prosecutor should seek the Court's permission to cross-examine the witness and confront the witness with the relevant prior statement in the legally prescribed manner. The contradiction must be properly proved; merely showing the police statement to the Court is not enough. The prosecutor should then rely only on those portions of the witness's evidence that remain legally usable and are supported by other evidence. The purpose is to assist the Court in discovering the truth, not to punish a witness for changing position.

11. If the prosecution discovers a serious defect in the investigation after the charge-sheet has already been filed, what remedy is practically available without prejudicing the accused?

The principal lawful remedy is further investigation in accordance with BNSS, with the necessary report or supplementary report being placed before the Court. The prosecutor should first determine whether the defect is merely an evidentiary weakness or whether further investigation can genuinely obtain relevant material.

The important safeguards are transparency, judicial supervision where required, preservation of the accused's procedural rights and avoidance of a fishing or retaliatory investigation. Further investigation should not be used simply to fill every weakness exposed during trial. If the defect can be cured through lawful additional investigation, it should be done promptly and fairly; if it cannot, the prosecutor must present the existing case honestly rather than attempting to conceal the deficiency.

12. During final arguments, if the prosecution realizes that an important legal provision was not properly established through evidence, can the prosecutor seek any further opportunity from the Court?

The prosecutor may request an appropriate procedural opportunity, but cannot use final arguments to introduce evidence that was never brought on record. The first question is whether the deficiency is one of legal appreciation or an actual evidentiary omission.

If the necessary evidence is already on record, the prosecutor can fairly invite the Court's attention to it and explain the applicable law. If material evidence is genuinely essential and the law permits its recall or additional evidence, the prosecutor may seek the Court's permission under the applicable procedural provision. Such a request must be exceptional, bona fide and directed towards a just decision. It should never become a device for repairing a case after the prosecution has failed to prove it through ordinary diligence.

13. If the Court proposes to acquit the accused because of an evidentiary deficiency, what can the Public Prosecutor do at that stage to address the deficiency within the permissible procedure?

The prosecutor should immediately identify whether the perceived deficiency is actually a gap in evidence, an incorrect appreciation of existing evidence, or a legal misunderstanding. If the evidence necessary for a just decision is already on record, the prosecutor should respectfully address it through submissions.

Where the procedural law permits recall of a witness or production of genuinely necessary evidence, the prosecutor may make a reasoned application before judgment, explaining why the evidence is essential and why the request is bona fide. The Court retains control over such powers, and the accused must not be prejudiced by procedural ambush. If the deficiency cannot lawfully be cured at trial, the prosecutor should not seek an impermissible shortcut.

14. In cases involving electronic evidence, what are the most common mistakes made by Investigating Officers regarding collection, preservation and certification of electronic records under the new criminal procedure framework?

The common mistakes are collecting only screenshots instead of the underlying source; failing to identify the device, account or system from which the record came; altering or compressing files without preserving the original; failing to document the extraction process; breaking the chain of custody; neglecting hash or integrity documentation where appropriate; and submitting an incomplete or defective certificate.

The prosecutor should insist on source identification, lawful seizure or acquisition, preservation of the original data, documented forensic extraction, continuity of custody and compliance with the Bharatiya Sakshya Adhiniyam's requirements for electronic records. The certificate is not a decorative formality. It is part of the evidentiary foundation and should accurately describe the device or source, manner of production and relevant integrity particulars.

15. From your practical experience, which stage of a criminal case under BNSS is most frequently mishandled by Investigating Officers, and what should a prosecutor do to prevent that problem from affecting the trial?

The investigation-to-charge-sheet stage is most frequently mishandled. Investigators sometimes concentrate on collecting incriminating material but do not systematically prove every legal ingredient of the offence. Problems then surface only when witnesses enter the box.

The prosecutor should conduct an early evidence audit: identify every ingredient of the offence, map each ingredient to a witness or document, verify the chain of custody, and test the proposed evidence against likely defence objections. I would rather identify a weakness before cognizance than discover it during cross-examination. At the same time, the prosecutor must remain independent: the objective is to ensure a legally fair investigation, not to convert every investigative suspicion into evidence.

16. Under Section 173(3) BNSS, when can a preliminary inquiry be conducted before registration of an FIR, and what safeguards must be followed?

Section 173(3) BNSS permits a preliminary inquiry in specified cognizable cases punishable with imprisonment of three years or more but less than seven years, subject to the statutory conditions. The police officer must obtain the prescribed prior permission of an officer not below the rank of Deputy Superintendent of Police, and the preliminary inquiry is subject to the statutory time limit.

The safeguard is that preliminary inquiry cannot become a substitute for registration of an FIR where the law requires immediate registration. It should be confined to determining whether a prima facie case is disclosed for proceeding. The inquiry must be fair, documented and non-oppressive, and it should not be used to delay or dilute a genuine cognizable offence.

17. Under Section 176(3) BNSS, if a forensic expert is required to visit the crime scene but the visit does not take place, what is the effect on the prosecution case?

