

**DE JURE NEXUS LAW JOURNAL**

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**CIRCUMSTANTIAL EVIDENCE AND ASSOCIATED LANDMARK  
JUDGEMENTS**

*“Circumstantial evidence is a very tricky thing. It may seem to point very straight to one thing, but if you shift your own point of view a little, you may find it pointing in an equally uncompromising manner to something entirely different.”<sup>1</sup>*

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**Abstract:**

There is a very common phrase that people use many times and it would not be wrong to say that, almost all of us have heard it somewhere at some point in our lives. The phrase is ‘*I will see you in court*’, which simply means that one person/party is planning to sue the other person/party because of some dispute or clash of interests. While deciding such disputes, during the court proceedings, evidence plays a very vital role. Evidences pave the way by which the court make inferences to reach to a decision.

This paper is going to deal with the primary understanding of what an evidence is and why is it useful in court proceedings. Further, the paper will specifically cover the topic of circumstantial evidence. Some of the landmark judgements related to circumstantial evidence are also covered under this work piece.

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<sup>1</sup> Arthur Conan Doyle, The Adventures of Sherlock Holmes.

## **Introduction:**

The law of evidence is a primary principle governing the process of proof along with being a multidimensional purpose to look over the rules which are related to process of proof in court proceedings.

In Indian courts of law, the set of rules which govern the eligibility and admissibility of evidence are complied under the Indian Evidence Act, 1872. The introduction of the act provided a standard platform to all Indian with respect to the evidence law, otherwise, before the implementation the act, the admissibility of the evidences was decided based of several factors like rules and regulations prevalent in different places, social norms of different communities, etc.

“In India, the term circumstantial evidence was first used by Sir James Stephen, stating circumstantial evidence to be facts that are relevant to the other facts, whose existence can prove by the existence of other fact.”<sup>2</sup>

## **Understanding the term Evidence:**

In simple words evidence is “the means by which alleged facts are proved or disproved.”<sup>3</sup> It is a piece of raw information which helps a judge or adjudicator to reach finding of fact. Evidence backs the facts to generate proof and further to reach to a decision.

**Section 3** of the **Indian Evidence Act, 1872** states that evidence means and includes- firstly, all the statements which are permitted by the court and are required to me made by the witnesses before the court, in relation to the matters of fact which are being inquired. Such statements are known as the “oral evidence.”

Secondly, all the documents required or produced to aid the examination of the court. Such documents are known as the “documentary evidence” and may also include electronic records.

Any piece of information (excluding mere arguments) which makes the point under inquiry evident before the court is an evidence. For instance, if there is an accident where two cars crash into each other. Now, the noise of the crash is an evidence of the accident. The people who heard the noise or witnessed the cars crashing into each other can give evidence of the fact

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<sup>2</sup> Soumya Chowdhary, Introduction to the law of evidence in India, Legal Bites.

<sup>3</sup> Evidence, Black’s Law Dictionary: 2<sup>nd</sup> Edition.

of accident. If the accident is recorded on the surveillance cameras or anything apart from human memory, that record can also serve as an evidence of the accident.

### **Understanding Circumstantial Evidence:**

First thing to understand is that circumstantial evidence is not a direct proof that backs the happening of any event rather it is a guide that helps to further proceed with investigation on reasonable grounds thus is also known as 'indirect evidence'. Circumstantial evidence is important for both criminal as well as for civil cases. In criminal courts, it is used to for reasoning to decide whether someone is innocent or guilty of the said offence whereas in civil cases, it is important to determine the liability of the parties involved in such case.

Circumstantial evidence are the unrelated facts which when put together help to reach a conclusion regarding some unsolved reasons and facts. This is some sort of information provided by a party in a suit that leads to the conclusions that are indirectly related to the happening or non-happening of an event or action.

For example, if someone were charged with the theft of a large amount of money, and were seen purchasing high-end cars. In such a case, the simultaneous purchase of expensive cars might be considered as circumstantial supporting the fact that the said person suddenly got a huge amount of money and this can be used to prove the individual's guilt.

