

Relevancy and Admissibility of Facts

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*** ABSTRACT**

The idea of relevancy is crucial because the acceptance of irrelevant evidence may cause the fact-finder to become confused and biased, which may lead to an unfair decision. The law of evidence mandates that only pertinent evidence be given in court in order to avoid this. In determining the relevancy of a fact, the judge will consider the purpose for which the evidence is being offered and the relationship between the evidence and the issues in the case. Whether or whether a certain piece of evidence can be introduced in court is known as admissibility. If a fact is covered by an exclusionary rule, which prevents evidence from being allowed for policy reasons, it may still be inadmissible even if it is significant. The exclusionary rule, for instance, would deem evidence gathered through an unauthorised search and seizure significant but inadmissible. There are several exclusionary rules that determine the admissibility of evidence. In this paper I have investigated and expound profoundly on relevancy and admissibility of facts.

Key Words: Relevancy, Admissibility, Facts, Evidence, Inadmissible and Exclusionary rules.

INTRODUCTION

Relevancy and admissibility of facts are two critical concepts in the law of evidence. These concepts are essential to ensure that only relevant and reliable evidence is presented in court proceedings. In this response, I will explain what relevancy and admissibility mean, and how they are applied in the law of evidence.

Relevancy refers to the degree to which a particular fact is related to the issue at hand in a legal case. In other words, relevancy is a measure of how important a piece of evidence is to the resolution of a case. Relevancy is determined by the logical relationship between the fact and the issue in the case. If a fact is logically related to the issue, it is considered relevant, and if it is not, it is considered irrelevant.

The concept of relevancy is essential because the admission of irrelevant evidence can lead to confusion and prejudice in the minds of the fact-finder, which could result in an unjust verdict. To prevent this, the law of evidence requires that only relevant evidence is presented in court.

In determining the relevancy of a fact, the judge will consider the purpose for which the evidence is being offered and the relationship between the evidence and the issues in the case. For example, if the issue in a case is whether the defendant was present at the scene of the crime, evidence that shows the defendant's whereabouts at the time

of the crime would be relevant. On the other hand, evidence that is not related to the defendant's whereabouts, such as his or her political views, would be irrelevant and would not be admissible in court.

Admissibility refers to whether a particular piece of evidence is allowed to be presented in court. Even if a fact is relevant, it may still be inadmissible if it falls within an exclusionary rule, which bars evidence from being admitted for policy reasons. For example, evidence obtained through an illegal search and seizure would be considered relevant but inadmissible under the exclusionary rule.

There are several exclusionary rules that determine the admissibility of evidence. Some of the most important exclusionary rules are:

1. *Hearsay Rule*: The hearsay rule bars the admission of out-of-court statements made by someone other than the witness testifying to the statement, when offered to prove the truth of the matter asserted in the statement. The rationale behind the rule is that out-of-court statements are often unreliable and lack the safeguards of cross-examination.
2. *Best Evidence Rule*: The best evidence rule requires that the original or a duplicate of an original document be presented as evidence if the contents of the document are at issue in the case. This rule is designed to ensure the accuracy and reliability of documentary evidence.
3. *Privilege*: Privilege is a rule that protects certain communications or relationships from disclosure in court. Examples of privileged relationships include those between attorney and client, doctor and patient, and spouse and spouse. The rationale behind the privilege rule is to encourage open and honest communication in these relationships.
4. *Character Evidence*: The rule against character evidence prohibits the admission of evidence of a person's character to prove that the person acted in conformity with that character on a particular occasion. The rationale behind the rule is that character evidence is often more prejudicial than probative.

I. DOCTRINE OF RES GESTAE

The doctrine of res gestae is a Latin term that means "things done." It is a principle of evidence law that allows for the admission of statements made during the course of an event, as long as they are made in close proximity to the event and are relevant to it. The doctrine recognizes that some statements made during an event may be spontaneous and therefore reliable, and should be admitted into evidence.

In India, the doctrine of res gestae has been recognized and applied in several cases. One such case is *State of Uttar Pradesh v. Satish (2005)*¹. In this case, the accused was charged with murder and the prosecution relied on the testimony of a witness who had seen the accused stabbing the victim. The witness testified that he had heard the victim crying out for help and had seen the accused running away from the scene of the crime with a blood-stained knife.

¹ State of Uttar Pradesh v. Satish, (2005) 3 SCC 114.

The defence argued that the witness's testimony was hearsay and should not be admitted into evidence. However, the court held that the witness's testimony was admissible under the doctrine of res gestae. The court noted that the witness's statements were made in close proximity to the event, and were relevant to the crime. The court also noted that the witness's statements were spontaneous and were made under the stress of the situation, which made them reliable.