The absence of a forensic visit does not automatically mean that the prosecution case must fail. The effect depends on the statutory applicability, the reason for non-compliance, the nature of the offence, the availability of other evidence and whether the accused can demonstrate prejudice.

Where section 176(3) applies, the prosecutor should place the actual circumstances before the Court: whether forensic facilities were available, whether the omission was attributable to the investigation, whether other scientific evidence was collected, and whether the scene and relevant articles were otherwise properly





documented. A procedural lapse may weaken the evidentiary chain, but it does not by itself erase otherwise reliable admissible evidence. The prosecutor should never conceal the omission; the correct approach is to explain it and prove the case through lawful evidence that remains available.

18. Under Section 187 BNSS, when the accused becomes entitled to default bail, what can the prosecution legally do if the investigation is still incomplete?

The prosecution must recognise that default bail is a statutory safeguard, not a discretionary concession, once the legal conditions for the right have accrued. The prosecutor should verify the exact custody period, the nature of the offence, the statutory investigation period and the procedural status of the police report.

If the statutory period has expired and the right has accrued, the prosecution cannot defeat it merely by asking for indefinite time. It should place the true position before the Court, oppose the application only on legally available grounds, and ensure that the investigation is completed without delay. If the statutory period has not yet expired, the prosecutor may oppose default bail on that basis and place the status of investigation before the Court. The prosecution must be vigilant about remand dates because delay by the State cannot ordinarily be converted into a disadvantage for the accused.

19. If a charge-sheet contains an incorrect section of law but the factual allegations support another offence, how should the Public Prosecutor address the defect at the pre-trial stage?

The defect should be corrected openly and at the earliest stage. Criminal procedure is concerned with the substance of the allegations and the legal ingredients proved by the material, not merely the label initially selected by the Investigating Officer.

The prosecutor should place before the Court the correct legal provision, explain how the factual allegations and evidence satisfy its ingredients, and seek the appropriate order regarding alteration or framing of the charge according to the procedural stage. The accused must receive a fair opportunity to understand and meet the case. I would never defend an incorrect section merely because it appears in the charge-sheet; professional responsibility requires the prosecution to help the Court frame the legally correct case.

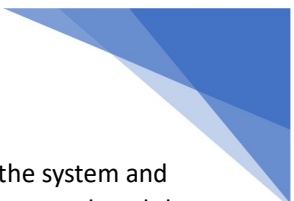
20. If a key witness is omitted from the charge-sheet but later becomes essential, what is the safest procedural route for bringing that witness into the prosecution evidence?

The safest route is to place the material facts before the Court and seek summoning of the witness under the Court's power to summon a material witness, particularly BNSS section 348 where applicable. The prosecutor should explain why the witness was omitted and why the evidence has subsequently become necessary.

The application should be bona fide and should not be designed to introduce a surprise witness merely to repair weaknesses exposed in cross-examination. The Court must ensure fairness to the accused, including an opportunity for cross-examination. If the witness is genuinely material to the just decision of the case, the omission from the original charge-sheet is not by itself a reason to suppress relevant evidence.

21. If the Investigating Officer failed to collect CCTV footage at the initial stage but obtains it during further investigation, how should its collection, preservation and authenticity be established at trial?

The prosecution should establish the lawful source of the CCTV, the identity and functioning of the recording system, the period for which the footage was recorded, the manner in which the relevant footage was identified and extracted, and the continuity of custody from collection to production.



The person responsible for the CCTV system or another competent witness should explain the system and source where necessary. The original recording or appropriate source material should be preserved, and the electronic-record requirements under the Bharatiya Sakshya Adhiniyam must be satisfied. If the footage was obtained during further investigation, the supplementary investigation and report should transparently record how and when it was obtained. The late collection is a matter for explanation and weight; it does not automatically make genuine footage inadmissible.

22. If the original electronic device is unavailable but a copy of the electronic record is available, what must the prosecution establish for the Court to rely upon it?

The prosecution must establish admissibility in accordance with the Bharatiya Sakshya Adhiniyam, particularly the provisions governing electronic or digital records and the applicable certificate requirements. The Court must be able to identify the source of the record, the manner in which the copy was generated or obtained, and the relevant conditions supporting its reliability.

The prosecutor should also explain why the original device is unavailable, establish the provenance of the copy, prove the relevant electronic-record certificate and address integrity or tampering objections. A mere printout, screenshot or copied file should not be treated as self-authenticating. The strength of the evidence depends upon the statutory foundation and the surrounding evidence establishing its reliability.

23. If a seizure mahazar was prepared without independent witnesses because they refused to cooperate, what specific evidence should the prosecution lead to establish the seizure beyond reasonable doubt?

The prosecution should not treat the absence of independent witnesses as automatically fatal. It should lead clear evidence from the seizing officer and other available witnesses concerning the time, place, circumstances and manner of seizure; identify the seized article; prove its condition and identification; establish sealing, labelling and safe custody; and connect the article produced in Court with the article allegedly seized.

