



ROLE OF EVIDENCE IN CRIMINAL TRIAL: A LEGAL PERSPECTIVE

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INTRODUCTION

Evidence is any fact or information that is used in a criminal trial with the intent of providing or disproving a fact. Defence and prosecution use evidence to convince a judge of their side of the case. There is a wide range of criminal evidence, like audio and video recordings, witness testimony, weapons that were used in the crime, evidence like DNA, fingerprints, and help in the analysis autopsy.

IMPORTANCE OF EVIDENCE IN CRIMINAL TRIALS

When we talk about criminal defence, evidence plays an essential role in making the case strong. The evidence is required to show a case beyond a reasonable doubt and prove whether the accused is guilty or not guilty. In criminal defence attorney understands that the different facts of evidence are important to build a strong case. Further, the evidence can be classified into three classes: oral, documentary, and other real evidence.

CONCEPT AND CLASSIFICATION OF EVIDENCE

Definition of evidence in the Indian Evidence Act: According to the Indian Evidence Act, Section 2 of 1872, evidence includes-

- All such statements that the court allows or needs to be presented before it by the witnesses in connection with matters of fact under inquiry. These statements are termed oral evidence.
- All such documents, including any electronic record, are presented before the court for inspection. These documents are termed documentary evidence.

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TYPES OF EVIDENCE

As per the definition of evidence in the Indian Evidence Act 1872, it can be divided into two classes.

Oral Evidence: Oral Evidence is all those admissible statements which the court supposes the witnesses to help fulfil the direction of the truth of the facts placed before the court. According to Section 60 of the Indian Evidence Act, 1872, Evidence which the witness himself has heard or seen is oral evidence. When evidence essentially proves the primary fact in the matter, it is considered direct evidence.

Documentary Evidence: According to Section 2 of the Indian Evidence Act, 1872, Evidence that refers to any issues expressed upon any material by way of letters, figures or marks by more than one of the ways that can be used for recording the issue is called documentary evidence.

This type of evidence is produced in the court as a document to show a contested fact. Documentary Evidence is divided into two categories as defined below;

Primary Evidence: The main source of evidence is the Primary Evidence. The original document introduced in the court of law for scrutiny is called as Primary Evidence.

Secondary Evidence: Secondary evidence, which means lesser or replacement evidence, itself shows the existence of more source information. Secondary evidence may be given in the absence of primary evidence if proper clarification is given for such absence.

Real Evidence: Real evidence is also known as material evidence or physical evidence. Evidence that is shown in the court by a material or physical object and is not acquired from a witness or document, then it is called as real evidence. Ex: Blood samples, Murder weapon and fingerprints, etc.

Hearsay Evidence: Hearsay evidence is information that the witness has learned about from a third party but has not personally seen, heard, or discerned with his senses.

Sahoo vs State of Uttar Pradesh, the Supreme Court said that admissions and confessions are exceptions to the Hearsay rule.

Judicial Evidence: In judicial evidence, when evidence is accepted by the court of law in proof or disproof of facts before them, it is called as judicial evidence.

Non-Judicial Evidence: An accused who makes any acknowledgement outside the court in the presence of any person is called as Non-Judicial Evidence. Non-judicial evidence is evidence presented in a procedure before a magistrate or officer in an administrative rather than judicial capacity.

Circumstantial Evidence or Indirect Evidence: Circumstantial evidence relies on reasoning to associate it with a conclusion. Such as footprints, fingerprints print etc. Circumstantial evidence involved must or should. The nature of circumstantial evidence is conclusive. Circumstantial evidence should be a complete sequence of proof and no doubt of any other inference.

ADMISSIBLE VS INADMISSIBLE EVIDENCE

Admissible Evidence –

Evidence is the essential part of any investigation or criminal proceeding. But the evidence admissible in court should be as follows:

- The evidence must be relevant and support the main ideas, facts or information.
- The evidence must be competent and satisfy the conventional legal standards for dependability.
- The evidence must be material and should be used to prove a case fact.
- Hearsay cannot serve as the basis for the evidence, perplexing, useless or unjustly biased. It should not be outweighed by countervailing concerns.

Inadmissible Evidence –

As we see evidence to be admissible in court, it must be relevant, competent, material, and not outweighed by countervailing concerns. In court, evidence will not be admissible if

- It is hearsay
- It is prejudicial

- It is irrelevant to the case
- It was obtained in violation of a defendant's legal rights
- It was obtained illegally, like an unlawful police search

ROLE OF EVIDENCE IN DIFFERENT STAGES OF CRIMINAL TRIAL

Pre-Trial Stage –

Cognizable offence: According to Section 2(c) of CRPC police can arrest the accused without a warrant. Police can act on their own. Police can also start an investigation without the permission of a magistrate. Police also filed an FIR. A cognizable offence is more serious. Ex: Murder, Rape, Kidnapping

Non-Cognizable offence: According to Section 2(I) of Crpc police cannot arrest the accused without a warrant. The police have no authority. Police cannot start an investigation without the permission of a magistrate. Non-cognizable is less serious. Ex: Public nuisance, defamation. After the FIR has been filed by the police officer, the investigation starts.

CLASS OF EVIDENCE

- Recording of statements, the statement of the accused must be recorded by the magistrate under the CRPC.
- Collecting evidence in the type of document.
- Police can arrest during the investigation.

The police have to produce the accused before the magistrate within 24 hours of the arrest.