The doctrine of res gestae has also been applied in cases involving sexual offenses. In *State of Karnataka v. M. Ranga (2003)*², the accused was charged with rape and the prosecution relied on the testimony of the victim. The victim had made a statement to her mother immediately after the incident, in which she had described the details of the rape. The defence argued that the victim's statement was hearsay and should not be admitted into evidence.

However, the court held that the victim's statement was admissible under the doctrine of res gestae. The court noted that the victim's statement was made in close proximity to the event and was relevant to the crime. The court also noted that the victim's statement was spontaneous and was made under the stress of the situation, which made it reliable.

In conclusion, the doctrine of res gestae is an important principle of evidence law in India. It allows for the admission of statements made during the course of an event, as long as they are made in close proximity to the event and are relevant to it. The doctrine has been applied in several cases, including those involving murder and sexual offenses. The doctrine of res gestae has been recognized as an exception to the hearsay rule, and has been used to admit reliable and spontaneous statements into evidence.

II. MOTIVE, PREPARATION AND CONDUCT

In the context of evidence law, motive, preparation, and conduct are important concepts that help establish a person's intent or state of mind at the time a particular act was committed.

Motive refers to the reason or purpose behind a particular action. It is the underlying cause or driving force that motivates a person to act in a certain way. In legal proceedings, motive can be used to show that a person had a particular reason for committing a crime or engaging in a certain behaviour. For example, if a person is accused of stealing money from their employer, evidence of a motive, such as financial troubles or a desire for personal gain, can be used to establish guilt³.

Preparation refers to the steps a person takes to plan or prepare for a particular action. It can include actions such as gathering materials or tools needed to commit a crime, researching a target or victim, or even practicing the act itself. Evidence of preparation can be used to show that a person had the necessary means and intent to commit a particular act. For example, if a person is accused of burglary, evidence of preparation such as tools commonly used for breaking into homes, can be used to establish guilt⁴.

² State of Karnataka v. M. Ranga (2003) 1 SCC 727.

³ RATANLAL & DHIRAJLAL, THE LAW OF EVIDENCE 18 (11TH ed. 1949).

⁴ BATUK LAL, LAW OF EVIDENCE 121 (Orient Publishing Company 2014).

Conduct refers to a person's behaviour or actions in the course of committing a particular act. It can include things like the way a person moves or interacts with their surroundings, the words they use, or their physical actions. Conduct can be used as evidence to show a person's state of mind or intent at the time an act was committed. For example, if a person is accused of assault, evidence of conduct such as physical aggression, threatening language, or use of a weapon, can be used to establish guilt⁵.

Motive, preparation, and conduct are often used together in legal proceedings to build a case against a person accused of a crime. By establishing a person's motive, preparing and gathering evidence of their preparations, and presenting evidence of their conduct during the commission of the crime, the prosecution can paint a picture of a person with a clear intent to commit the crime in question. Conversely, the defence may use evidence related to these concepts to argue that the accused did not have the necessary intent or state of mind to be found guilty of the crime.

III. CONSPIRACY UNDER THE INDIAN EVIDENCE ACT 1872

Conspiracy is an agreement between two or more persons to commit an unlawful act or a lawful act by unlawful means. The Indian Evidence Act, 1872 defines conspiracy as “When two or more persons agree to do, or cause to be done, an illegal act, or an act which is not illegal by illegal means, such an agreement is designated a conspiracy.”

Section 10⁶ of the Indian Evidence Act, 1872 states that all facts, whether previous, simultaneous or subsequent, that are necessary to prove the existence of a conspiracy, are relevant. However, no agreement can be proved merely by evidence of a single act or omission by a conspirator.

One of the landmark cases related to conspiracy in India is State of *Maharashtra v. Som Nath Thapa (1969)*.⁷ In this case, the accused persons were charged with conspiracy to commit a dacoity. The prosecution had relied on circumstantial evidence to prove the existence of a conspiracy. The court observed that in a conspiracy case, it is not necessary to prove the actual commission of the crime. It is enough to prove that two or more persons had agreed to do an unlawful act or a lawful act by unlawful means.

The court further held that in order to prove a conspiracy, it is necessary to establish that the accused persons had a common intention to commit the offence. The prosecution must show that the accused persons had a meeting of minds, and there was an agreement between them to commit the offence. The court held the accused persons guilty of conspiracy and upheld their conviction.

