

THE SIGNIFICANCE OF CIRCUMSTANTIAL EVIDENCE: CLUES AND TELL-TALE SIGNS IN LEGAL PROCEEDINGS

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ABSTRACT

In the intricate realm of law and investigations, evidence plays a pivotal role in establishing the truth and ensuring the fair administration of justice. When a case unfolds various types of evidence come to light each with its own unique characteristics and importance. One such type of evidence is circumstantial evidence, which holds particular intrigue and importance in legal proceedings. Unlike direct evidence, which directly proves a fact or event, circumstantial evidence adds a layer of complexity and intrigue to legal proceedings. Much like the intricately woven narratives found in Christopher Nolan's films Circumstantial evidence relies on making deductions about the truth from a collection of related circumstances. It includes a variety of interconnected factors, such as physical evidence, witness testimonies, behavioural patterns, motive, opportunity, and expert opinions. Investigators and legal experts can create a thorough and convincing narrative by meticulously examining and putting these puzzle pieces together. This article sheds light on the importance of circumstantial evidence, types of clues & tell-tale signs, its admissibility, and probative value. Furthermore, it discusses the challenges, limitations, and practical considerations for applying circumstantial evidence.

Keywords: Circumstantial, Intrigue, Deductions, Probative, Tell-Tale Signs.

INTRODUCTION

In legal proceedings, evidence is critical because it serves as the factual foundation for decision-making. It aids in establishing the truth, refuting claims, and ensuring fair outcomes by allowing informed decisions to be made based on credible and reliable information. The term 'Evidence' is derived from the Latin word "*Evidentia*", which means 'being clear' or 'apparently clear'. The Latin word "*Evidene*" or "*Evidere*" means to demonstrate, prove, or discover clearly. It means to make visible, to make certain to ascertain or to prove.

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According to **Section 3 of the Evidence Act 1872**, “*Evidence*” means and includes —

(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 Court;] such documents are called documentary evidence.

Evidence can be further classified into direct evidence and circumstantial evidence; direct evidence is a piece of evidence that directly relates to the issue in question and provides firsthand knowledge or observation of the event or circumstance while its antithesis i.e., circumstantial evidence requires inferences or deductions to support a claim relying on surrounding circumstances rather than direct observation.

DEFINITION AND CONTEXTUAL FRAMEWORK OF CIRCUMSTANTIAL EVIDENCE

Circumstantial evidence, also known as indirect evidence, engages in the art of deducing or drawing logical inferences from the intricate circumstances enveloping a particular event or situation. In opposition to direct evidence, which definitively establishes or refutes a fact, Circumstantial evidence relies on circumstances and requires analyzing facts and circumstances to come to a reasonable conclusion about what happened. It gains strength from collecting various facts, events, and situations that, when collectively taken into consideration, lead to a logical conclusion about the fact issue or the crime.

Circumstantial evidence plays a pivotal role in the Indian legal system, lending a helping hand to the courts in their quest for truth, by skilfully drawing reasonable inferences from the available facts, It excels in cases where the cloak of direct evidence is absent, leaving the determination of guilt or innocence in jeopardy. It can be helpful to fill the gaps and form a chain of events by piecing together various circumstantial facts. These facts can include physical clues, behavioural clues, and witness testimonies. Furthermore, circumstantial evidence can be used to corroborate other strands of evidence or unveil motives, intent, or opportunities.

Circumstantial evidence frequently falls victim to the misconception of fragility, but such assumptions are not always correct. Circumstantial evidence can be convincing and

persuasive in determining guilt or innocence in legal proceedings. Circumstantial evidence when used skilfully can be just as captivating as direct evidence and on occasion, even surpass it in weight and credibility, because it is based on rational and logical facts.

TYPES OF CLUES & TELL-TALE SIGNS

There are many different types of circumstantial evidence and understanding them is important for understanding how clues and interconnected pieces of information can indirectly support or infer a fact. It can also help us to learn how to use different pieces of circumstantial evidence in building a coherent narrative.

Types of circumstantial evidence include:

PHYSICAL CLUES: Physical objects that can be seen, touched, gathered, and examined are considered to be Physical clues. Examples include footprints, weapons, tool marks, DNA samples, fibers, blood stains, and trace evidence.

