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# AI, National Criminal Procedure Code, Criminal Investigation and Adjudication in Nepal

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**Abstract:** The National Criminal Procedure Code, 2017 confers ample powers to the government to use of science and technology in the investigation and adjudication of criminal offences in Nepal. The Code allows for the filing of a First Information Report (FIR) through electronic means, which aims to facilitate greater accessibility and efficacy in the reporting of crimes. Further, the law allows the investigating agencies to use of technology during investigation in many respects. The statement of accused may be recorded through video conferencing in cases where accused or witness cannot be produced due to physical illness, old age, or security concerns. The law mandates for digital archiving of FIRs so registered. Further, the courts may record the statement of witness through video conferencing, and such statements are required to be digitally archived. The exchange of documents through electronic means and the computerized arrangement for listing the matters and giving dates facilitate technology-enabled court proceedings. The digital and automated case management systems operated by Nepal's courts contribute to the modernization and efficiency of judicial processes. Current study explores the legal frameworks relating to the use of technology in criminal investigation and adjudication in Nepal.

**Keywords:** digital; technology; criminal investigation; adjudication; Nepal; CrPC

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## 1. Introduction

In the globalized world, technology is one of the most indispensable mechanisms of criminal investigations. The investigating agencies can crack difficult cases quickly with the help of latest digital tools and technologies. There has been a paradigm shift from traditional method in entire investigation and adjudication process with the dawn of artificial intelligence (AI), data analysis, digital forensics, and biometric identification. Alongside the traditional crimes, new ones have also surfaced, such as identity theft, online fraud, and digital harassment (Chhatrapati and Prasad 2021). These tools help ensure reliability of evidence and solve the cases smoothly, efficiently and quickly. As the technology knows no personal biasness, it reduces human mistakes and prejudices. The investigating agencies are using tools to predict and understand crime trends. They can crack the cases even before they occur.

The mushrooming of cybercrime and digital offences has made it necessary for investigation techniques to advance. The AI tools help detect crime patterns and identify the cases of recidivism. The introduction of AI-based systems into criminal investigations offers several potential benefits for India's law enforcement system (Sinha 2024). Ultimately, it helps in evidence analysis and open new avenues in criminal investigation and prosecution. AI tools help examine huge amounts of data in a short span of time which helps the investigators to find out hidden links and patterns that older methods could not debunk. The electronic records, device data, and blockchain-based evidence tracking are nowadays a regular part of investigations. These developments ensure efficiency in criminal investigation. AI algorithms will analyze the given data points, which include historical crime incidents, geographic information, time of day, and socio-economic factors to find the pattern and predict the future criminal behavior (Siwan et al. 2025). Eventually, these tools turn meaningful enhancing conviction rates and strengthen public confidence in the justice system.

So, the technologies would impact the criminal investigations, helping law enforcement agencies to respond to complex crimes in enhanced ways. CCTV cameras, drones, and body-worn cameras have significantly changed the process and patterns of criminal investigation. The CCTV

cameras installed in the streets of cities, malls, colleges and other public spaces monitor public areas and provide important video evidence after crimes happen. The camera footages help in identifying suspects, knowing modus operandi, and reconstructing the crime scenes. The facial recognition and location-tracking technologies ensure accuracy and accelerate the investigations by matching faces with digitally archived records and tracing movements of accused, absconders, suspects or missing persons. Forensic sciences have also been equipped technological advancements. The DNA analysis and profiling has shifted from basic methods to more advanced techniques, like that of mitochondrial DNA testing, STR profiling, and next-generation sequencing. These methods help solve even complicated criminal cases with greater accuracy and efficiency. The technologies and AI tools are transforming law enforcement by helping analyze information, detect crime patterns, and predict criminal activities. This transformation helps law enforcement move from reacting to crimes after they happen to stopping them in advance.