"A popular misconception is that circumstantial evidence is less valid or less important than direct evidence."<sup>4</sup> It is not true that one cannot be convicted based on circumstantial evidence. In fact, most of the convictions in criminal actions are bases on circumstantial evidence, at least in part if not in totality. "Circumstantial evidence is intrinsically no different from testimonial evidence."<sup>5</sup> Circumstantial evidence stands to be very convincing and powerful in many cases. All you have to do is link the circumstantial evidence with the direct one to reach to final conclusions.

### **Case laws related to circumstantial evidence:**

- In the landmark judgement of *Ramawati Devi vs. State of Bihar (1983)*, the importance of circumstantial evidence was advanced and it was highlighted that it can also become the dole basis of conviction. The wordings of the judgement are as follows: "what evidentiary value or weight has to be attached to such statement, must necessarily depend on the facts

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<sup>4</sup> LH Hoffmann & DT Zeffertt, *The South African Law of Evidence*, 4<sup>th</sup> ed., p. 589.

<sup>5</sup> *Holland v United States*, 348 U.S. 121 (1954).

and circumstances of each particular case. In a proper case, it may be permissible to convict a person only on the basis of a dying declaration in the light of the facts and circumstances of the case....”<sup>6</sup>

- In *V.C. Shukla vs. State (1980) AIR 962*, it was also pointed out that in most of the cases, there is difficulty faced to acquire direct evidence regarding the action in question. In such case, there is possibility to infer related information and conclusions from the circumstances of the given case.
- Justice D.P. Wadhwa in *Nalini’s case* stated that “the well-known rule governing circumstantial evidence is that each and every incriminating circumstance must be clearly established by reliable evidence and the circumstances proved must form a chain of events from which the only irresistible conclusion about the guilt of the accused can be safely drawn and no other hypothesis against the guilt is possible.”<sup>7</sup>
- The court, in the well-known case of *Bodh Raj vs. state of Jammu & Kashmir 2002*, held that on fulfillment of certain specific conditions, circumstantial evidence can be considered as a sole ground for conviction. The said conditions are as follows:
  - The circumstances establishing the guilt of the accused must be fully proved beyond any reasonable doubt.
  - All the stated facts must be accordant with theory of guilt of the accused.
  - The nature and tendency of the circumstances must be conclusive.
- The case of *Sharad Birdhichand Sarada vs. State of Maharashtra (1984) 4 SCC 116*, holds a landmark judgement in the ‘Evidence Law’ field. The case discussed about how to treat circumstantial evidence in situations where they are inconclusive. It also highlighted the principle of burden of proving guilt which should be conclusive and beyond any reasonable doubt i.e., the interlinked chain of events must lead to only one outcome.
- In *Ramesh Durgappa Hirekerur vs. State of Maharashtra, 2017*, it was again pointed out that circumstantial evidence can be permitted as sole reason for conviction of the accused. The court said that, in such a case, the burden lies on the prosecution to establish a chain of circumstances pointing only at the accused and this chain should not be consistent with the innocence of the accused.

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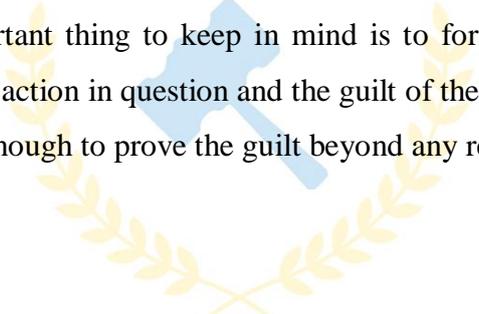
<sup>6</sup> Ramawati Devi vs. State of Bihar, AIR 1983 SC 164.

<sup>7</sup> State of Tamil Nadu vs. Nalini and 25 others, 1999.

- Some other high-profile cases which were in controversy in India and which highlighted the importance of circumstantial evidence in criminal courts are *Jessica Lal Murder case* and *Aarushi Talwar Murder case*.

**Conclusion:**

Circumstantial evidence, though considered as indirect evidence, is an integral part of the evidence laws and the Indian Evidence Act. The court always finds itself on a safe ground when there is direct evidence present with respect to a case but this does not mean that circumstantial evidence has any lesser recognition, we have already seen that in cases which lack the presence of any direct evidence, circumstantial evidence can act as sole base for conviction. The most important thing to keep in mind is to form a chain of circumstances consistent to the facts of the action in question and the guilt of the accused. The circumstantial evidence should be strong enough to prove the guilt beyond any reasonable doubt.



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