



USHA VATS
& ASSOCIATES

Adv Usha Vats & Adv Manoj Parashar

+91 9211732039, 9891045644

www.ushavatsassociates.in

HOW TO READ A CHARGE SHEET LIKE A SENIOR ADVOCATE

by:

Adv Usha Vats & Manoj Parashar

ushavatsassociates.in

Reading a **chargesheet like a senior advocate** requires legal insight, attention to procedural details, and strategic thinking. A chargesheet (as per **Section 173(2) of CrPC / BNSS**) is the **final police report** after investigation, and it lays the foundation for prosecution.

Here's a **step-by-step guide** to help you read a chargesheet like an expert:

1. Read the FIR Carefully First

- **Note FIR number, date, police station.**
- Identify:
 - **Sections invoked** (IPC, special laws).
 - **Name and role of complainant and accused.**
 - **Brief narrative** – motive, place, time, method.

➡ *Compare this with the chargesheet narrative.*

2. Check the List of Accused and Their Roles

- See **who is named as accused**, and whether:
 - Any accused is **absconding** (shown as PO).
 - Any accused is shown as **“Not Sent Up” (NSU)** – i.e., insufficient evidence.
 - Any **new accused** is added (u/s 319 CrPC possible later).

➡ *Are charges uniform or individualized?*

3. Examine the List of Witnesses (Annexure)

- **Check witness types:**
 - **Eye-witness**
 - **Police/investigating officer**
 - **Panch witness (for recovery/seizure)**
 - **Expert witness** (forensic, medico-legal)
- **Are key witnesses missing?**

- Any **hostile witness indicators**?

➡ *Match witness names to their statements (161 CrPC).*

4. Read Section 161 Statements

- Read **each statement** carefully:
 - Consistency with FIR?
 - Are there contradictions?
 - Any signs of **improvement or exaggeration**?
 - Common plot or vague/inconsistent accounts?

➡ *This is crucial for later cross-examination strategy.*

5. Analyze Medical & Forensic Evidence

- Medical report (MLC / Postmortem report)
 - Time, injury nature, weapon type, healing, etc.
- FSL report (fingerprints, DNA, drugs, cyber data)
- Weapon or object sent for forensic testing?

➡ *Does it support or contradict the prosecution version?*

6. Look at Recovery & Seizure Memos (Panchanama)

- What was recovered? (weapon, phone, stolen property)
- Date, time, and **location of recovery**.
- Any **delay or lack of independent witnesses**?

➡ *Is recovery under Section 27 Evidence Act?*

7. Spot Procedural Irregularities

- Was the **arrest legal and timely**?

- Any **delay in forwarding accused to magistrate** (u/s 57 CrPC)?
- Was **Section 41A notice** issued?
- Are **FSL reports or call data certificates** (65B Evidence Act) filed properly?

➔ *Any irregularity can help in discharge/quashing later.*

8. Cross-Verify with Supporting Documents

- CCTV footage, WhatsApp chats, call logs, etc.
- Are **65B certificates** attached?
- Compare **timings, locations, phone tower dumps** (especially in cyber/POCSO cases).

➔ *Check for fabrication or tampering signs.*

9. Study Final Opinion of IO

- The last page of chargesheet contains the **conclusion by IO**.
 - “Charge-sheeted” vs. “Untraced” vs. “Closure”
 - Based on **evidence sufficiency**, not proof beyond doubt.

➔ *IO's conclusion is not final – court takes cognizance independently.*

10. Apply Strategic Thinking

- Is this a **fit case for discharge?** (under S. 227/239 CrPC)
- Should you **challenge the chargesheet in High Court** under S. 482 CrPC / BNSS 2023?
- Or **wait for framing of charge and go for quashing later?**
- Any ground for **anticipatory bail or regular bail?**

➔ *Your legal strategy flows from your chargesheet reading.*

Bonus Tip:

Make a **summary table:**

Point	Observation
FIR vs. 161 Contradictions	...
Role of Accused X	...
Independent Witnesses	...
Forensic Consistency	...
Delay in FIR / Arrest	...
Possible Defense Angles	...