The National Criminal Procedure Code, 2017[1] adopted and enacted by the competent parliament of Nepal entered into force on August 17, 2018. The Code has 198 Sections and 50 Schedules. The Code has an extensive structure of procedure that reflects the legislative intent to provide a detailed, and systematic procedural framework regulating the stages of criminal proceeding. The Code governs the entire lifecycle of a criminal case. It provides procedures and schedules for the lodging of criminal cases through FIR, filing private prosecution cases, like that of cheque dishonor, defamation, or battery. It offers extensive procedures for investigation and prosecution, trial and adjudication, sentencing, execution of judgments, appeal, revision, and other post-trial remedies. Although, the promulgation of the latest federal Constitution in 2015[2] served as a catalyst for this legislative reform, it left provincial governments with no meaningful role over criminal law and criminal procedure, despite adoption of a federal system of governance. The Code by repealing the *Muluki Ain*, 1963[3], aimed to eliminate ambiguity, inconsistency, and outdated practices in criminal procedure. The new Code introduces clarity in procedural stages, defines the powers and responsibilities of investigation authorities, prosecutors, courts, and prison authorities, and strengthens mechanisms for judicial supervision and accountability. The Code consolidates different criminal laws for clarity and brevity (Gautam 2018).

The Muluki or National Criminal Procedure Code[4] incorporates, necessary reforms, in the earlier provisions relating to the investigation, prosecution, filing, adjudication, appeal, and other aspects of criminal cases. Previously, these matters were governed by the State Cases Act, 1992[5]. Along with both Codes, the Bill to Amend and Repeal Certain Nepal Laws 2026[6] repealed various existing laws. The effect and consequence of provisions contained in the Codes and of repealed or amended earlier laws is a crucial issue in the implementation of criminal law (Regmi 2021). The Act to Amend, Consolidate, Harmonize and Repeal Certain Nepal Laws, 2017, enacted together with the National Civil and Criminal Codes, repealed Nepal laws, including Muluki Ain, 2020; State Cases Act, 2049; Some Public Offences and Punishment Act, 2027[7]; Crimes and Punishment against the State Act, 2046 (1989)[8]; Espionage Act, 2018[9]; Begging (Prohibition) Act, 2018 (1962)[10]; Gambling Act, 2020[11]; and Certain Criminal Case Repeal and Remission of Punishment Act, 2020[12]. The provisions of these laws have been revised and incorporated into the Muluki Criminal Code and the Criminal Procedure Code. Criminal offence-related provisions previously included in the Muluki Ain, such as offences relating to homicide, rape, fraud, theft, and forgery, have been revised and incorporated into the Criminal Code. Similarly, provisions contained in the Espionage Act, Gambling Act, Crimes and Punishment against the State Act, Certain Public Offences and Punishment Act, and Begging (Prohibition) Act have been revised and included in the Code with modifications to offences and punishments (Regmi 2021).

The inclusion of 50 Schedules further supplements the statutory provisions by prescribing standardized formats, procedural forms, and practical guidelines to ensure uniformity and efficiency in criminal administration. The current Code provides ample provisions which provide room for the use of technology. For example, the FIR could be lodged through electronic means and all the FIRs registered manually are required to archived digitally. Similarly, the deposition of the accused or the recording of statement, both during the investigation and trials, may be recorded by means of audio-video means. During the investigation process, the investigating authority may be required to collect Call Details Records (CDR), DNA, and other materials with the aid of technology. The law of the land permits the investigating, prosecuting and adjudicating authority to adapt necessary technology to dispense the cases. Current research explores the provisions embodied under the National Criminal Procedure Code, which in one or some other way, supplement and supplant the investigation, prosecution and adjudication in Nepal.

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1 National Criminal Procedure (Code) Act, 2074 (2017), https://bwcimplementation.org/sites/default/files/resource/NP_Criminal%20Procedure%20Code_EN.pdf

2 Constitution of Nepal, 2015, https://constitutionnet.org/sites/default/files/nepal_constituton_2015_24_sep_2015.pdf

3 *Muluki Ain* (General Code), 2020 (1963); see "National Code of Nepal," https://en.wikipedia.org/wiki/National_Code_of_Nepal

4 National Criminal Procedure (Code) Act, 2074 (2017), https://bwcimplementation.org/sites/default/files/resource/NP_Criminal%20Procedure%20Code_EN.pdf