Remand: An accused individual is brought before a magistrate to request an extension of police or magistrate detention. Whenever they are detained for a crime and the police are unable to finish their investigation within twenty-four hours.

After investigation, the Police can file a charge sheet in the court with the help of a public prosecutor if the police feel a prima facie case is made. If the police feel that no prima facie case is made, a final report is filed in the court.

Appearance of the accused in court and filing a bail application: The accused can seek bail with the help of an advocate if the anticipatory bail is not taken. Once the bail is granted, furnish the required security to the court as per the order.

Framing of Charge: After taking into consideration the police report and further important documents, the court files charges against the accused, who will be tried.

Conviction on plea of Guilty: The court finds the accused pleads guilty, then the court records the plea and may, at discretion, convict the accused.

TRIAL STAGE

Starting point of Trial Stage –

The trial of a case starts when the case is posted for the scrutiny of witnesses. The trial can be a Session trial, a Warrant Trial, a Summary Trial or a Summon Trial.

Prosecution Evidence: After the accusations are framed and the accused pleads guilty, the court orders the prosecution to present evidence to show the accused guilty. The prosecution is expected to back up its evidence with witness statements. This is referred to as examination in chief.

Defense Evidence: A chance is given to the accused in a case where he is not being absolved make defend his case. The burden of proof is on the prosecution. The general defense is not important to give any defense. The prosecution has to prove the case beyond a reasonable doubt.

Final Judgment: The court's final decision includes the reason for the accused's conviction or acquittal.

EVIDENTIARY CHALLENGES IN MODERN CRIMINAL TRIALS

In criminal trials, digital evidence has become essential in trials, with the help of digital footprints, emails, to metadata often giving essential information. When physical evidence is absent, digital evidence plays a revolutionary role in Criminal trials. In the modern era, reliance on digital evidence has increased. Digital evidence helps to notice cyber activities, to prove facts and also to confirm the reliability of witnesses. But the issue concerning admissibility, authenticity, and legal recognition continues to arise.

Difficulties with Digital Evidence Use –

There are various benefits of digital evidence, but there are many challenges in the effective use of digital evidence.

Digital Data: There are a lot of people who have access to advanced technologies and adequate training, which makes managing digital evidence challenging, particularly for law enforcement organisations with little funding.

Privacy and Data Security: The protection, repository, and inspection of large amounts of digital data call up concerns about uncertified access and possible misemploy. Article 21 of the Indian Constitution technological advancement cannot be tandem easily.

Speedy Technological Advancements: Criminals use developing technologies to carry out sophisticated cybercrimes. Technological misappropriation necessitates ongoing updates to law enforcement instruments and knowledge.

Administration of Digital Evidence: The data, as well as smartphones and social media fulfilled can fulfil an investigation. Evidence must be collected, processed, and kept in a way that prevents tampering and loss.

Local Network Data: When many computers are connected to a network, it can be difficult to allocate activities of individual devices and times which force have an impact on the admissibility of digital evidence.

Dynamic Data Updates: Data that changes on a frequent basis, such as transactional databases and webpages, might call into question the authenticity and admissibility of digital evidence.

LANDMARK CASES ON EVIDENCE

Kalyan Kumar Gogoi vs. Ashutosh Agnihotri and Anr. (2021): In the case of Kalyan Kumar Gogoi v Ashutosh Agnihotri and anr Supreme Court took a note of the fact that hearsay evidence is not relevant and considerable under the Indian Evidence Act, 1872. In this case Supreme Court said that hearsay evidence is not admissible in the court of law because same is incorrect and unclear by its nature. The Supreme Court also mentions some parameters that hearsay evidence does not hold much relevance in the eyes of the law. The

person who introduces hearsay evidence in the case should stand null, which ipso facto destroys the objective of the evidence. The evidence that is introduced before the court of law is made with knowledge and responsibility on the part of who is providing it. Hearsay evidence dilutes the truth that needs to be presented before the court, wasting the fact that, just as sufficient for misrepresentation, fraud, and under influence, can take place. Which is against the party to whom the evidence is laid down.

Bhimsha Subanna Pawar vs. State of Maharashtra (1996): In the case of Bhimsha Subanna Pawar v. State of Maharashtra, the Bombay High Court took into consideration the circumstances when the self-supporting evidence is absent in the court to support the conviction of the accused. The Bombay High Court concluded that in this case, there was no independent evidence. The Bombay High Court has carefully looked into evidence by the police witnesses, established to be a dependable source on which the conviction of the accused will rest. Where the assault weapons were discovered by the accused's statement and no evidence existed indicating animosity between the police inspector and the accused, it will be justified and safe to believe the inspector's uncorroborated statement regarding the weapon discovered.

Tomaso Bruno & Another vs. State of Uttar Pradesh (2015): The apex court of India supports a decision on the relevance of Digital evidence, highlighting that computer-generated data is allowed under section 65B. The Hon'ble court accepts the essentials of digital evidence in the modern era of investigations.

CONCLUSION

Evidence is essential to explain the truthfulness of presenting all kinds of evidence to examine and find the result of a case. Even if it is a civil or criminal case, evidence plays an important role in proving the facts. There are various types of evidence, remarkable for their admissibility and relevance. Without evidence cannot be overstated that without proof, the scales of justice would tip not in favour of right or wrong but into ambiguity. In the modern era advancement of technologic has increased diverse access to available technological tools, and command measures of evidence continue to come to light. Amendment in laws will increase protection with complete and sufficient training. It is not possible to decide the case outcome without having sufficient evidence in the case.

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