



THE REDWOOD JOURNAL

Website: www.the-redwood-lawyers.com

VOLUME:-6 ISSUE NO:-6 , OCTOBER 2, 2026

ISSN (ONLINE):- 3139-7360

Email: theredwoodjournal@gmail.com

Digital Number : 2025-23534643

CC BY-NC-SA

Authored By:- *K. M. Sarathi*

SUPPLY OF POLICE REPORTS AND DOCUMENTS TO THE ACCUSED UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023: A STUDY OF FAIR TRIAL AND PROCEDURAL JUSTICE

Abstract

The supply of police reports and related documents to an accused person is a fundamental procedural safeguard in criminal justice. An accused cannot effectively understand the allegations, prepare a defence, or challenge the prosecution case without access to the materials that form its basis. The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), establishes a statutory framework for supplying these documents before the criminal proceedings advance to the relevant stages. Section 230 deals with cases instituted on a police report, while Section 231 governs the supply of statements and documents in certain complaint cases triable exclusively by the Court of Session. Section 227 also contains requirements concerning copies of the complaint and accompanying documents when process is issued.

This paper examines the scope and purpose of these provisions, the categories of documents to be supplied, the fourteen-day statutory limit under Section 230, and the use of electronic copies and inspection procedures for voluminous records. It analyses the relationship between

disclosure obligations and the constitutional guarantee of a fair trial under Article 21 of the Constitution of India. The paper also considers the distinction between documents relied upon by the prosecution and materials collected during investigation but not relied upon, drawing upon relevant Supreme Court decisions, including *Criminal Trials Guidelines Regarding Inadequacies and Deficiencies*, *In re v. State of Andhra Pradesh*, *Manoj v. State of Madhya Pradesh*, and *Sarla Gupta v. Directorate of Enforcement*. It argues that effective disclosure requires more than the formal delivery of a set of papers. Documents must be supplied within the statutory period, in a usable form, with sufficient clarity to enable meaningful preparation of the defence. The paper concludes that consistent judicial supervision and proper document management are essential to protect the accused's rights while ensuring the efficient administration of criminal justice.

Keywords: *Bharatiya Nagarik Suraksha Sanhita, 2023; police report; disclosure of documents; right to fair trial; Section 230 BNSS; criminal procedure.*

Introduction

Criminal proceedings may have serious consequences for an individual's liberty, reputation, employment, family life, and future. A person facing a criminal charge must therefore be given a meaningful opportunity to understand the allegations and prepare a defence. This opportunity cannot be effective if the prosecution materials remain unknown to the accused or are supplied only after the proceedings have substantially advanced.

In a police-investigated case, the investigating agency collects statements, records, electronic evidence, expert reports, and other materials. After completing the investigation to the relevant extent, the police submit a report before the competent court in accordance with the applicable law. The report and accompanying documents provide the basis upon which the court considers the next stages of the proceedings. Access to these materials allows the accused and the defence advocate to understand the prosecution's case, identify factual disputes, examine the legal ingredients of the alleged offence, and determine whether grounds exist to challenge the proceedings.

The Bharatiya Nagarik Suraksha Sanhita, 2023, which came into force on 1 July 2024, contains provisions governing the supply of police reports and documents to accused persons. Section 230 is the principal provision for cases instituted on a police report. Section 231

addresses specified complaint cases triable exclusively by the Court of Session. Section 227(3) requires copies of the complaint and accompanying documents to be supplied when process is issued in the circumstances covered by that provision.

These provisions are not merely administrative rules concerning the preparation of court papers. They form part of the procedural framework intended to ensure that criminal proceedings are conducted fairly. If the accused receives incomplete, illegible, or delayed documents, the opportunity to prepare a defence may be impaired even if the court formally records that copies have been supplied.

The law must nevertheless balance disclosure with legitimate restrictions. Certain statements may contain portions that the investigating officer requests to exclude for reasons recognised by statute. Some records may be voluminous and unsuitable for ordinary photocopying. Materials not relied upon by the prosecution may also raise distinct questions concerning the stage at which their production can be sought. These issues require careful judicial consideration rather than a blanket approach in favour of either unrestricted disclosure or automatic refusal.

