**SECTION – 1**

**INVESTIGATION OF OFFENCE**

1. Omission/commission of an act constituting an offence is followed by a sequence of action(s) as shown in the flow chart of “Chronological sequence of actions to be taken in a disciplinary case” in Section 2 of this book**.** An offence punishable under the Army Act can be investigated in one or more of the following ways:-

(a) **Informal Investigation.** The CO/Fmn Cdr may direct one of his subordinate offrs to inquire into a matter and report the outcome verbally to him.

(b) **Semi-Formal Investigation.** This is one man (offr) investigation ordered by the CO/Fmn Cdr under AO 4/2000. The offr so detailed will record statements of the relevant witnesses including the suspected accused and submit a **written report** to the CO/Fmn Cdr who ordered the investigation. Semi formal (one man) investigation can be held either in lieu of or in addition to the Informal investigation mentioned above.

(c) **Formal Investigation (C of I).** Formal investigation is done through a **Court of Inquiry (C of I)** held under ARs 177 to 186. It is legally not mandatory that all cases are investigated by a C of I. If the facts are simple and offence and identity of the offender becomes known through an informal or semi-formal investigation, the disciplinary action may be directed against the accused without going for a C of I. However, investigation by a C of I may be held in addition to the informal (verbal) or semi-formal (one man) investigation.

2. On completion of the investigation in the manner mentioned in para 1 above, the CO /Fmn Cdr may direct disciplinary action against the accused. A direction to take disciplinary action means to prepare a **tentative charge-sheet** and ‘**hear the** **charge’** as per the procedure prescribed under AR 22 read with AO 6/2009.

**Reporting of Certain Incidents to Higher Headquarters**

3. It must be borne in mind that certain incidents involving breach(es) of discipline, are required to be reported to the next Fmn HQs under SAO 6/S/2000. A list of the incidents which are required to be reported under SAO 6/S/2000 is contained in **Appendix ‘A’**. The first report (preliminary) is required to be made verbally soon after the incident, followed by a signal within 24 hrs of the incident. Thereafter, a detailed report is made in 72 hrs in the form of a detailed letter. A format for making the detailed written report is given in SAO 6/S/2000.

4. Other incidents not mentioned in SAO 6/S/2000(Appx ‘B’) are not required to be reported and may be investigated under the orders of the CO in the manner explained here-in-above.