

MAKING OR BREAKING THE CASE: RELEVANCE OF CHARACTER AS EVIDENCE

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ABSTRACT

This paper explores the significance of character evidence in Indian law and how it could affect a case's outcome. This paper tries to analyze how character evidence can alter verdicts, affect credibility assessment, and affect the overall fairness of trials by looking at the legal provisions and relevant case law. To answer the fundamental question of what character is comprised of, the paper examines the different elements that make up a person's character. It describes how a person's character can include a wide range of characteristics, such as their personality, actions, reputation, and moral principles. It becomes clear that character evidence can offer important insights regarding a person's credibility and a tendency for particular behaviours once the framework of character is understood. The paper emphasizes the need for an equal approach when using character evidence while defending the rights of the accused and upholding the fairness of the legal system.

Keywords: *Relevance of character evidence, Witness credibility, Traits and behaviours, Nature of character, Perception of guilt or innocence*

INTRODUCTION

Since it raises the issue of whether someone should be entirely judged based on previous behaviour or acts, the concept of character evidence has long been a topic of discussion in the legal community. Character evidence admissibility varies by jurisdiction and is subject to various laws and rules but mainly it is governed by the Indian Evidence Act of 1872. Character evidence is typically prohibited from criminal trials because it could unduly influence the jury's verdict or prejudice them against the accused.¹ Character evidence is, however, permitted in specific situations, such as civil lawsuits² where determining a person's reliability may be important, or situations where the character of a witness or victim is in question. Character evidence is frequently utilized in situations involving sexual assault and harassment, for

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¹ Indian Evidence Act 1872, s 54

² Indian Evidence Act 1872, s 52

example. Since it raises the issue of whether previous behaviour may be used to anticipate future acts, the relevance of character evidence in these situations is frequently contested. According to some, character evidence is crucial in determining a person's reliability and reputation, but others advise against using it because it can result in unjust assessments and stereotypes. The Indian legal system places great importance on the principle of justice, aiming to ensure fair trials and protect the rights of both the accused and the victim. In this pursuit of justice, evidence plays a pivotal role in determining the outcome of a case. While the evidence is traditionally associated with tangible and objective facts, the relevance of character as evidence has gained recognition in recent years.

ADMISSIBILITY OF CHARACTER EVIDENCE IN INDIA

As a rule, the accused's character is irrelevant in civil cases. However, if it is shown that the character of the accused is relevant and directly related to the course of events, then the court may admit that evidence.³

In civil cases, the character of the plaintiff who ought to receive the damages is relevant because it directly affects the compensation he demands from the defendant.⁴

In criminal proceedings, as a rule, a previous bad character is not relevant with the only exception of it being a reply to a statement showing good character.⁵ However, good character is always relevant in criminal proceedings.⁶

When the character of a person is itself a fact in issue, then these sections are not applied because the character itself proves or disproves a particular action or course of action. For example, In cases involving binding over procedures for maintaining good behaviour under Sections 109 and 110 of the Criminal Procedure Code⁷ and in cases involving dacoity offences under Sections 400 and 401 of the Indian Penal Code.⁸ The fact in the issue would be the person's bad character. To determine whether the act was intentional or unintentional, it is permissible to present evidence that the accused had previously committed similar crimes.⁹ The

³ Ibid

⁴ Indian Evidence Act 1872, s 55

⁵ Indian Evidence Act 1872, s 54

⁶ Indian Evidence Act 1872, s 53

⁷ Code of Criminal Procedure 1973, s 109,110

⁸ Indian Penal Code 1860, s 400,401

⁹ Indian Evidence Act 1872, s 15

presence of bad character evidence is acceptable if it is used to establish a significant fact that cannot be established separately.

WHAT CHARACTER IS MADE OF

Indian Evidence Act¹⁰ describes that character is made up of two components-

1. Disposition- Disposition is often referred to as what a person is in a person's reality. A person's inherent qualities which he had obtained through education, upbringing or any material condition in life is called disposition. A badly reputed person may have a good disposition.
2. Reputation- The evaluation of a person done by society is frequently used to describe reputation. It relates to what other people believe about that person. It should be highlighted that testimony from those who are not familiar with the defendant but are aware of his reputation is not acceptable in court.