This paper examines the statutory framework and judicial principles governing the supply of police reports and documents. It argues that the true objective of disclosure is to ensure that the accused has a fair and practical opportunity to understand and answer the prosecution case.

Research Methodology

This paper focus on a doctrinal method of legal research. It analyses the BNSS, 2023, particularly Sections 230 and 231, together with the related provisions governing the police report, issue of process, and production of documents. It also considers Article 21 of the Constitution of India and judicial decisions interpreting the corresponding provisions of the former Code of Criminal Procedure, 1973.

The study draws upon judgments of the Supreme Court concerning disclosure of prosecution materials, the treatment of documents not relied upon by the investigating officer, and the relationship between document supply and the right to a fair trial. Particular attention is given to decisions that explain the difference between the right to receive copies of documents

forming part of the prosecution case and the separate right to seek production of other material at an appropriate stage. The research is analytical rather than empirical. It does not rely on interviews, field surveys, or statistical data. Since several important decisions were delivered under the former Code, their relevance to BNSS proceedings must be assessed by reference to the corresponding provisions and the current statutory language.

Statutory Framework Under The Bnss, 2023

3.1 Section 230: Supply of police reports and other documents

Section 230 of the BNSS governs cases instituted on a police report. It requires the Magistrate to furnish prescribed documents to the accused and to the victim, if represented by an advocate, free of cost. The documents must be supplied without delay and, in any case, within fourteen days from the date of production or appearance of the accused before the court.

The fourteen-day outer limit is an important feature of the provision. It establishes a clear statutory timeframe intended to prevent avoidable delays in providing the materials necessary for the defence. The expression “without delay” also indicates that the statutory period should not be treated as permission to postpone supply until the last possible day where the documents can reasonably be furnished earlier.

Section 230 covers several categories of documents. These include the police report, the First Information Report recorded under Section 173 of the BNSS, statements recorded under Section 180(3) of persons whom the prosecution proposes to examine as witnesses, confessions and statements recorded under Section 183, and other documents or relevant extracts forwarded to the Magistrate with the police report under Section 193(6).

The provision also contains safeguards concerning statements that the police officer requests to exclude from copies. The Magistrate must examine the relevant portion and consider the reasons given for the request. The statutory arrangement therefore places the decision within judicial supervision rather than leaving the scope of disclosure entirely to the investigating officer.

Section 230 further recognises the practical difficulty of supplying very large volumes of material. Where the Magistrate is satisfied that a document is voluminous, the statutory

proviso permits appropriate arrangements, including supply through electronic means or inspection personally or through an advocate in court. The provision also recognises electronic supply as valid compliance.

These arrangements are intended to facilitate access without allowing the volume of material to make disclosure unworkable. However, the chosen method should still enable the accused and the advocate to examine the relevant information effectively.

3.2 Police report and accompanying documents

The police report provides the formal account of the investigation submitted to the court. The documents accompanying it may include witness statements, expert reports, records obtained during investigation, and other material upon which the prosecution proposes to rely.

The purpose of disclosure is not satisfied by supplying only the first page of the police report or a general summary of the allegations. The statutory categories must be considered individually, and the documents required by Section 230 must be identified and supplied in accordance with the provision.

This is particularly important in cases involving several accused persons, numerous witnesses, electronic records, or technical evidence. The defence may need to compare different statements, identify inconsistencies, examine the chain of custody of physical or electronic evidence, and understand how the prosecution proposes to establish the ingredients of the alleged offence.

Where the documents supplied do not correspond with the index or the record submitted by the prosecution, the discrepancy should be brought to the attention of the court. A complete and properly indexed set of documents helps prevent confusion and allows the proceedings to advance on an informed basis.

3.3 Section 231: Documents in certain complaint cases

Section 231 deals with cases instituted otherwise than on a police report where the Magistrate issuing process under Section 227 finds that the offence is triable exclusively by the Court of Session. In such cases, the Magistrate must furnish the accused, free of cost, with the statements recorded under Sections 223 or 225 of persons examined by the Magistrate, the

statements and confessions recorded under Sections 180 or 183, and other documents or relevant extracts produced before the Magistrate on which the prosecution proposes to rely.

