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HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Office of Registrar General at Srinagar)

Subject: Adoption and framing of Draft Rules of Criminal Practice, 2026, in terms of order dated 05.02.2026, passed in Suo Moto Writ Petition (Criminal) No. 01 of 2017 [IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES IN CRIMINAL TRIALS]-Compilation on behalf of Amicus Curiae Sh. Sidharth Luthra (Senior Advocate).

NOTIFICATION

No: 2226 of 2026/RG

Dated: 22.09.2026

In compliance to order dated 05.02.2026 for adoption and framing of Draft Rules of Criminal Practice, 2026, passed by Hon'ble Supreme Court in Suo Moto Writ Petition (Criminal) No. 01 of 2017 [IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES IN CRIMINAL TRIALS], the following directions are hereby issued for the guidance and compliance of all courts subordinate to the High Court: -

CHAPTER I: INVESTIGATION

1. BODY SKETCH TO ACCOMPANY MEDICO LEGAL CERTIFICATE, POST MORTEM REPORT AND INQUEST REPORT:

- (i) Every Medico Legal Certificate, Post Mortem Report and inquest report shall contain a printed format of the human body on its reverse and injuries, if any, shall be indicated on such sketch.

Explanation: The printed format of the human body shall contain both a frontal and rear view of the human body as provided in ANNEXURE—A1.

- (ii) Once prepared, the inquest, post mortem and medical reports and body sketch be forwarded to the concerned investigating officer, victim within the stipulated timeline under section 184 and 194 of the BNSS.

2. PHOTOGRAPHS AND VIDEO GRAPHS OF POST MORTEM IN CERTAIN CASES.

- i. In case of death of a person in police action [under Section 46 Criminal Procedure Code, 1973("Cr. P. C") now Section 43 of BNSS or Sections 129 to 131 Cr. P. C now Section 148 to 150 of BNSS] or

death while in police custody, the magistrate or the Investigating Officer as the case may be, shall inform the hospital or doctor in charge to arrange for photographs or videography for conducting the post-mortem examination of the deceased. The photographs of the deceased shall also be arranged to be taken in all cases.

- ii. Such photograph and video graphs shall be taken either by arranging a police photographer or a nominated photographer of the State Government, and where neither of the above are available, an independent or private photographer shall be engaged.
- iii. Such photographs or video graphs shall be seized under a panchnama or seizure memo and all steps taken to ensure proper proof of such photographs/video graphs during Trial.
- iv. The Investigating Officer shall ensure that such photographs and videographs, if taken electronically, are seized under a panchnama or seizure memo and steps are taken to preserve the original, and ensure that certificate under Section 65(B) Indian Evidence Act, 1872 now section 63 Bhartiya Sakshaya Adhiniyam as applicable is obtained and taken to be proved during trial.
- v. The video or photographs shall be stored on a new & sealed separate memory card, accompanied by a duly certified certificate under Section 65B Indian Evidence Act, 1872 now section 63 Bhartiya Sakshaya Adhiniyam.
- vi. Where post-mortems are recorded in electronic form, the file containing the post-mortem proceedings, duly certified, should be placed with the memory card as an attachment unless individual memory cards are not capable of being produced before the Court.

3. SCENE MAHAZAR/ SPOT PANCHANAMA:

- (i) A site plan of the place of occurrence of the incident shall be appended by the Investigating Officer to the scene mahazar or spot panchnama. The scene of the crime shall be recorded by audio-visual means as prescribed under Section 105 of BNSS.
- (ii) The site plan shall be prepared by the Investigating Officer by hand, and shall disclose:
 - a) the place of occurrence,
 - b) the place where the body (or bodies) was / were found,
 - c) the place where material exhibits and/or weapons were seized/ were found seized,

- d) blood stains and/or body fluids had fallen,
 - e) the place where bullet shells, if any, were found or have caused impact,
 - f) the source of light, if any and
 - g) adjoining natural and man-made structures or features such as walls, pits, fences, trees/bushes, if any and
 - h) elevation of structures and their location.
- (iii) The preparation of this sketch by the Investigating Officer shall be followed by a scaled site plan prepared by police draftsman, if available, or such other authorized or nominated draftsman by the State Government, who shall prepare the scaled site plan after visiting the spot.
- (iv) The relevant details in the mahazar or panchnama shall be marked and correlated in the said site plan.