BEHAVIOURAL CLUES: Behavioural clues include studying the actions, behaviours, and patterns of people involved in the case. For example, signs of nervousness, unusual behaviour, and attempt to conceal evidence or withhold information, can all provide valuable circumstantial evidence.

DOCUMENTARY CLUES: Written or recorded materials that indirectly support a conclusion are considered documentary evidence. In an investigation, financial records, text messages, emails, photographs, or other documents can provide context or establish connections. A documented exchange between individuals involved in the crime, for example, can serve as circumstantial evidence, providing insight into their intentions or involvement.

EXPERT OPINION AND ANALYSIS: Expert Opinion and analysis play an important role in circumstantial evidence. Based on their experience, forensic experts, psychologists, or other professionals with specific knowledge can offer interpretations or conclusions. Their testimony can give insight into complex issues such as the significance of physical evidence, individual behaviour, or the validity of documentary evidence. In court, these expert judgments serve as convincing circumstantial evidence.

WITNESS STATEMENTS AND TESTIMONIES: Witness statements and testimonies are important components of circumstantial evidence. Individuals who witnessed or were part of the circumstances surrounding the case may be able to provide accounts that indirectly support certain facts. Witness testimony, for example, can confirm or refute other evidence, offer insight into the accused's behaviour or activities, or construct a chronology of events. These statements contribute to the circumstantial evidence by providing a more comprehensive knowledge of the case.

ESSENTIALS OF CIRCUMSTANTIAL EVIDENCE

According to C.J. Monir, circumstantial evidence must be both exclusive and decisive; the following are some of the essentials laid down by the Supreme Court in the case of **Shanti Devi vs. State of Rajasthan**¹–

“The principles can be set out as under:

- i. *The circumstances from which interference of guilt is sought to be proved must be conjointly or firmly established.*
- ii. *The circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused.*
- iii. *The circumstances taken cumulatively must form a chain so complete that there is no escape from the conclusion that with an all-human probability, the crime was committed by the accused or none else.*
- iv. *The circumstances should be incapable of explanation on any reasonable hypothesis, same that of the guilt of the accused.”* [Para 8]

These principles are reiterated in the case of **Padala Veera Reddy V. State of Andhra Pradesh**².

On the other hand, *the Five Golden Principles, which constitute the panchsheel of the proof of a case based on Circumstantial evidence*, given in the case of **Sharad V. State of Maharashtra**³, are:

¹ *Shanti Devi vs. State of Rajasthan* (Cri. Appeal No. 954 of 2005)

² *Padala Veera Reddy V. State of Andhra Pradesh*, (1989) Supp (2) SCC 706

- *The circumstances from which the conclusion of guilt is to be drawn should be fully established. There is not only a grammatical but a legal distinction between ‘may be proved’ and “must be or should be proved”. It is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure conclusions.*
- *The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.*
- *The circumstances should be of a conclusive nature and tendency,*
- *They should exclude every possible hypothesis except the one to be proved, and*
- *There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability, the act must have been done by the accused.*

Similarly in various other cases, the ingredients of circumstantial evidence were given.

ADMISSIBILITY OF CIRCUMSTANTIAL EVIDENCE

There is a well-known cardinal principle of evaluation of evidence which says that “*Men may lie, but circumstances do not*⁴”. Despite its indirect nature, circumstantial evidence can be quite powerful in court procedures. However, to ensure fairness and accuracy, its admission and evaluation must be carefully considered. Circumstantial evidence is admissible in different jurisdictions, although certain essential principles apply. Circumstantial evidence must meet the following conditions in order to be admissible:

RELEVANCE: Circumstantial evidence must be relevant to the subject at hand. It should be reasonably related to the facts in issue and should assist the judge in reaching a fair decision concerning the accused's guilt or innocence.

³Sharad V. State of Maharashtra(AIR 1984 SC 1622)

⁴Kamlesh & Ors. V. Attar Singh & Ors. (Civ. Appeal No. 8879 of 2015)

PROBATIVE VALUE: Circumstantial evidence must have probative value, which means that it must increase or decrease the probability of fact in issue. If the probative value of evidence is high, it's more likely to be admitted.

Reliability: The evidence must be trustworthy. This implies that it must be credible and based on credible sources, expert opinions, or scientific methods.

Prejudice: The court must consider whether the evidence will result in unfair prejudice against the accused. If the evidence's probative value is outweighed by its prejudicial impact, it may be excluded.