In another case, *Sanjeev Nanda v. State (2008)*⁸, the accused was charged with conspiracy to destroy evidence related to a hit-and-run case. The prosecution relied on circumstantial evidence to prove the existence of a conspiracy. The court held that in a conspiracy case, the prosecution must prove the existence of an agreement

⁵ RATANLAL & DHIRAJLAL, THE LAW OF EVIDENCE 19 (11TH ed. 1949).

⁶ The Indian Evidence Act, 1872, § 10, No. 1, Acts of Parliament 1872 (India).

⁷ State of Maharashtra v. Som Nath Thapa, (1969) 3 SCR 744.

⁸ Sanjeev Nanda v. State, (2008) 9 SCC 757.

between the accused persons. The prosecution must also establish that the accused persons had a common intention to commit the offence. The court held the accused guilty of conspiracy and upheld their conviction.

In conclusion, conspiracy is an agreement between two or more persons to commit an unlawful act or a lawful act by unlawful means. The Indian Evidence Act, 1872 provides for the admissibility of all relevant facts to prove the existence of a conspiracy. Indian courts have held that in order to prove a conspiracy, the prosecution must establish the existence of an agreement and a common intention to commit the offence.

IV. WHEN FACTS NOT OTHERWISE RELEVANT BECOME RELEVANT

When facts that are not otherwise relevant become relevant, it means that they have some bearing on the matter being discussed or decided. These facts may not have direct relevance to the issue, but they can help in understanding the context, background or implications of the matter. The court may consider such facts to arrive at a just and fair decision.

For example, in a criminal case, the past conduct of the accused may not be directly relevant to the offense charged, but it may help in assessing the credibility or motive of the accused. Similarly, in a civil case, the financial status of the parties may not be directly relevant to the dispute, but it may affect the award of damages or costs.

In Indian law, the concept of relevant facts is defined in the *Indian Evidence Act, 1872. Section 2(6)*⁹ of the Act defines relevant facts as those that are connected with the matter in issue or are required to explain it. *Section 5*¹⁰ of the Act provides for the admission of relevant evidence, which includes both oral and documentary evidence.

In the case of *State of Maharashtra v. Mohd. Yakub Abdul Majid*¹¹, the Supreme Court held that even facts that are not strictly relevant to the issue may be admissible if they are necessary to understand the context, motive or state of mind of the parties. In this case, the accused was charged with conspiracy to commit terrorist acts, and the prosecution relied on intercepted phone conversations between the accused and his associates. The defense objected to the admission of these conversations, arguing that they were not relevant to the charge. However, the court allowed the evidence, stating that the conversations were necessary to understand the nature and scope of the conspiracy and the role played by the accused.

Thus, the relevance of a fact may depend on the specific circumstances of the case and the purpose for which it is being considered. The court has the discretion to admit or exclude evidence based on its relevance and probative value. Ultimately, the court's decision must be based on the principles of fairness, impartiality, and justice.

⁹ The Indian Evidence Act, 1872, § 2, No. 1, Acts of Parliament 1872 (India).

¹⁰ The Indian Evidence Act, 1872, § 5, No. 1, Acts of Parliament 1872 (India).

¹¹ *State of Maharashtra v. Mohd. Yakub Abdul Majid* is (2012) 10 SCC 476.

V. SPECIFIC STATE OF MIND

The specific state of mind referred to in evidence law is generally known as "Mens Rea" which refers to the mental element or the intent of the accused while committing a crime. It is a Latin term which means "guilty mind" and refers to the state of mind of the accused at the time of committing an offense.

Mens Rea is an important principle in criminal law and is used to determine whether a person can be held criminally liable for their actions. If an accused has the required Mens Rea, it means that they had the intention to commit the crime and are therefore guilty. In contrast, if an accused lacked Mens Rea, they may have committed the act, but without the intention to do so and therefore cannot be held criminally liable.¹²

Indian case law has recognized the principle of Mens Rea in a number of cases. For instance, in the case of State of *Madhya Pradesh v. Narmada Prasad*¹³, the Supreme Court held that the conviction of the accused could not be sustained as there was no evidence of Mens Rea, and the prosecution had failed to prove that the accused had the necessary intent to commit the offense.

In conclusion, Mens Rea is an essential principle in criminal law and helps to determine the guilt of the accused based on their state of mind at the time of the commission of the crime. Indian case law has recognized the importance of Mens Rea and has used it to determine the guilt of the accused in a number of cases.