4. SUPPLY OF DOCUMENTS UNDER SECTIONS 173, 207 AND 208 Cr.P.C NOW UNDER SECTIONS 190, 230 AND 231 OF THE BHARTIYA NAGARIK SURAKSHA SANHITA, 2023:

- i. Every Accused shall be supplied with statements of witness recorded under Sections 161 and 164 Cr. P. C /180 and 183 BNSS and a list of documents, material objects and exhibits seized during investigation and relied upon by the Investigating Officer (I.O) in accordance with Sections 230 and 231, BNSS.

Explanation: The list of statements, documents, material objects and exhibits shall specify statements, documents, material objects and exhibits that are not relied upon by the Investigating Officer.

Note: Every victim as defined in Section 2 (w) (wa) of Cr.P.C/2(y) of BNSS is also entitled to be provided with a copy of the materials supplied. (Ref Section 193(3) BNSS and 230 BNSS.)

- ii. Accused or Victim-who are entitled to participate in the proceedings would be permitted inspection of the judicial record in pending cases and to utilise the same in accordance with law.

Note: Reference may be made to the "e-True copies of record rules, 2025 of the High Court of J&K and Ladakh."

CHAPTER II: FRAMING OF CHARGE

5. Framing of Charge: The order framing charge shall be accompanied by a formal charge in Form 32, Schedule II, CrPC/Form 33, Schedule II, of the Bhartiya Nagarik Suraksha Sanhita, 2023 to be prepared personally by the Presiding Officer after complete and total application of mind within 60 days from the date fixed for the first hearing on charge.

CHAPTER III: TRIAL

6. RECORDS OF EVIDENCE: PROCEDURE:

- (i) The depositions of each witnesses shall be recorded, in typed format or AV format, if possible. The record of evidence shall be prepared on computers, if available, in the Court on the dictation of the Presiding Officer. That in case the language of deposition is to be recorded in a language other than English or the language of the State, the Presiding Officer shall simultaneously translate the deposition either himself or through a competent translator into English.
- (ii) The deposition shall be recorded in the language of the witness and in English when translated.
- (iii) The depositions shall without exception be read over by the Presiding officer in Court. Hard copy of the testimony so recorded duly signed to be a true copy by the Presiding Officer/court officer shall be made available free of cost against receipt to the accused or an advocate representing the accused, to the witness and the prosecutor on the date of recording.
- (iv) A translator shall be made available in each Court and Presiding Officers shall be trained in the local languages, on the request of the Presiding Officer.
- (v) The Presiding Officers shall not record evidence in more than one case at the same time.
- (vi) The entire evidence shall be recorded in Audio-Visual format and with live transcriptions using technological tools or manually, as maybe feasible.

Note: Any person entitled to copies of the evidence will be entitled to be provided true copies of audio-visual recording & transcripts of evidence.

7. RECORDING OF EVIDENCE: FORMAT OF WITNESS:

- (i) The deposition of each witness shall be recorded dividing it into separate paragraphs assigning paragraph numbers. Prosecution witnesses shall be numbered as PW-1, PW-2 etc, in seriatim. Similarly, defence witnesses shall be numbered as DW-1, DW-2, etc., in seriatim. The Court witnesses shall be numbered as CW-1, CW-2, etc, in seriatim.
- (ii) If the evidence is in Audio-Visual (AV) format it shall be PW-1 (AV), PW-2 (AV), DW-1(AV) and DW-2(AV) and so on in seriatim.
- (iii) The record of depositions shall indicate the date of the chief examination, the cross examination and re-examination.
- (iv) The Presiding Officers shall wherever necessarily record the deposition in question-and-answer format.
- (v) Objections by either the prosecution or the defence counsel shall be taken note of and reflected in the evidence and decided immediately, in accordance with law or at the discretion of the learned Judge, at the end of the deposition of the witness in question.
- (vi) The name and number of the witness shall be clearly stated on any subsequent date, if the evidence is not concluded on the date on which it begins.