5 State Cases Act, 2049 (1992), https://www.yumpu.com/en/document/view/33939417/government-cases-act-2049-1992

6 Bill to Amend and Repeal Certain Nepal Laws, https://hr.parliament.gov.np/en/bills/2THiFqK0

7 Some Public (Crime and Punishment) Act, 2027 (1970), https://www.scribd.com/document/520011931/%E0%A4%95%E0%A5%87%E0%A4%B9%E0%A5%80-%E0%A4%B8%E0%A4%BE%E0%A4%B0-%E0%A4%B5%E0%A4%9C%E0%A4%A8%E0%A4%BF%E0%A4%95-%E0%A4%85%E0%A4%AA%E0%A4%B0%E0%A4%BE%E0%A4%A7-%E0%A4%B0-%E0%A4%B8%E0%A4%9C%E0%A4%AF-%E0%A4%90%E0%A4%A8-%E0%A5%A8%E0%A5%A6%E0%A5%A8%E0%A5%AD-Copy-2

8 Crimes and Punishment against the State Act, 2046 (1989), https://www.legal-tools.org/doc/4e2961/pdf/

9 Espionage Act, 2018; see National Penal (Code) Act, 2074, s. 56, https://nepallaws.com/Laws/the-national-penal-code-act-2074/part-2-criminal-offences/chapter-1-offences-against-the-state/section-56-prohibition-of-espionage/

10 Begging (Prohibition) Act, 2018 (1962), https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/71667/NPL71667.pdf

11 Gambling Act, 2020, https://lawbhandari.com/publication/gambling-and-betting-law-in-nepal-case-prosecution-steps

12 Certain Criminal Case Repeal and Remission of Punishment Act, 2020, https://www.legal-tools.org/doc/567328/pdf/

## 2. Constitutional Scenario

The Constitution of Nepal prohibits the enactment of any law or order that undermines fundamental freedoms and constitutional values. Article 19(3) stipulates that the means of communication cannot be obstructed except by law. Article 28 guarantees the right to privacy concerning one's body, residence, property, documents and communications. The Individuals' Right to Privacy Act, 2018, under Section 11 and 25, empowers investigating agencies to collect personal information during the investigation of an offense with authorization from a court or some other appropriate authority. This Act strengthens the right to privacy; however, its provisions clarify that privacy is not absolute and may be restricted during criminal investigations by the police. Article 20 further provides that no defendant shall be compelled to testify against themselves and that they have the right to be informed of the actions taken against them. From strengthening the right to privacy and ensuring access to criminal justice to guaranteeing the right to know the charges framed and to seek legal aid, the Constitution recognizes an established criminal justice system and does not prevent the State from adopting the latest technologies to strengthen its administration and functioning.

## 3. Statutory Framework

The Criminal Procedure Code confers ample opportunity to investigate and prosecute offences by using science and technology. The Code authorizes the lodging of a First Information Report (FIR) through electronic means (Section 4). Section 3A provides that the informant may be called at any time when the state considers it necessary to verify the veracity of the information.

Section 11 empowers the investigating authority, with the consent of the Government Attorney, to abate a case where the information so lodged is found to be frivolous. Section 16(6) provides that the investigating agency may record statements through video conferencing where the accused or a witness cannot be produced due to physical illness, old age, or security concerns. Similarly, Section 28 envisages that FIRs so registered shall be digitally archived. Similarly, Section 109 authorizes the court to record depositions of witnesses through video conferencing, and Schedule 40 provides the relevant schedule and prescribed format for this purpose. Section 184 further provides that depositions, statements, or documents prepared during the investigation stage shall be preserved through digital means. Section 192 allows for the exchange of documents through electronic means.

Listing the cases through computerized applications adds value to digital mechanisms in court proceedings. Previously, court staffs used to manually list the matters at their discretion. However, automated cause list management system has been launched across all courts since 2023. In a major breakthrough, the courts across Nepal have, since August 2026, begun uploading scanned copies of all orders, except judgments, to the Case Management System immediately. This way, the courts operating through automated case management systems, in one or some other way, reinforces technology-based judicial process which is devoid of human intervention.

