

IMPORTANCE OF CIRCUMSTANTIAL EVIDENCE IN CRIMINAL CASES

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ABSTRACT

Facts are provable not only by witnesses but also by circumstances. Generally in the Evidences for proving cases, first preference is given to the Direct Evidence. But, the direct evidence is not available in the all cases. If there is no direct evidence is available, court use the circumstantial evidence for conviction. Circumstantial evidence means, unrelated chain of events which when put together formulates circumstances leading to the commission of the crime and it is used for the conclusion of cases. This circumstantial evidence used in both civil and criminal cases. Circumstantial evidence is supported by a significant amount of corroboration. Convictions if based on circumstantial evidence require an unbreakable link between the criminal and the crime. In this paper discussed about the how Circumstantial Evidence is used in the Criminal Cases.

KEYWORDS: Circumstantial Evidence, Criminal, Offence, Accused, Proved.

INTRODUCTION

The word 'Evidence' is derived from the Latin '*Evidentia*' which means "the state of being evident, i.e. plain, apparent clear". It means to show clearly, to make plain, certain or to prove.

According to Stephen, evidence means "that part of the law or procedure which, with a view to ascertain the individual rights and liabilities in particular cases, decides what facts may or may not be proved in such a case; what sort of evidence has to be given of a fact which may be proved, by whom and in what manner the evidence must be produced relating to a fact which is to be proved."

Evidence means,¹

1. All statements which the court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry such statements are called Oral Evidence;
2. All documents including electronic records produced for the inspection of the courts;
Such documents are called Documentary Evidence.

TYPES OF EVIDENCE:

1. Oral Evidence
2. Documentary Evidence
3. Direct Evidence
4. Indirect Evidence
5. Material Evidence
6. Hearsay Evidence

STATEMENT OF PROBLEM

Circumstantial evidence is unconnected facts that when considered organised can be used to infer a conclusion about something unknown. In the Circumstantial Evidence, last seen together principle has been used by the courts so carefully that unless there is corroborating and circumstantial evidence, the conviction is not given. However, the principle assist the courts to transfer the burden of proof to the accused and the accused might establish an interface in the chain of circumstantial evidence. But sometimes court is not considered the circumstantial evidence as a valid evidence.

OBJECT OF THE STUDY

Circumstantial evidence can be sole basis for a conviction, if circumstances establish the chain of events leading to the guilt of the accused and commission of the crime without other possibilities.

¹ Section 3 of the Indian Evidence Act, 1872.

- ❖ To analyse the importance of the circumstantial evidence
- ❖ To analyse the value of the circumstantial evidence in the Criminal Cases

REVIEW OF LITERATURE

1. Dr.S.R.Myneni, in his “The Law of Evidence” states that the circumstantial evidence and mention the some cases how the circumstantial evidence are used in criminal cases.
2. Koyal Roy & Prarthana Sarmah, in his paper “A Socio-Legal Study on ‘Last Seen Together Rule’ Theory – Is It Followed In India?” states that how justice has been delivered to many cases in which there was no direct evidence.

CIRCUMSTANTIAL EVIDENCE

Indirect evidence otherwise known as circumstantial evidence is evidence that gives rise to a logical inference that such a fact does exist.

Illustration: Suppose ‘X’ is accused of committing murder of ‘Y’ by stabbing ‘Z’ says that he heard the shouting of ‘Y’ by saying ‘X’ is stabbing me. An expert gave his opinion that ‘Y’ was dead with the wound of a knife which was recovered from ‘X’. ‘X’s neighbour has seen ‘X’ running from the house of ‘Y’ with a knife in his hand with blood stained clothes. In this case the evidence given by the expert, the neighbour and ‘Z’ are circumstantial evidence.

- ❖ Opinion of expert, handwriting, finger print, DNA test analysis, witness, discovery of an object connecting to the offence among others are used as corroboration for circumstantial evidence.

In the case of **Bodh Raj vs. State of Jammu & Kashmir**, the court held that for a conviction to be solely based on circumstantial evidence following conditions are required:

1. Circumstances from which guilt is established are required to be proved and
2. impenetrable
3. Circumstances should be conclusive in nature and should form a link between the criminal and commission of the offence
4. Circumstances should retain moral certainty and there should be no scope for any other hypothesis.
5. All the hypothesis should be excluded except that one that is required to be proved.