8. EXHIBITING OF MATERIAL OBJECTS AND EVIDENCE:

- (i) Prosecution exhibits shall be marked as Exhibit P-1, P-2 etc in seriatim. Similarly, defence Exhibits shall be marked as Exhibit D-1, D-2, etc in seriatim. The Court exhibit shall be marked as Exhibit C-1, C-2, etc in seriatim.
- (ii) To easily locate the witness through whom the document was first introduced in evidence, the exhibit number shall further show the witness number of such witness after the Exhibit number. If an exhibit is marked without proper proof, the same shall be indicated by showing in brackets (subject to proof).

Explanation: If Prosecution witness no. 1 (PW1) introduces a document in evidence, that document shall be marked as Exhibit P-1/PW1. If proper proof is not offered for that document at the time when it is marked, it shall be marked as Exhibit P-1/PW1

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(subject to proof). The Second document introduced by PW1 will be Exhibit P-2/PW1.

(iii) The Material objects shall be marked in seriatim as MO-1, MO-2 etc.

9. SUBSEQUENT REFERENCES TO ACCUSED, WITNESS, EXHIBITS AND MATERIAL OBJECTS:

(i) After framing of charges, the accused shall be referred to only by their ranks in the array of accused in the charge and not by their names or other references except at the stage of identification by the witness.

(ii) After recording the deposition of witnesses, marking of the exhibits and material objects, while recording deposition of other witnesses, the witnesses, exhibits and material objects shall be referred by their numbers and not by names or other references.

(iii) Where witness cited in the complaint or police report are not examined, they shall be referred to by their names and the numbers allotted to them in the complaint or police report.

10. REFERENCES TO STATEMENTS UNDER SECTION 161 AND 164 CRPC, NOW 180 AND 183 OF THE BHARTIYA NAGARIK SURAKSHA SANHITA, 2023:

(i) During cross examination, the relevant portion of the statements recorded under Section 161 Cr. P. C /180 Bhartiya Nagarik Suraksha Sanhita, 2023 BNSS used for contradicting the respective witness shall be extracted. If it is not possible to extract the relevant part as aforesaid, the Presiding Officer, in his discretion, shall indicate specifically the opening and closing words of such relevant portion, while recording the deposition, through distinct marking.

(ii) In such cases, where the relevant portion is not extracted, the portions only shall be distinctly marked as prosecution or defence exhibit as the case may be, so that other inadmissible portions of the evidence are not part of the record.

(iii) In cases, where the relevant portion is not extracted, the admissible portion shall be distinctly marked as prosecution or defence exhibit as the case may be

(iv) The aforesaid rule applicable to recording of the statements under Section 161 Cr.P.C/180 BNSS shall mutatis mutandis

apply to statements recorded under Section 164 of the CrPC/183 BNSS, whenever such portions of prior statements of living persons are used for contradiction/corroboation.

- (v) Omnibus marking of the entire statement under S. 161 and 164 Cr.P.C/180 and 183 BNSS shall not be done.

Note: BNSS has provided audio video (AV) means in the recording of evidence with the following sections:

BNSS	CrPC	Inclusions
254(1)	S. 231	Witness evidence for prosecution may be recorded using audio video means
254 (2)	S. 231	Deposition of public servants may be recorded using audio video means
310 (1)	S. 275 (no change)	Evidence in warrant cases may be recorded via audio video means in the presence of the accused advocate.
336	New Section	Evidence of public servants, experts, police officer in certain cases; Deposition by successor officers may be recorded using audio video (AV) means
356 (5)	New Section	Inquiry trail or judgment in absentia of proclaimed offender; Witness deposition and examination must be recorded using audio video (AV) means where ever practicable.

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11. MARKING OF CONFESSIONAL STATEMENTS:

The Presiding Officers shall ensure that only admissible portion of Section 8 now section 6 of the BSA or Section 27 Indian Evidence Act, 1872 now section 23 of the BSA is marked and such portion alone is extracted on a separate sheet and marked and given an exhibit number.

CHAPTER IV: THE JUDGMENT

12. Every judgement shall contain the following:-

- i. Start with a preface showing the names of parties as per FORM A to the Rules.
- ii. Tabular statement as per FORM B to the Rules.
- iii. An appendix giving the list of prosecution witnesses, defence witnesses, Court witnesses, Prosecution Exhibits, Defence Exhibits and Court Exhibits and Material Objects as per FORM C to the Rules.