The provision is important because the need for disclosure does not disappear merely because a case was instituted by a private complaint rather than a police report. Where the statutory conditions under Section 231 are satisfied, the accused must receive the prescribed material before the case proceeds in accordance with the applicable procedure.

The scope of Section 231 differs from Section 230 because the nature of the proceeding and the source of the materials are different. Section 230 principally concerns police-report cases, while Section 231 addresses the specified complaint cases triable exclusively by the Court of Session. The two provisions should therefore be applied according to their own terms.

3.4 Section 227(3): Supply of complaint documents

Section 227(3) requires that, in a case instituted otherwise than on a police report, the accused be supplied with a copy of the complaint and the documents accompanying it when process is issued in the circumstances covered by the provision.

This requirement helps ensure that the accused knows the case that has been placed before the court. Without access to the complaint and the documents forming its basis, the accused may be unable to understand the allegations or respond effectively at the appropriate stage.

The provision also demonstrates that the duty to provide documents is not confined to police investigations. The procedure differs according to the type of case, but the underlying objective remains the same: the accused should not be required to answer a criminal case without reasonable access to the material on which it is founded.

3.5 Section 94: Production of documents and other things

Section 94 of the BNSS provides a separate mechanism for requiring the production of documents, electronic communications, communication devices likely to contain digital evidence, or other things necessary or desirable for an investigation, inquiry, trial, or other proceeding under the Sanhita.

This provision is relevant when an accused seeks material that has not been included in the documents initially supplied under Section 230. The legal question is then not simply whether the ordinary copies should have been furnished, but whether the requested material should be produced under the applicable statutory power and at the stage at which the request is made.

Section 94 does not automatically convert every document collected during an investigation into a document that must immediately be supplied in copy form at the initial disclosure stage. The court must examine the legal basis of the request, the relevance of the material, the stage of proceedings, and any legitimate grounds for withholding or postponing production.

The distinction between initial disclosure and a later request for production is important. It protects the accused's ability to seek relevant material without treating the statutory disclosure provisions as an unrestricted entitlement to every record held by an investigating agency.

Constitutional Basis: The Right To A Fair Trial

Article 21 of the Constitution of India protects life and personal liberty except according to procedure established by law. The Supreme Court has consistently recognised that criminal procedure must be fair, just, and reasonable. A trial cannot be meaningfully fair if the accused is denied a proper opportunity to understand and meet the case advanced by the prosecution.

The supply of documents is closely connected with this constitutional principle. An accused who does not know the evidence relied upon may be unable to instruct counsel effectively, challenge the prosecution's version, identify relevant defence evidence, or test the reliability of witnesses. In this sense, document supply is not a technical step separate from the merits of the case. It is part of the process through which the accused is given a meaningful opportunity to defend himself.

The right to a fair trial does not, however, mean that the accused automatically receives unrestricted access to every item collected by the investigating agency at every stage. The governing statute, judicial decisions, relevance of the material, and legitimate restrictions must be considered. The courts must distinguish between material that the law requires to be supplied as part of the prosecution record and other material whose production may be sought through a separate application.

A fair-trial approach therefore requires both compliance with the disclosure obligations and a reasoned consideration of requests for additional material. The court should avoid a purely formal approach in which the record shows that documents were supplied even though they were incomplete, illegible, or practically unusable.

Documents Relied Upon And Materials Not Relied Upon

One of the most significant questions in disclosure law concerns the difference between documents relied upon by the prosecution and materials collected during investigation but not relied upon in the police report.

The documents forming part of the prosecution case must be supplied in accordance with Section 230 and the applicable statutory requirements. The accused must also be informed of the material that the investigating officer has collected but has not relied upon, in accordance with the principles developed by the Supreme Court concerning disclosure of the list of such material.

The right to receive copies of documents relied upon should be distinguished from the right to obtain copies of every document not relied upon. The latter question may depend on the stage of proceedings and the applicable statutory mechanism. The Supreme Court has recognised the importance of furnishing a list of non-relied-upon statements, documents, material objects, and exhibits so that the accused knows of their existence and can seek their production where legally appropriate.