There are several landmark judgments addressing the admissibility of circumstantial evidence. In the case of **Ashok Kumar Chatterjee V. State of Madhya Pradesh**⁵, the Supreme Court held, to establish the guilt of the accused person the prosecution must establish the complete chain of transactions, and also the guilt proved must be beyond any reasonable doubt, without any possibility of an alternative. Another judgment that stresses the admissibility is **State of Maharashtra v. Krishnamurti Laxmipati Naidu**⁶(1980) 3 SCC 230), where the Supreme Court held that if the circumstances are directly connected with the crime and form a complete chain, leading to a reasonable conclusion, they can be relied upon as the basis for conviction.

THE POWER AND LIMITATIONS OF CIRCUMSTANTIAL EVIDENCE

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The Power of Circumstantial Evidence:

It can establish a coherent narrative: Circumstantial evidence can be used to connect the dots between different pieces of evidence, resulting in a complete picture that supports the prosecution's case theory. This can be very persuasive because it allows the court to see the evidence as a whole and understand how everything fits together. The circumstances vary from case to case and in this regard, the Hon'ble Court in the case of **Rattan Singh V. State of H.P.**⁷ held that "*the collocation of the words in Section 32(1) 'circumstances of the transaction which resulted in his death' is apparently of wider amplitude than saying 'circumstances which caused death'. There need not necessarily be a direct nexus between the two. It is enough if the words spoken by the deceased have reference to any circumstance*

⁵Ashok kumar Chatterjee V. State of Madhya Pradesh(AIR 1989 SC 1890)

⁶ State of Maharashtra v. Krishnamurti Laxmipati Naidu (1980) 3 SCC 230

⁷Rattan Singh V. State of Himachal Pradesh, [(1997) 4 SCC 161 : 1997 SCC (Cri.) 525]

which has a connection with any of the transactions which ended up in the death of the deceased. Such a statement would also fall within the purview of Section 32(1) of the Evidence Act. In other words, it is not necessary that such circumstance should be proximate, for, even distant circumstances can also become admissible under the sub-section, provided it has nexus with the transaction which resulted in the death.”

It can fill gaps in direct evidence: Direct evidence, such as eyewitness testimony or confessions, may be unavailable or unreliable in many cases. For instance, in the case of **Jessica Lal Murder case**⁸, the decision of the Hon'ble Court was based on circumstantial evidence as here the witness became hostile. The accused Manu Sharma was held guilty and was punished with life imprisonment based on a chain of circumstantial evidence that proved his guilt. Circumstantial evidence can fill the gaps by establishing a link between the accused and the crime. This is especially important when direct evidence is weak or inconclusive.

It can overcome evidentiary hurdles: Circumstantial evidence can resolve evidentiary problems that direct evidence may have. Direct evidence, for example, could be vulnerable to problems such as witness credibility, faulty memory, or fabrication. But contrary to direct evidence, circumstantial evidence is based on objective and rational facts and can withstand challenges to witness credibility or other factors.

It can convict without eyewitnesses or confessions: In cases where there are no eyewitnesses to the crime or the accused does not provide a confession the conviction of the accused becomes difficult; therefore, circumstantial evidence can help in securing a conviction of the accused. It offers an alternative method of determining guilt by depending on a combination of indirect clues and inferences that point toward the accused's involvement in the crime. As held in the case of **Vilas Pandurang Patil V. State of Maharashtra**⁹, since there were no eyewitnesses to the occurrence, the prosecution relied on the following circumstances in support of its case. They are as follows:

- Motive.
- Conduct of the respondent immediately before and after the incident;
- Extra-judicial confession;

⁸Sidhartha Vashisht alias Manu Sharma V. State of NCT of Delhi, 2010 (69) ACC 833 (SC)

⁹Vilas Pandurang Patil vs State Of Maharashtra(Case No. : Cri. Appeal 367 of 1999)

- Discovery of blood-stained articles and mangal sutra in the pointing out of the respondents; and
- Finding the blood in the nail cuttings of the respondent.

“Thus, it has been consistently laid down by this court that where a case rests squarely on circumstantial evidence, the inference of guilt can be justified only when all incriminating facts and circumstances are found to be incompatible with the innocence of the accused or the guilt of any other person¹⁰”. Hence, it can be said that Circumstantial evidence can support direct evidence and strengthen direct evidence when they are presented together. It can help to enhance the overall persuasiveness of the case by corroborating the direct evidence with additional circumstantial facts.