13. In compliance with Section 354 CrPC/Section 393 of the Bhartiya Nagarik Suraksh Sanhita, 2023 and Section 355 CrPC in all cases, the judgments shall contain:

- i. the point or points for determination,
- ii. the decision thereon, and
- iii. the reasons for the decision

14. In case of conviction, the judgment shall separately indicate the offence involved and the sentence awarded. In case there are multiple accused, each of them shall be dealt with separately. In case of acquittal and if the accused is in confinement, a direction shall be given to set the accused at liberty, unless such accused is in custody in any other case.

15. In the judgment the accused, witnesses, exhibits and material objects shall be referred to by their nomenclature or number and not only by their names or otherwise. Wherever, there is a need to refer to the accused or witnesses by their name, the number shall be indicated within brackets.

16. The judgment shall be written in paragraphs and each paragraph shall be numbered in seriatim. The Presiding Officers, may, in their discretion, organize the judgment into different sections.

Note: It is clarified that this rule is not applicable to Judgment in summary trials under section 263, 264 of CrPC/ Section 283-287 of BNSS.

CHAPTER V: MISCELLANEOUS**17. BAIL:**

- i. The application for bail in non-bailable cases must ordinarily be disposed of within a period of 3 to 7 days from the date of first hearing. If the application is not disposed of within such period, the Presiding Officer shall furnish reasons thereof in the order itself. Copy of the order and the reply to the bail application or status report (by the police or prosecution) if any, shall be furnished to the accused and to the accused on the date of pronouncement of the order itself. The Presiding Officer may, in an appropriate case in its discretion insist on a statement to be filed by the prosecutor in charge of the case.
- ii. The following timelines ought to be followed:
 - (i) Bail applications and anticipatory bail applications are to be disposed within a time period of two weeks to two months.
 - (ii) The power to grant bail, is inclusive of the power to grant interim bail.
 - (iii) No indefinite adjournments to be granted and matters of personal liberty to be prioritised.
 - (iv) Cases where undertrial have remained in custody for more than five years be accorded priority for bail or release on personal bond, and High Courts to monitor compliance through structured action plans.
 - (v) Undertrial prisoners who have spent a period more than the period of punishment (if convicted) for the alleged offense should be released on personal bond.
 - (vi) Certain sections of the Code (u/s. 437(1), 439 of Cr.P.C/ now Section 481, 483 of BNSS) and other Special Acts (such as Unlawful Activities Prevention Act, 1967, Narcotic Drugs Psychotropic Substances Act, 1985) mandate that notice is to be given to the public prosecutor prior to the hearing of the bail application.
 - (vii) The victim has the right to be heard at every stage of proceedings including bail.
 - (viii) A duly executed vakalatnama shall take precedence over a memo of appearance, and trial courts shall not insist upon a No Objection Certificate (NOC) when a vakalatnama is filed in a matter where a memo of appearance is already on record.

iii. In cases where bail applications are preferred by the accused, and in such cases where the Prosecution is expected to file their objections to the said bail application, the Hon'ble Court may, in appropriate cases, whilst issuing notice to the State concerned, may direct such State to file its objections, at least 48 hours prior to the returnable date, specifying the following particulars:

- a. Date of arrest;
- b. Particulars of police report under S. 173 CrPC (now S. 193 BNSS), if filed;
- c. Number of witnesses proposed to be examined by the prosecution;
- d. Whether charge(s) have been framed or not;
- e. If the charge(s) has not been framed/the trial has not commenced, as the case may be, the reason therefor;
- f. If the trial has commenced, the number of witnesses examined;
- g. Criminal antecedents of such Petitioner/ Accused; and
- h. Any other information relevant for a decision on the bail application

iv. In cases seeking bail, following standardized applications may be preferred

PARTICULARS	DETAILS
FIR:	
Offences:	
Accused Persons:	
Allegations:	
Arrest:	Petitioner arrested and detained on _____(date) at _____(time) at(place)
Manner of arrest:	
Custodial Conditions:	

Period of police Custody with dates:	
Medical Conditions:	
Period of interim bail, if any:	
Whether bail cancelled:	
Grounds Urged for Cancellation:	

18. SEPARATION OF PROSECUTORS AND INVESTIGATORS

The State Governments shall appoint advocates, other than Public Prosecutors to advise the Investigating Officer during investigation.