In today's world, mobile phones are more than just a means of talking to one another, they have become an inseparable part of our daily lives. According to the National Census Report of 2022, about 73.2 percent of Nepalis now own a mobile phone, while only 4.5 percent still use a landline. Hence, around three out of five persons in Nepal have access to mobile phones. It's a step ahead in right direction towards the vision of "digital Nepal" (Jha 2025). This extensive use of mobile phones has changed the dynamics of people-to-people connection. Over the past few years, mobile phones and social media platforms have become a forum to share information and emotions instantly. This technological advancement has bridged physical distances and strengthened social ties through various means of communication. Mobile phones act as tools of (personal and social) connection. Interestingly, the mobile phones, which keeps us connected, also play a pivotal role in criminal investigation. As almost everyone carries a mobile phone these days, it has become easier for the police and other law enforcement agencies to track suspects' movements and gather relevant evidences accordingly. The Call Detail Records (CDRs) provide valuable information, including history of "numbers dialed, call duration and timestamps". It enables investigators to trace the movement of accused or victims, identify communication patterns, and potentially infer their intentions. In many cases, these records become crucial in identifying the sequence of events, the intent, planning and execution of a crime/offense.

Though Nepal lacks an independent law specifically governing CDRs, multiple laws, including the Right to Privacy Act, 2075 (2018); Narcotic Drugs Act 2033 (1976)[13]; Telecommunication Act, 2053 (1997)[14]; and the Electronic Transaction Act, 2063 (2008)[15], have provided the legal basis for collecting individuals' data during criminal investigations. The Nepal Telecommunications Authority (NTA) directs telecommunication service providers to archive call records for at least one year. The NTA also instructs service providers to furnish CDRs to investigating authorities upon a court order. In this light, Section 10A of the Narcotic Drug (Control) Act, 2033 authorizes investigating agencies to collect phone records and other communication details of any person under investigation. A similar legal provision is present in Section 18 of the Organized Crime (Prevention) Act, 2070[16], which empowers investigators to obtain communication data for crime control purposes. Similarly, Telecommunications Act, 2053, under Section 19, empowers the government to tap telephones or obtain call details of any individual when deemed necessary under the law.

Further, the Guidelines Relating to Access to Justice (Procedure), 2074, adopted by the Supreme Court of Nepal, entrusts district courts with the authority to regulate the procedure for obtaining call details. The Guidelines, under Section 4, mandates the investigating officer to submit copies of the FIR or Police Report, along with other relevant documents, before the Bench while seeking approval for accessing a person's call details record. Section 7 clarifies that investigating authority must obtain permission from the Court to access information regarding a person's phone use, including location data, SMS records, CDRs, user details,

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13 Narcotic Drugs (Control) Act, 2033 (1976), https://www.siddhasthalihospital.org/wp-content/uploads/2022/05/1576743356narcotic-drugs-control-act-2033-1976.pdf

14 Telecommunications Act, 2053 (1997), https://www.itu.int/ITU-D/treg/Legislation/nepal/law.htm

15 Electronic Transactions Act, 2063 (2008), https://radiantca.com.np/assets/nav_file/Electronic%20Transaction%20Act%202063.pdf

16 Organized Crime (Prevention) Act, 2070 (2014), https://policynepal.org/laws/act-2070-prevention-organized-crime/

SIM user and location, call-wise location, IP address and internet activity logs, and among other related details. Section 11 stipulates that the district judge's decision in this regard shall be final.

The Supreme Court held that obtaining call or SMS details without legal authorization is unlawful. The court emphasized that while criminal investigations may rely on CDRs, such actions must strictly adhere to the procedures prescribed by law and order (*Advocate Baburam Aryal v. Government of Nepal*, 2074 BS).[17] Section 297 of the National Criminal Code, 2017 prohibits the interception or recording of another person's telephone conversation without proper authorization or consent. Violation of this provision is punishable by up to two years' imprisonment or a fine of up to NPR 20,000 or both. Section 299 prohibits deceitful telephone calls or transmitting messages. It provides that a person who commits such an offense shall be liable to a sentence of imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand rupees or both.

While talking about evidence law, the Evidence Act, 2031[18] recognizes various kinds of facts as admissible evidence for the purpose of judicial determination. Section 8 of the Act provides that the facts enumerated under the Chapter, along with other facts stated by a witness before the court, may be taken as evidence during the process of examination of evidence as prescribed under Section 3. This provision provides foundation for admitting both direct and indirect facts relevant to "facts in issue." Ultimately, it enables the lawcourt to reach to a logical conclusion. Nepal's evidence law does not necessarily confine such facts to traditional or physical forms alone. The law recognizes facts or evidences presented through digital means. Such facts have an evidentiary value. Section 9 of the Evidence Act, 2031, merits consideration, as it addresses statements or fact expressed by a party to a case. The provision stipulates that any fact stated or expressed by a party may be used as evidence against that party. Such an expression may be communicated orally, in writing or through a conduct.