This distinction is necessary for two reasons. First, it prevents the prosecution from concealing the existence of potentially relevant material merely by choosing not to rely upon it. Secondly, it avoids treating the initial disclosure stage as an automatic entitlement to unrestricted copies of every item collected during the investigation, regardless of the legal framework and procedural stage.

The court must therefore consider the disclosure request with precision. It should identify whether the accused seeks a copy of a document that forms part of the prosecution record, a list of materials not relied upon, or production of a particular item under Section 94. Each request raises a different legal question.

6. Judicial Approach To Disclosure Of Documents

6.1 Criminal Trials Guidelines Regarding Inadequacies and Deficiencies, In re v. State of Andhra Pradesh

Citation: (2021) 10 SCC 598.

In this decision, the Supreme Court addressed deficiencies in the criminal trial process and approved guidelines intended to improve fairness and consistency. Among the issues considered was the supply of statements, documents, material objects, and exhibits to the accused.

The Court recognised the importance of furnishing a list that identifies not only the materials relied upon by the investigating officer but also those that have been seized or collected and are not relied upon. The purpose is to ensure that the accused knows what material exists and can apply for its production at the appropriate stage if it is necessary for a proper and fair trial.

The decision is significant because it treats disclosure as an issue of procedural fairness rather than merely the exchange of papers. A list of non-relied-upon material enables the defence to identify the existence of evidence that may be relevant to the case, even though the prosecution has not included it among the materials on which it proposes to rely.

The principle is relevant to the BNSS framework because Section 230 corresponds broadly to Section 207 of the former Code. The current statutory text must still be applied directly, but the Supreme Court's reasoning provides important guidance on how disclosure should support a fair trial.

6.2 Manoj v. State of Madhya Pradesh

Citation: (2023) 2 SCC 353.

In *Manoj*, the Supreme Court considered issues concerning the criminal trial process and the disclosure of material collected during investigation. The judgment reaffirmed the importance of supplying a list identifying statements, documents, material objects, and exhibits that are not relied upon by the investigating officer.

The Court's approach supports the principle that the accused should not remain unaware of the existence of material collected by the investigating agency merely because it is not

included among the documents relied upon by the prosecution. Knowledge of such material enables the accused to make an informed application for production where the law permits.

The decision also helps clarify that the existence of a right to know about non-relied-upon material does not necessarily mean that copies of all such material must be supplied automatically at every stage. The accused may need to seek production through the appropriate legal mechanism, and the court must determine the request according to the circumstances.

This distinction preserves the accused's ability to seek relevant evidence while maintaining a structured procedure for the production of materials during criminal proceedings.

6.3 *Sarla Gupta v. Directorate of Enforcement*

Citation: 2025 INSC 645, judgment dated 7 May 2025.

This Supreme Court judgment considered disclosure and production of documents in proceedings under the Prevention of Money Laundering Act, 2002, alongside the relevant principles under the former Code of Criminal Procedure. The case involved requests for documents relied upon by the prosecution, documents seized during investigation, and material not relied upon by the investigating agency.

The Court reaffirmed the requirement to supply a list of statements, documents, material objects, and exhibits not relied upon by the investigating officer. It explained that this enables the accused to know what material is held by the investigating agency and to seek production under the applicable procedural provision at the appropriate stage.

The judgment also made an important distinction concerning copies of non-relied-upon documents. In the ordinary course, the accused is not automatically entitled to copies of all such documents at the stage of framing of charge. The Court considered the appropriate stage for seeking their production and recognised that the position may depend on the legal context, including the requirements of a particular statute and the circumstances in which the documents are sought.

Because *Sarla Gupta* concerned proceedings under the PMLA and interpreted the former procedural law, its conclusions should not be applied mechanically to every BNSS

prosecution. Nevertheless, its analysis of the difference between relied-upon material, a list of non-relied-upon material, and a later application for production is highly relevant to understanding disclosure principles.

The decision reinforces the need for courts to determine document applications by identifying the nature of the requested material, the procedural stage, and the legal basis of the request rather than treating every request for disclosure as identical.