19. PROBATION:

Since both Sec. 360 CrPC/Sec. 401 BNSS and Sec. 3-5 of Probation of offenders Act, 1958 contained a mandate to first consider probation (which is not being complied with routinely), all courts if *not considering* probation as an alternative to sentence, where applicable, must state reasons for not awarding probation, in writing on the order on sentence.

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Form A
[Pertains to Judgment]

IN THE COURT OF Present Sessions Judge [Date of the Judgment] [Case No..... /2019 (Details of FIR/Crime and Police Station)	
COMPLAINANT	STATE OF..... OR NAME OF THE COMPLAINANT
REPRESENTED BY	NAME OF THE ADVOCATE
ACCUSED	1. NAME WITH ALL PARTICULARS (A1) 2. NAME WITH ALL PARTICULARS (A2)
REPRESENTED BY	NAME OF THE ADVOCATES

11

Form B
[Pertains to Judgment]

Date of Offence	
Date of FIR	
Date of Charge sheet	
Date of Framing of Charges	
Date of commencement of evidence	
Date on which judgment is reserved	
Date of the Judgment	
Date of the Sentencing Order, if any	

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 468 of B.N.S.S,2023

Handwritten signature

FORM C
[Pertains to Judgment]

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WIGTNESS, MEDICAL WITNESS, PANCH WITNESS, OGTHER WITNESS
PW1		
PW2		

B. Defence Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WIGTNESS, MEDICAL WITNESS, PANCH WITNESS, OGTHER WITNESS
PW1		
PW2		

C. Court Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WIGTNESS, MEDICAL WITNESS, PANCH WITNESS, OGTHER WITNESS
PW1		
PW2		

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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS
[Pertains to Judgment]

A. Prosecution;

Sr. No	Exhibit Number	Description
1.	Exhibit P-1/PW1	
2.	Exhibit P-2/PW2	

B. Defence:

Sr. No	Exhibit Number	Description
1.	Exhibit D-1/DW1	
2.	Exhibit D-2/DW2	

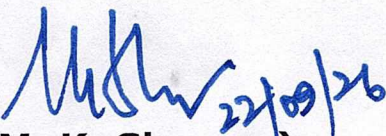
C. Court Exhibits

Sr. No	Exhibit Number	Description
1.	Exhibit C-1/CW1	
2.	Exhibit C-2/CW2	

D. Material Object:

Sr. No	Material Object Number	Description
1.	MO-1	
2.	MO-2	

By Order


(M. K. Sharma)
Registrar General

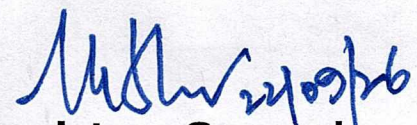
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Dated: 22/9/2026