In the modern legal context, the facts may be expressed through electronic or digital means such as emails, messages, digital records, or online communications. As the evidence and criminal procedural laws do not restrict the mode of expression, digitally expressed facts fall within the ambit of Section 9 of evidence Act. This way, the digital facts and evidences are legally admissible evidence. On the other hand, personal opinions are not considered as relevant facts. However, Section 23 of the evidence Act creates an important exception to it. This provision recognizes expert opinion. The provision states that, at the instance where the court is required to form an opinion on matters concerning foreign law, science, art, signature, or finger impression, the opinion of a qualified expert may be admitted as evidence.

Section 23(7) provides that an opinion expressed by a person may be admitted as evidence at the instance when such person appears before the court in person as a witness. This requirement seeks to ensure the reliability and credibility of expert evidence by enabling the court and the parties to examine the grounds on which the opinion is based and assess its accuracy through cross-examination (by defense counsel). Section 35 of the Evidence Act, 2031 recognizes documentary evidence without expressly excluding digital documents from its scope. This provision may be interpreted to accommodate documents created, stored, or transmitted electronically, provided that their authenticity and relevance are established. Similarly, Section 192 of the National Criminal Procedure Code provides for the exchange of documents through electronic means. Section 36 empowers the court to determine the authenticity of signatures or thumb impressions. Section 36(1) provides that where a dispute arises as to whether a document was written or signed by a particular person, the court may direct that person to write or sign on a separate sheet of paper and compare the specimen with the disputed signature or finger impression. If such comparison fails to produce a conclusive result, Section 36(2) permits the court to consider other supporting evidence to reach a determination. These provisions may also be relevant to the examination of electronically signed documents and biometric identifiers, subject to applicable legal requirements governing their authentication and admissibility. Section 52 of the Act regulates the examination-in-chief and cross-examination of expert witnesses. When it is necessary to ascertain facts concerning signatures, fingerprints, foreign law, science, custom, tradition, art, or other similar matters, the court may summon and examine as witness a person possessing special knowledge, expertise, experience, or training in the relevant field.

The provision requires that the parties be afforded an opportunity to cross-examine an expert witness examined by the court. This procedural safeguard promotes fairness and transparency and upholds the principles of natural justice. It also enhances the evidentiary value of expert testimony by allowing the parties to scrutinize the expert's opinion, examine its underlying basis and challenge its reliability. Hence, the Evidence Act establishes a relatively broad and flexible framework for the admission and evaluation of facts, opinions and documentary evidence. The Act provides a legal basis for considering different forms of evidence, including electronically recorded information, digital documents, and expert opinions. By allowing such evidence to be examined and challenged through judicial procedures, the Act seeks to reconcile technological advancements with the principles of procedural fairness and the proper administration of justice.

## 4. International Scenario

In India, Section 63 of the *Bharatiya Sakshya Adhiniyam*, 2023[19] [Indian Evidence Act, 2023] addresses the admissibility of electronic records as evidence. The authority to obtain the call details records, however, is governed by applicable procedural laws rather than Section 63 alone. The magistrates can allow or deny the collection of an individual's information relating to call details.

In China, access to CDR information operates under a different legal framework. Unlike India and Nepal, obtaining such records does not require prior judicial authorization in the same manner. The law enforcement and security agencies have the authority to detain individuals or demand CDRs directly.

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17 *Advocate Baburam Aryal v. Government of Nepal*, NKP 2074 (2017), Part 59, Decision No. 9740 (Supreme Court of Nepal); see https://courtmarriageinnepal.com.np/publication/data-protection-privacy-law-in-nepal

18 Evidence Act, 2031 (1974), https://lawscholarsnepal.edu.np/blog/wp-content/uploads/2021/01/evidence-act-2031-1974.pdf

19 *Bharatiya Sakshya Adhiniyam*, 2023 (India), https://indiankanoon.org/doc/70224818/

In Japan, CDRs are obtained by investigating agencies only upon the order of judicial officials, ensuring judicial oversight in the process. The CDRs are a valuable tool for understanding networks, as they reveal who called whom, how frequently and for how long. They help uncover criminal networks and associates, playing a crucial role in tracking the whereabouts of suspects, defendants and their accomplices.