DIFFERENCE BETWEEN DISPOSITION AND REPUTATION

BASIS	DISPOSITION	REPUTATION
Basic definition	Inherent qualities of a person	the general credit of the person among the public
Perspective	What the person is in reality	what other people think about the person
Relation	A good disposition usually leads to a good reputation	A good reputation doesn't imply a good disposition

All these differences are drawn based on the explanation provided in section 55 of the Indian Evidence Act of 1872.

Character refers to a person's overall standing in the eyes of others along with their personality and conduct, since reputation and disposition are both inherent characteristics of a person. But only those who are closest to someone can understand their disposition. Even if a person has a very good reputation, their disposition may be poor.

¹⁰ Indian Evidence Act 1872, s 55

THE ROLE OF CHARACTER EVIDENCE IN INDIAN COURTS

ASSESSING CREDIBILITY

Credibility is the quality of a person's words and deeds being trustworthy and reliable. Character evidence can be used in court proceedings to support or refute a witness's or party's credibility. This type of evidence can consist of both a person's good and bad attributes. A witness or party's reputation for being truthful, dependable, or law-abiding can be shown through the introduction of positive character evidence. Their testimony may be more convincing and more credible as a result of this evidence. Negative character evidence, on the other hand, might be used to discredit a witness or party by demonstrating a history of dishonesty, unreliability, or criminal activity.

ESTABLISHING PROPENSITY

Character evidence is important in determining a person's propensity to do something. A person's propensity is their inherent tendency or inclination to act in a certain way. Character evidence can be used in criminal proceedings to show that the defendant has a propensity to do the alleged crime.

For instance, if someone is charged with theft, the prosecution may provide evidence to demonstrate that the accused has a history of stealing or a reputation for falsehoods. Based on their prior behaviour and character attributes, the evidence seeks to prove that the accused is more likely to have committed the crime.

BALANCING PROBABILITIES

Character evidence also contributes to the balancing of probabilities in Indian courts when determining a person's guilt or innocence. The overall likelihood of a person's involvement in the accused offence is determined by the court after taking into account character evidence and other evidence offered in the case.

Character evidence can be used to tip the scales in favour of one side or the other, but it is not conclusive proof of guilt or innocence. In comparison to other evidence in the case, such as witness testimony, forensic evidence, and circumstantial evidence, the court assesses the weight and relevance of character evidence. The objective is to arrive at a fair and impartial evaluation of the probability based on all of the available evidence.

ASSESSING DAMAGES

Character evidence may be used in civil lawsuits to evaluate the losses a party has incurred. When establishing the extent of the loss inflicted and the appropriate amount of compensation to be granted, the character of the person who was allegedly injured may be important.¹¹

For instance, the plaintiff's character may be important in determining the damage done to their reputation in a lawsuit for defamation. Character proof can be used to prove the plaintiff's excellent standing in society before the allegedly defamatory words are made, increasing the amount of damages granted.

It is significant to remember that the rules of evidence and the judge's discretion govern the admissibility and weight of character evidence in Indian courts. Before admitting character evidence and giving it proper consideration during the decision-making process, the court carefully assesses its relevance, reliability, and potential for prejudice.

CASE STUDIES

1. KM NANAVATI v. STATE OF MAHARASHTRA¹²

This is a very famous case. It is usually discussed for explaining the 1st exception given under section 300 of the Indian Penal Code.¹³ For this paper, only the evidence part is being discussed here.

Brief facts of the case-

The petitioner K.M. Nanavati, an Indian Naval Officer, shifted to Bombay with his wife Sylvia and their children. A businessman named Prem Bhagwan Ahuja was residing with his sister in the same city. , Ahuja and his sister were introduced to Nanavatis through common acquaintances of Ahujas and Nanavatis. As Nanavati was out of home most of the time because of work, Sylvia and Prem were meeting frequently. Later, Sylvia confessed to her husband about the Illicit relationship with Prem Ahuja. In the heat of agony, Nanavati went to his ship to procure a loaded revolver and then went to the office of Prem Ahuja.