While dealing with circumstantial evidence, it has been held that onus was on the prosecution to prove that the chain is complete and the infirmity of lacuna in prosecution cannot be cured by false defence or plea. The condition precedent in the words of this court, before conviction could be based on circumstantial evidence, must be fully established.² If the circumstances established by clear and clinching evidence only indicate that it was the accused and no one else had committed the crime, evidentiary value of deposition establishing such circumstances which is otherwise admissible would not diminish merely because of absence of corroboration.³ Circumstantial evidence means communication of facts, creating a network from which there is no escape for the accused because the facts taken as a whole do not admit any inference except that of the guilt of the accused.⁴

LAST SEEN THEORY

The ‘**Last seen together**’ theory is the last resort of the prosecution in a case where there is no direct evidence against the accused. The prosecution has to prove that the accused who was last seen with the deceased have committed the crime.⁵

“The last seen theory comes into play where the time gap between the point of time when the Accused and deceased were seen last alive and when the deceased is found dead is so small that possibility of any person other than the Accused being the author of crime becomes impossible. It would be difficult in some cases to positively establish that the deceased was last seen with the Accused when there is a long gap and possibility of other persons

² Sharad Birdhichand Sarda Vs. State of Maharashtra, AIR 1984 SC 1622

³ Pattu Lal Vs. State of Punjab (AIR 1996 SC 3197)

⁴ The Law of Evidence by Dr.S.R.Myneni, 3rd Edition(2019)

⁵ A Socio – Legal Study on ‘Last Seen Together Rule’ Theory – Is It Followed In India? By Koyal Roy & Prarthana Sarmah – <https://lexforti.com>

coming in between exists. In the absence of any other positive evidence to conclude that Accused and deceased were last seen together, it would be hazardous to come to a conclusion of guilt in those cases”.⁶

SOLE BASIS OF CONVICTION ON CIRCUMSTANTIAL EVIDENCE

Generally court convicts the accused based on the Direct Evidence/Primary Evidence. If both Direct and Circumstantial Evidence is exist, Direct Evidence is influenced in the cases. Circumstantial Evidence is used for the investigation purpose only. But it is not in the all cases. Because in some cases direct evidence may not available. In this situation court take the circumstantial evidence with corroboration for proving cases and court give judgments on the basis of the circumstantial evidence. Some important cases are:

PRIYADHARSHINI MATTOO CASE

In this case accused was convicted based on the Circumstantial evidence. In this case no eyewitnesses to the murder, the case of the prosecution depended solely on circumstantial evidence and was brought on record through oral as well as documentary evidence. The trial court in Delhi acquitted the accused. After dealing with all part of evidence separately and together, the High Court and Supreme Court believed the chain of circumstances in this case to be so complete that it could only lead to the conclusion of the accused guilt.⁷

JESSICA LAL MURDER CASE

The Jessica Lal murder case is one of the most cited, debated and controversial cases where the Apex Court’s decision was based on the circumstantial evidence as the witnesses had turned hostile.⁸

CONCLUSION AND SUGGESTION

Circumstantial evidence also mean as indirect evidence, and it cannot be assumed to be inferior to direct evidence. Circumstantial evidence is useful both in civil and criminal matters, however primarily in criminal matters. A general misconception is that circumstantial evidence is less valid or less important than direct evidence. This is only partly true: direct evidence is generally presumed to be the most prevailing. Several successful criminal prosecutions rely largely or entirely on circumstantial evidence, and civil charges are frequently based on circumstantial or indirect evidence. However, there is frequently more than one logical assumption naturally inferred from the same set of circumstances. In cases where one conclusion proposes a defendant's guiltiness and another his guiltlessness, the "benefit of the doubt" principle would apply. Certainly, if the circumstantial evidence proposes a opportunity of innocence, the prosecution has the burden of disproving that possibility.

1. Each and every evidence use an important role in the cases. Example: human nail. If the police find any nail cut in the offence place that may use for find out the accused.
2. So during the investigation the police must act with very careful for find the accused and evidence.
3. If circumstantial evidence is corroborated by the other evidence, court may use that circumstantial evidence for proving of cases.

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⁶ Bodh Raj Alias Bodha Vs. State of Jammu and Kashmir (2002)8SCC 45, Rambrakash Vs. State of Chhattisgarh (2016) 12 SCC 252, Anjan Kumar Sharma Vs. State of Assam (2017) (6) SCALE 556.

⁷ State (Through CBI) Vs. Santhosh Kumar Singh, 2007 CRL 964

⁸ Sidhartha Vashisht @ Manu Sharma Vs. State (NCT of Delhi), 2010