Despite their importance, an independent legislation dealing with CDRs is still due in Nepal. There is scope for amending the National Criminal Procedure Code to formally incorporate a mechanism for the lawful collection and use of CDRs in investigations.

## 5. Judicial Pronouncements

In disputes relating to relationships such as husband and wife or father and son, there is no mandatory requirement that a DNA test report must be treated as the most decisive (conclusive) and the sole final piece of evidence when compared to all other evidence. This is a relative matter. Among various types of evidence, a DNA test report can certainly be an important form of evidence; however, it is not the only or final proof. It must be examined and evaluated in light of social realities and the relevant context (*Ram Shahi and Others v. Prem Kumari Shahi and Others*, 2079).[20]

The fact that a DNA test shows that the accused is not the father of the newborn child delivered by the victim does not mean that the alleged offence of rape could not have been committed by the accused. The offence of rape and the issue of pregnancy carried by the victim are separate matters. Therefore, merely on the basis that a DNA test indicates that the pregnancy was not caused by the accused, it cannot be concluded that the incident of rape did not occur, held the Court (*Dhan Bahadur Rai v. Government of Nepal*, 2077).[21]

The Supreme Court of Nepal observed that the issue raised by the petitioner regarding the need to establish a DNA Data Bank appears to be relevant. Between the years 2052 and 2063 B.S., Nepal had to endure an armed conflict, during which more than 17,000 people were killed and over 1,300 persons were forcibly disappeared. This situation is not only horrifying but also a matter of justice. Knowing what happened during the conflict, i.e., who was killed and who was disappeared, is a right of the families and dependents of those who were killed or disappeared. Protecting an individual's life, personal liberty, and security of life is the primary duty of the State. The rule of law is founded upon this principle. A state mechanism that fails to protect the lives and liberties of its people cannot gain public trust (*Ramesh Parajuli et al. v. Government of Nepal et al.*, NKP 2073).[22]

The apex court further held, at the time the petition was filed, the 2007 Interim Constitution was in force, and it was argued in the petition that the absence of a DNA Data Bank resulted in the violation of rights guaranteed under Articles 12(2), 13(1), 17(3), 22(1), and 24(9) of the Interim Constitution. These provisions guarantee personal liberty, equal protection of the law, the right to protect and promote culture, cultural civilization, and heritage, the right of children to identity, and the right to a fair hearing. These rights are also guaranteed under the present Constitution. When a person is disappeared, their personal liberty and the right to equal protection and security are taken away. If a person is killed, the right to perform last rites in accordance with one's customs and traditions is violated. It affects the right of children to identity, and most importantly, it adversely impacts the victim's right to a fair hearing. The petitioner has argued that if a DNA Data Bank is established and the DNA profiles of the families of disappeared persons are preserved, it would be possible to identify the remains of persons killed if such remains are discovered during investigations conducted by the Commission of Investigation on Enforced Disappeared Persons or through subsequent exhumations. The state cannot shrug off its responsibility. Rule of law and public confidence in state institutions can't be established unless justice is guaranteed by ensuring that offenders are punished through accurate, fact-based, and scientific investigations.

When the state faces difficulties in the collection, preservation, and authentication of evidence obtained from exhumations conducted by the National Human Rights Commission or other bodies, it's imperative to establish a DNA Data Bank. Then, the state could conduct exhumations in pursuance of UN Exhumation Protocol that would ultimately foster the systematic advancement of truth-seeking and justice.