6.4 Principles emerging from the decisions

The cases discussed above support four important propositions. First, the documents forming part of the prosecution case must be supplied in accordance with the applicable statutory provisions. Secondly, the accused should be informed of the existence of materials collected but not relied upon, in accordance with the Supreme Court's disclosure principles. Thirdly, the right to receive copies of relied-upon documents is not identical to the right to obtain copies of every non-relied-upon document at the initial stage. Finally, the accused may seek production of additional material through the appropriate statutory procedure, and the court must consider that request according to the law and the stage of the proceedings.

These principles demonstrate that disclosure must be both meaningful and legally structured. The objective is to protect the accused's ability to defend the case without disregarding the procedural limits governing access to investigative material.

7. Practical Difficulties In Supplying Documents

7.1 Delay in furnishing copies

One of the main difficulties is delay in the supply of documents. Even though Section 230 establishes a fourteen-day outer limit from the production or appearance of the accused, administrative difficulties may arise in preparing copies, indexing records, or arranging access to electronic material.

Delay can affect the preparation of applications, instructions to counsel, and the accused's understanding of the case. Courts should therefore monitor compliance and ensure that the statutory timeframe is observed.

7.2 Incomplete or illegible documents

The supply of incomplete or illegible documents may be as problematic as a complete failure to provide copies. If a witness statement is missing pages, a digital record cannot be opened, or an expert report is unreadable, the defence may be unable to evaluate the material properly.

The accused or counsel should identify the specific deficiencies and place them before the court through an appropriate application. A clear record of missing or defective documents enables the court to issue focused directions for correction.

7.3 Voluminous and electronic records

Modern investigations frequently involve mobile phones, computers, CCTV footage, financial records, social media material, and other electronic evidence. The volume of such records may make ordinary paper copies impractical.

Section 230 recognises this difficulty by permitting electronic supply or inspection arrangements for voluminous documents in the circumstances specified by the provision. However, electronic delivery must be meaningful. A file that is corrupted, inaccessible, improperly indexed, or supplied in a format that cannot reasonably be examined may not provide effective access in practice.

Courts should ensure that the chosen method allows the defence to inspect the relevant materials and identify the documents or data that may be necessary for the case.

7.4 Disputes concerning non-relied-upon material

Disputes may arise when the accused seeks material that the investigating officer has collected but has not relied upon. The prosecution may argue that the material is outside the record relied upon for framing the charge, while the defence may contend that it is necessary to test the prosecution's version or prepare the defence.

Such disputes require a careful distinction between supplying the list of non-relied-upon material and providing copies of particular documents. The court should identify the legal basis of the request and determine whether production is warranted at the relevant stage.

7.5 Lack of coordination between investigation and court administration

Incomplete indexes, inconsistent pagination, missing annexures, and delays in transmitting electronic records may result from inadequate coordination between the investigating agency and the court administration. These difficulties can be reduced through standardised indexing, clear identification of relied-upon and non-relied-upon material, and verification of the completeness of the document set before supply.

Proper record management would reduce unnecessary applications and help criminal proceedings move forward without avoidable disputes.

8. CRITICAL ANALYSIS

The BNSS provides a structured framework for supplying documents to the accused, but the effectiveness of that framework depends on how it is implemented. Section 230 establishes both a substantive obligation to furnish specified documents and a timeframe for compliance. Section 231 and Section 227(3) address different categories of proceedings and demonstrate that disclosure is a recurring requirement across criminal procedure.

The fourteen-day limit under Section 230 is an important procedural safeguard. However, compliance should not be assessed only by checking whether copies were handed over within the prescribed period. The documents must correspond to the statutory categories, be sufficiently legible, and be accessible in a form that permits meaningful examination.

A second concern is the treatment of material not relied upon by the prosecution. The Supreme Court's decisions in *Criminal Trials Guidelines Regarding Inadequacies and Deficiencies*, *In re* and *Manoj* emphasise the importance of supplying a list of such materials. *Sarla Gupta* further explains that the right to know of non-relied-upon material and the right to obtain copies of it are distinct questions. This distinction should be carefully preserved when applying the law.

The objective of disclosure is not to create an unrestricted right to every investigative record at every stage. Nor should the prosecution's decision not to rely upon a document automatically prevent the accused from seeking it where the law permits production. The court must determine the request according to relevance, procedural stage, statutory authority, and the principles of fair trial.