¹¹ Indian Evidence Act, s 55

¹² (1962) AIR 605

¹³ Indian Penal Code 1860, s 300

Arguments-

In the arguments, the question of character was reckoned. The character of Nanavati was described as good which was also evident by the fact that he was in such a reputed post which demanded a good character itself.¹⁴ Although this statement is admissible in court according to the Indian Evidence Act¹⁵ yet the facts of the case in hand cannot be ignored completely. Additionally, when the petitioner brings up the fact that the petitioner has a good character, the opposite party gets an option to highlight the bad character.¹⁶

2. ABDUL SHAKUR AND OTHERS v. KOTWALESHWAR PRASAD AND OTHERS¹⁷

The Allahabad High Court observed that there is, however, no question that there is no finding (not due to any mistake on the part of the lower court, but rather because there is no evidence to support such a finding) that there was any connection between the alleged bad habits of the insolvent and the debts that are the basis of the creditors' claims.¹⁸ The promissory notes were allegedly obtained from the insolvent while he was drunk, but that was the only connection that could be established.¹⁹ Due to this, a civil case would not be affected by the insolvent's general bad character.

3. HABEEB MOHAMMAD v. STATE OF HYDERABAD²⁰

The Supreme Court of India observed that according to section 53 of the Evidence Act, evidence related to an accused's character is always relevant in a criminal proceeding. The evidence of his mental state is also relevant.²¹ In criminal cases, a man's character is frequently taken into consideration when attempting to explain his actions and determine whether or not he is guilty.²² When we learn about the nature of the individual who did actions, many of their actions would either seem suspicious or completely normal.²³ An accused person is allowed to demonstrate their general good character even when it comes to the topic of punishment.

¹⁴ Ibid, <<https://indiankanoon.org/doc/1596139/>> accessed 20 May 2023

¹⁵ Indian Evidence Act 1872, s 53

¹⁶ Indian Evidence Act 1872, s 54

¹⁷ AIR (1958) All 54

¹⁸ Ibid, <<https://indiankanoon.org/doc/189172/>> accessed 22 May 2023

¹⁹ Ibid

²⁰ (1954) AIR 51

²¹ Ibid, <<https://indiankanoon.org/doc/1249510/>> accessed 23 May 2023

²² Ibid

²³ Ibid

4. LAKSHMANDAS CHAGANLAL BHATIA v. THE STATE²⁴

It was argued that because Section 54²⁵ governs all other sections of the Evidence Act and declares an accused person's character irrelevant in a criminal proceeding, any evidence presented by the prosecution that might tend to reveal the accused's bad conduct cannot be admitted at all. The judge said that "Prima facie, Section 54 cannot be given overriding effect. What is made inadmissible is the evidence of bad character. If such a strained meaning is given to the language of Section 54, it would prevent very often relevant evidence from being introduced and hamper the course of justice. True that the use of such evidence of prior transactions which is given by the prosecution must be confined within its proper and legitimate limits only. The Court cannot, merely because there was evidence of similar actions on the part of the accused some time previous, infer that the offence under inquiry must also necessarily have been committed by the accused."

CONCLUSION

In the Indian legal system, character evidence is extremely important even if it comes second to direct proof. It is an essential tool for assessing the reliability of witnesses, figuring out the accused's tendencies, and weighing the possibilities in a case. To protect the rights of the accused, its use and admissibility must correspond to the principles of justice, necessity, and due process. Indian courts can work towards a more thorough understanding of the persons involved and ultimately guarantee that justice is delivered by carefully evaluating character evidence. The relevance of character evidence in legal proceedings must be carefully considered, taking into account the various laws and regulations governing its admissibility, as well as the potential impact it may have on the proceedings. Its use must be judicious and guided by the principles of fairness and justice for all parties involved.

²⁴ AIR (1968) Bom 400, <<https://indiankanoon.org/doc/569786/>> accessed 23 May 2023

²⁵ Indian Evidence Act 1872