The apex Court held that the process of considering DNA test evidence is one of the broader evidentiary procedures, and the trial Courts are independent to examine DNA and other forms of evidence for the purpose of adjudicating the matter. The appellate courts cannot control, restrict, or interfere with such judicial independence of trial courts. Interference through writ jurisdiction in matters under consideration before the District Court is not suitable. The appellate courts cannot direct the trial courts as to which evidence should or should not be examined while adjudicating a case. A DNA test is merely one method of ascertaining the truth of the matter in dispute and is conducted for that purpose. It cannot be presumed that such testing will necessarily result in evidence against the petitioner. Therefore, the argument made in the writ petition, that the District Court cannot order a DNA test solely on the ground that an order has already been issued to seek an inventory property (*tayadati fāntvāri*), does not appear to be legally sound (*Keshav Raj Bhattarai v. Appellate Court, Hetauda et al.*, NKP 2073).[23]

As Nepal faced a devastating flood, which originated in bordering town in China on August 26, 2026, it caused a significant "damage not only on the Nepali side but also on the Chinese side" (Nepali 2026). The government has intensified its efforts to preserve DNA before managing unidentified bodies. The government had issued unidentified and unclaimed bodies management directive, 2026 to intensify search, rescue and to preserve DNA and other identifying evidence (*Kathmandu Post* 2026).

In border areas, activities such as cross-border trafficking and trade of narcotic drugs, trafficking of Nepali women and girls to India, customs evasion, illegal trade, circulation of counterfeit currency, murder, robbery, and other criminal acts are observed.

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20 *Ram Shahi and Others v. Prem Kumari Shahi and Others*, NKP 2079, Decision No. 10854 (Supreme Court of Nepal); see https://www.entertainlawyers.com/evidence-law-case-ram-shahi-v-prem-kumari-shahi-nkp-7th-semester/

21 *Dhan Bahadur Rai v. Government of Nepal*, NKP 2077, Part 62, Issue 12, Decision No. 10620 (Supreme Court of Nepal); see https://papers.ssrn.com/sol3/Delivery.cfm/7586699.pdf?abstractid=7586699&mirid=1

22 *Ramesh Parajuli et al. v. Government of Nepal et al.*, NKP 2073, Part 58, Issue 12, Decision No. 9732 (Supreme Court of Nepal).

23 *Keshav Raj Bhattarai v. Appellate Court, Hetauda et al.*, NKP 2073, Part 58, Issue 7, Decision No. 9641 (Supreme Court of Nepal).

To control such criminal activities, it is the responsibility of the Government to strengthen border management and surveillance by ensuring the presence of security agencies at ground-level border checkpoints and transit points, and by installing advanced technologies such as CCTV and other monitoring systems (*Dr. Chandra Kant Gyanwali v. Government of Nepal*, 2080).[24]

## 6. Conclusion

Technologies and AI tools can be used at the different stages of the criminal adjudication. It encompasses the electronic filing of FIRs, audio visual recording and communication of the statements, recording of the statements of a person who has been officially charged for committing a crime or offense, statement of witnesses, collection and the use of the DNA evidence, using technology for gathering evidence, and the use of CDR. Like other jurisdictions, Nepal's court administration is not untouched by the fever of information technology. The courts function under case management system and some of the courts have already begun live streaming of case proceedings. Most importantly, the courts have started publishing scanned copies of orders instantly on real time basis. It's a step ahead in right direction towards making justice system more accessible, organized and efficient. This way, the use of technology, in court, has caused a significant impact in reducing delays. Ultimately, it would have impact in strengthening accuracy, maintaining records, and facilitating the proper administration of criminal justice.

However, the use of technology cannot only depend on the sole existence legal provision. The other factors like adequate investment, infrastructure, technical capacity and the institutional preparedness have more roles to play when it comes to ensure effective use of technology. Ironically, the unhygienic dependence on technology may create island of challenges of hacking, cyberattack, data breaches, manipulation of digital evidence and many other security risks. Therefore, proper firewall mechanism and technical expertise are also necessary to make sure the proper use of technology in entire criminal adjudication process. The National Criminal Procedure Code of Nepal has welcome provisions that supplement and supplant techno-friendly justice system. The need of hour is to ensure the allocation of required budgets and timely bring reformations for clarity and brevity. Beyond this, Nepal has already created legal channel for the proper use of technology in the areas like investigations, prosecution, and adjudication of criminal cases. Furthermore, Nepal can strengthen the mandates of these provisions through maintaining better IT infrastructure, recruiting competent personnel having knowledge of law and computer science, maintaining reliable digital system, and maintaining effective firewall. With sufficient investment in technology and enhanced institutional capacity, information technology can play as significant role in making Nepal's criminal justice system more efficient, transparent, accessible, and accurate.

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