The Limitations of Circumstantial Evidence:

Possibility of Alternative Explanations: Circumstantial evidence can often be interpreted in different ways. This means that there could be other explanations for the circumstances that do not involve the accused. The same was held in, **State of U.P. v. Ashok Kumar Srivastava**¹¹, *“where it was pointed out that great care must be taken in evaluating circumstantial evidence and if the evidence relied on is reasonably capable of two inferences, the one in favour of the accused must be accepted. It was also pointed out that the circumstances relied upon must be found to have been fully established and the cumulative effect of all the facts so established must be consistent only with the hypothesis of guilt.”*

Reliance on Inferences: Circumstantial evidence is based on inferences, which means that it is based on assumptions. These assumptions are subjective and may be incorrect.

Insufficient Conclusive Proof: Circumstantial evidence does not directly prove a fact, but instead it weaves a tapestry of inferences and deductions to arrive at a conclusion. Unlike the raw power of eyewitness accounts or the weight of confession, circumstantial evidence struggles to establish conclusive proof of guilt or innocence.

Thus, there are instances when the evidence falls short of piercing the veil of doubt, resulting in the release of the accused.”. In the case of **C. Chenga Reddy v. State of A.P.**¹² it was held

¹⁰*Hukam Singh V. State of Hyderabad* (AIR 1977 SC 1063)

¹¹*State of U.P. v. Ashok Kumar Srivastava*, (1992 Cri.LJ 1104)

¹² *C. Chenga Reddy v. State of A.P.* (1996 (10) SCC

that *“In a case based on circumstantial evidence, the settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further, the proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence....”*

Overreliance and Prejudice: Where no direct evidence is available, there is a risk of overreliance on circumstantial evidence. Because judges may place undue weight on interpretations based on speculations or deductions, and this over-dependence can lead to prejudice against the accused.

Misinterpretation or Misapplication: Circumstantial evidence is susceptible to misinterpretation or misapplication. Flawed reasoning or errors in the evaluation of the evidence can lead to incorrect conclusions. It is crucial for legal professionals to present and evaluate circumstantial evidence with caution and accuracy.

CONCLUSION

Hence from the above-mentioned facts and cases, it's clear that a case that lacks direct evidence and is based on circumstantial evidence to establish the guilt or innocence of the accused party needs to fulfill the Five Golden principles or panchsheel of the circumstantial evidence given in the case of **Sharad V. State of Maharashtra case**¹³. At times, it gets quite difficult to establish guilt of the person since there is no eyewitness or direct evidence present against the accused in that circumstances, Circumstantial Evidence plays a vital role in establishing guilt. However, people often misinterpret that circumstantial evidence is of less importance but that's not the truth, it solely depends on how well the pieces of evidence are shown and how well the links have been established.

Sir Alfred Wills in his admirable book *Wills' Circumstantial Evidence* (Chapter VI) lays down the following rules specially to be observed in the case of circumstantial evidence: *“(1) the facts alleged as the basis of any legal inference must be clearly proved and beyond reasonable doubt connected with the factum probandum; (2) the burden of proof is always on the party who asserts the existence of any fact, which infers legal accountability; (3) in all*

¹³ Sharad V. State (n 3)

cases, whether of direct or circumstantial evidence the best evidence must be adduced which the nature of the case admits; (4) in order to justify the inference of guilt, the inculpatory facts must be incompatible with the innocence of the accused and incapable of explanation, upon any other reasonable hypothesis than that of his guilt; and (5) if there be any reasonable doubt of the guilt of the accused, he is entitled as of right to be acquitted.” Moreover, the differences between “may be true” and “must be true” require careful watch while deciding a case.

In the end, the importance of circumstantial evidence in legal proceedings cannot be exaggerated. Through a meticulous examination of interconnected clues and revealing signs, circumstantial evidence unveils a captivating tale that steers the factfinder toward a righteous and impartial verdict. Its power is found in inference, where the combination of fragments creates a whole that resonates profoundly. Furthermore, when corroborated with direct evidence, circumstantial evidence becomes even more compelling. However, it is imperative to acknowledge and tackle the quandaries presented by alternative explanations and reasonable doubts. By perfecting the art of presenting and interpreting circumstantial evidence, legal practitioners play a pivotal role in unraveling intricate cases and upholding the principles of justice.