The prosecutor should also place on record any contemporaneous documentation showing that independent witnesses were requested but declined, if such material exists. Where electronic recording, photographs, body-camera material or other corroborative evidence lawfully exists, it may strengthen the prosecution case. Ultimately, the Court must assess the credibility of the official witnesses and the entire chain of custody rather than applying an automatic rule that every seizure requires independent public witnesses.

24. If a prosecution witness materially improves the version given during investigation, how should the Public Prosecutor distinguish an acceptable elaboration from a material contradiction?

An elaboration adds detail without destroying the basic consistency of the earlier version. A material contradiction, by contrast, goes to a significant fact such as identity, occurrence, participation, time, place or another fact forming an essential part of the prosecution case.

The prosecutor should compare the Court testimony with the previous statement carefully and identify whether the difference is an omission, an improvement or a true contradiction under the law of evidence. Minor variations caused by lapse of time or differences in expression should not be exaggerated. At the same time, a material improvement must not be defended merely because it supports the prosecution. The correct approach is to isolate the reliable portion and test it against independent medical, documentary, forensic and circumstantial evidence.

25. If medical evidence appears inconsistent with the eyewitness account, what specific factors should the prosecutor examine before deciding which version can safely be relied upon?

The prosecutor should compare the nature, location, age and severity of injuries with the alleged weapon, manner and timing of occurrence. The medical evidence should be read with the doctor's explanation, post-mortem findings where applicable, treatment records, surrounding circumstances and the credibility of the eyewitness.

Not every medical variation amounts to a contradiction. The important question is whether the medical evidence makes the eyewitness version physically impossible or merely differs in detail. I would also examine whether the medical evidence itself is conclusive or whether alternative explanations exist. A prosecutor does not choose between a doctor and an eyewitness mechanically; the task is to harmonise the evidence where reasonably possible and, where it cannot be harmonised, assess which evidence remains scientifically and legally reliable.

26. If an essential ingredient of the charged offence was not specifically put to the accused during examination, what is the correct course available to the prosecution?

The prosecutor should first identify whether the omission has caused real prejudice to the accused. Examination of the accused is intended to give a fair opportunity to explain incriminating circumstances, and the prosecution should not seek to rely on a material circumstance that was never fairly put to the accused.

If the trial is still at a stage where the Court can lawfully correct the omission, the prosecutor may request the Court to put the relevant circumstance to the accused in accordance with the applicable procedure, while ensuring that the defence receives a fair opportunity. The prosecutor should not ask the Court to cure every omission mechanically. The correct course depends on the nature of the missing circumstance, the stage of the case and whether prejudice has resulted.

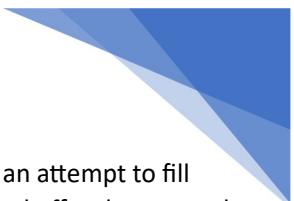
27. If a crucial prosecution witness does not support the case and is declared hostile, what portions of that witness's evidence can still be relied upon by the prosecution?

A hostile witness does not become wholly useless to the prosecution. The Court may rely upon those portions of the witness's testimony that are found trustworthy and are consistent with other reliable evidence. The prosecutor may, with the Court's permission as required by law, cross-examine the witness to test the departure from the earlier version.

The proper approach is selective and evidence-based. If a witness admits a relevant fact in cross-examination, or a portion of the examination-in-chief remains credible and is independently corroborated, that portion may still assist the prosecution. I would never argue that the witness's entire testimony must be rejected merely because the witness has not supported the prosecution case in full.

28. If the prosecution discovers after closure of evidence that a material witness or document was inadvertently omitted, what remedy should be sought and on what grounds?

The prosecution should make a prompt, specific and bona fide application under the applicable procedural provision, particularly the Court's power to summon or recall material witnesses where the evidence is essential to a just decision. If a document is genuinely material, the prosecutor should explain its relevance, source, authenticity and the reason for the earlier omission.



The grounds should be necessity, inadvertence, relevance and the interests of justice—not an attempt to fill gaps exposed by the defence. The application should disclose the circumstances honestly and offer the accused a full opportunity to meet the additional evidence. The Court's power is intended to prevent failure of justice, not to give either side an unlimited second opportunity to reconstruct its case.

29. After an acquittal, how should the Public Prosecutor distinguish a case fit for appeal from one where the appellate Court is unlikely to interfere with the trial Court's findings?

An appeal against acquittal should be considered with restraint. The prosecutor should examine whether the trial Court's view is legally impossible, perverse, based on a serious misreading of evidence, founded on inadmissible material, or has resulted from ignoring material evidence or applying an incorrect legal test.

If the trial Court has taken a reasonably possible view of the evidence, particularly where witness credibility is involved, an appellate Court ordinarily exercises caution before disturbing the acquittal. Therefore, the prosecutor should prepare an objective appellate note identifying the findings challenged, the specific evidence supporting the challenge, the legal error, and why appellate interference is justified. Not every acquittal is an appealable error. Public prosecution must protect the finality of a judicial acquittal where the case does not meet the threshold for meaningful appellate interference.