Electronic disclosure presents another challenge. Although electronic supply can reduce cost and delay, it may be ineffective if the files cannot be opened, searched, or properly associated with the prosecution index. The law should be implemented in a manner that recognises practical access, not merely formal transmission.

Ultimately, the statutory framework and judicial principles must work together. The statute establishes the documents and timeframes, while judicial supervision ensures that disputes concerning completeness, relevance, and access are resolved fairly. This combination is essential to prevent disclosure from becoming a formality that fails to protect the accused in practice.

9. Recommendations

First, Magistrates should ensure that the statutory timeframe under Section 230 is observed and that the document set supplied to the accused is complete, properly indexed, and legible.

Secondly, investigating agencies should clearly identify the documents and materials relied upon in the police report and separately identify material collected but not relied upon, in accordance with the applicable law and Supreme Court disclosure principles.

Thirdly, where electronic or voluminous records are supplied, the court should ensure that the method of access is practical and that the accused and advocate can inspect the materials effectively. Defective or inaccessible electronic files should be corrected without unnecessary delay.

Fourthly, applications seeking additional documents should identify the particular material requested, explain its relevance, and specify the legal basis for production. This will enable the court to distinguish between an ordinary request for copies under Section 230 and a request for production under Section 94.

Fifthly, courts should give reasoned directions where there is a dispute about whether documents have been properly supplied or whether additional material should be produced. This would reduce uncertainty and help ensure that the accused's rights are protected without unnecessary disruption of the proceedings.

Finally, court administrations and investigating agencies should adopt consistent practices for indexing, pagination, electronic storage, and transmission of records. Better coordination would reduce missing documents, improve accountability, and prevent avoidable delays.

Conclusion

The supply of police reports and documents to the accused is a central safeguard in criminal procedure. It enables the accused to understand the prosecution case, instruct counsel, identify factual and legal issues, and prepare a defence. The BNSS, 2023, gives statutory form to this safeguard through Sections 230 and 231 and the related requirements under Section 227(3).

Section 230 requires the prescribed documents to be supplied free of cost, without delay, and within fourteen days from the production or appearance of the accused. It also recognises electronic supply and special arrangements for voluminous records. Section 231 governs the supply of specified materials in certain complaint cases triable exclusively by the Court of Session, while Section 94 provides a separate mechanism for seeking production of additional documents or things.

The Supreme Court's decisions in *Criminal Trials Guidelines Regarding Inadequacies and Deficiencies*, *In re, Manoj*, and *Sarla Gupta* demonstrate the importance of distinguishing between documents relied upon by the prosecution, lists of non-relied-upon material, and requests for production of additional documents at an appropriate stage. These distinctions help preserve fairness while maintaining a structured procedure for access to investigative material.

Effective disclosure requires more than formal compliance. The documents must be supplied in a complete, legible, and usable form, and requests for additional material must be considered according to the law. Timely disclosure, accurate indexing, effective electronic access, and reasoned judicial supervision are therefore essential to the proper administration of criminal justice.

A fair criminal trial cannot be achieved merely by ensuring that the accused is present before the court.

References

A. Statutes

1. The Bharatiya Nagarik Suraksha Sanhita, 2023, Sections 94, 227(3), 230 and 231.
2. The Code of Criminal Procedure, 1973, Sections 91, 207 and 208, as relevant to the interpretation of corresponding principles under the BNSS.
3. The Constitution of India, Article 21.

B. Judicial Decisions

1. *Criminal Trials Guidelines Regarding Inadequacies and Deficiencies, In re v. State of Andhra Pradesh*, (2021) 10 SCC 598.
2. *Manoj v. State of Madhya Pradesh*, (2023) 2 SCC 353.
3. *Sarla Gupta v. Directorate of Enforcement*, 2025 INSC 645, decided on 7 May 2025.

C. Official and Research Sources

1. Government of India, *The Bharatiya Nagarik Suraksha Sanhita, 2023*, available through the official statutory materials of the Government of India.
2. Supreme Court of India, *Sarla Gupta v. Directorate of Enforcement*, judgment dated 7 May 2025.
3. National Crime Records Bureau, *BNSS Section Table and Corresponding Provisions of the Code of Criminal Procedure, 1973*.