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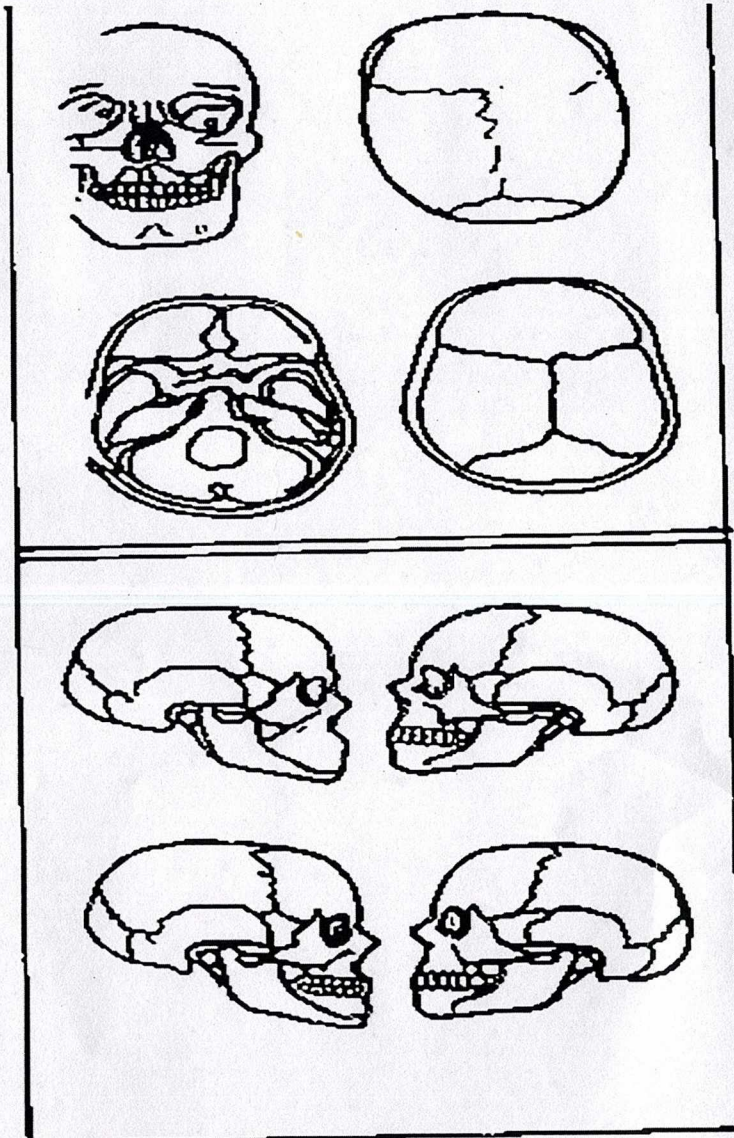
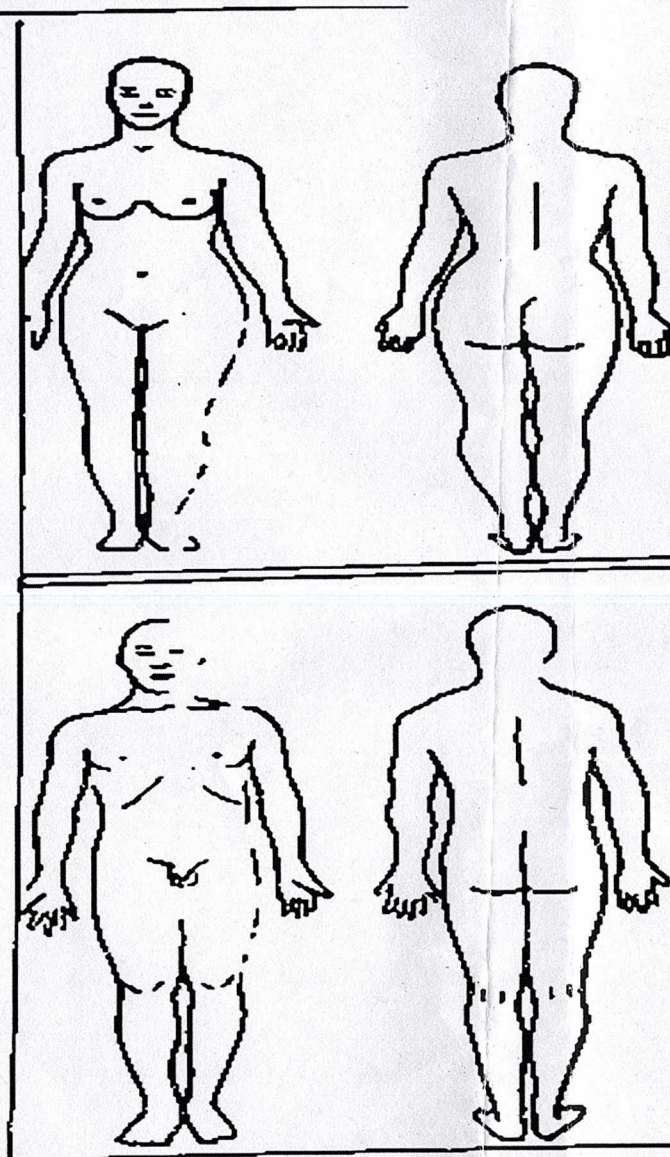
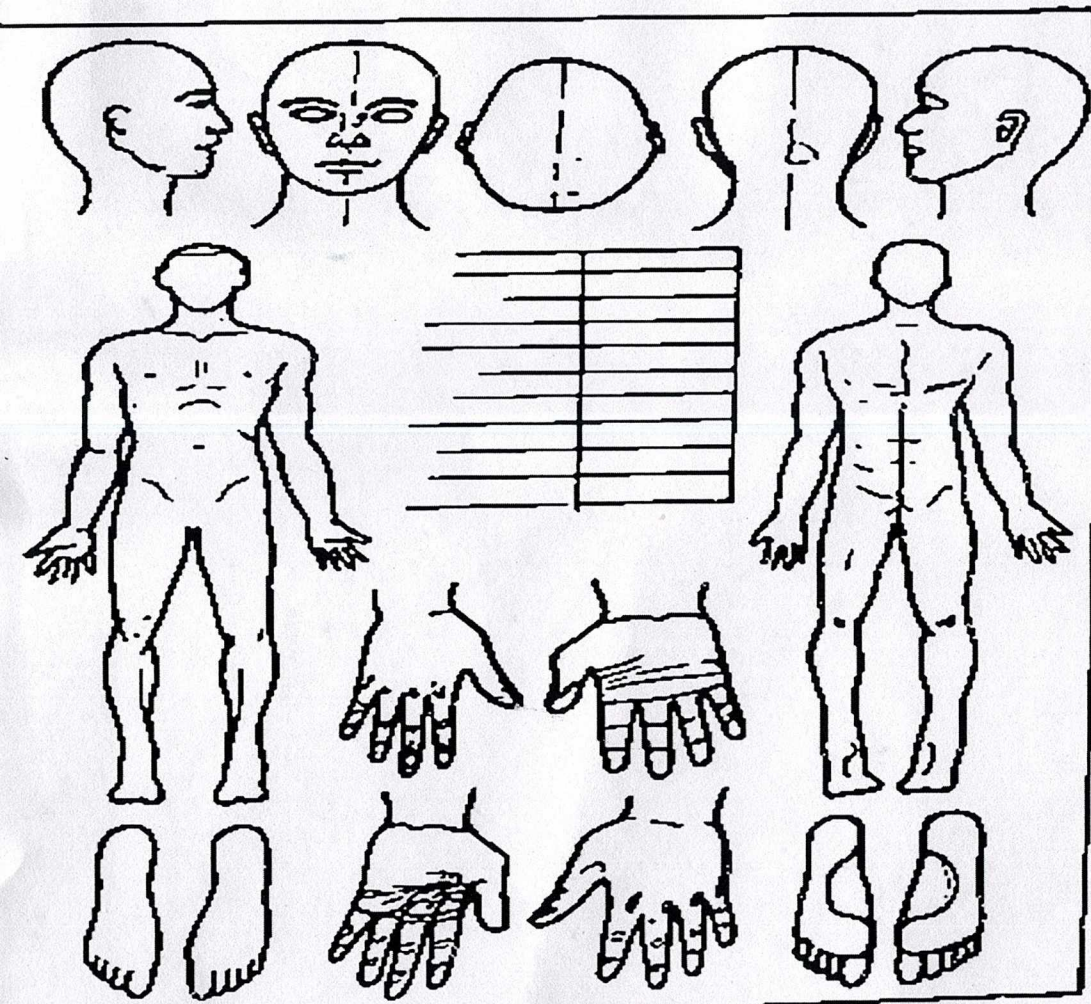
1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh for kind information of His Lordship;
2. Secretary to Hon'ble Mr/Mrs. Justice-----
..... for information of their Lordships
3. Registrar Vigilance, High Court of J&K and Ladakh, Srinagar;
4. Registrar Computers (I.T), High Court of J&K and Ladakh, Srinagar;
5. Registrar Rules, High Court of J&K and Ladakh, Srinagar for information;
6. Registrar Judicial, High Court of J&K and Ladakh, Jammu/Srinagar;
..... for information.
7. All Principal District and Sessions Judges, UTs of J&K and Ladakh for information/necessary action and with the request to get the same

- circulated amongst the judicial officers working under their respective jurisdiction(s), for necessary compliance at their end;
8. CPC, e-Courts, High Court of J&K and Ladakh, Srinagar for information.
 9. Deputy Registrar, Supreme Court Section, High Court Main Wing, Srinagar, for information.
 10. Incharge NIC, High Court of J&K and Ladakh, Srinagar for information and uploading the same on the official website of the High Court.
 11. Incharge Library, High Court Wing Jammu/Srinagar for information and keeping the record of the same.
 12. Order file.


Registrar General

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ANNEXURE — A1. Frontal and Rear view



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