VI. ADMISSION

Admissions are an important tool for lawyers to use in building a case and can have a significant impact on the outcome of a trial. Admission is a statement made by a party in a legal proceeding or outside it which is against their own interest. Admissions can be made orally, in writing or by conduct. Under Indian Evidence Act, 1872, admissions are considered as relevant and admissible evidence. *Section 17*¹⁴ of the Indian Evidence Act defines admission as "*an admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances hereinafter mentioned.*"

Admissions can be classified into two categories – *judicial admission and extrajudicial admission*.

Judicial admission is a statement made by a party in the course of judicial proceedings. Such admissions are considered to be conclusive proof of the fact admitted and cannot be retracted or explained away. The party making the admission is bound by it and cannot deny it later. For example, a defendant admitting to a murder charge in court is a judicial admission¹⁵.

¹² K.D. GAUR, A TEXT ON THE INDIAN PENAL CODE, (3th ed. 2004).

¹³ *Madhya Pradesh v. Narmada Prasad* (2000) 5 SCC 528.

¹⁴ The Indian Evidence Act, 1872, § 17, No. 1, Acts of Parliament 1872 (India).

¹⁵ RATANLAL & DHIRAJLAL, THE LAW OF EVIDENCE 43 (11TH ed. 1949).

Extrajudicial admission is a statement made by a party outside the course of judicial proceedings. Such admissions are not considered as conclusive proof, but can be used as evidence against the party who made it. The party can retract or explain away the statement. For example, a person admitting to a crime during a casual conversation with a friend is an extrajudicial admission¹⁶.

Indian case law on admissions:

1. *State of Rajasthan v. Dhan Singh*¹⁷: In this case, the accused made an extrajudicial admission to the police that he had committed the crime. The court held that the admission was voluntary and reliable and could be used as evidence against the accused.
2. *Shambhu Nath Mehra v. State of Ajme*¹⁸: In this case, the accused made a judicial admission in court that he had committed the crime. The court held that the admission was conclusive proof and the accused could not retract or explain away the statement.
3. *Nathu Ram v. State of Haryan*¹⁹: In this case, the accused made an extrajudicial admission to his brother that he had committed the crime. The court held that the admission was reliable and could be used as evidence against the accused.

VII. CONFESSION

Confession is a crucial element in evidence law that refers to an accused person's admission of guilt to a crime. In legal terms, confession is the voluntary and unequivocal statement made by a person who has committed a crime. The confession can either be oral or in writing, and it is considered as one of the most significant and reliable pieces of evidence in a criminal trial.

Under Indian Evidence Law, confessions are admissible in court as evidence against the accused person, provided they are voluntary and truthful. Confessions are classified into two categories, i.e., judicial confession and extra-judicial confession. Judicial confession is a statement made by an accused person before the court during the trial, whereas extra-judicial confession is a statement made outside the court, before the police or any other person²⁰.

The admissibility of a confession in a court of law depends on several factors, including the voluntariness of the confession, the presence of a witness, and whether the accused was under any duress or coercion while making the confession. If the confession is found to be obtained by force, threat, or inducement, it is considered inadmissible.

¹⁶ RATANLAL & DHIRAJLAL, THE LAW OF EVIDENCE 44 (11TH ed. 1949).

¹⁷ State of Rajasthan v. Dhan Singh, (2012) 1 SCC 285.

¹⁸ Shambhu Nath Mehra v. State of Ajmer, AIR 1956 SC 404.

¹⁹ Nathu Ram v. State of Haryana, (2004) 4 SCC 481.

²⁰ RATANLAL & DHIRAJLAL, THE LAW OF EVIDENCE 56 (11TH ed. 1949).

1. *State of Uttar Pradesh v. Deoman Upadhyaya*²¹ – In this case, the Supreme Court held that for a confession to be admissible in court, it must be made voluntarily and must not have been extracted by any inducement or threat.
2. *Pakkirisamy v. State of Tamil Nadu*²² – The Supreme Court held that the confession must be made in the presence of a magistrate and that the magistrate must inform the accused of his right to legal representation and that the confession could be used against him in court.
3. *Khet Singh v. State of Rajasthan*²³ – In this case, the Supreme Court held that if the accused retracts the confession, the court must assess the voluntariness of the confession before deciding its admissibility.

VII. DYING DECLARATION

A dying declaration is a statement made by a person who is in a state of near-death, regarding the cause of his or her death or the circumstances leading up to it. This statement is admissible as evidence under the Indian Evidence Act, 1872, and is considered as an exception to the rule against hearsay evidence²⁴.

The admissibility of a dying declaration is based on the presumption that a person who is on the verge of death would not have any reason to make a false statement. However, for a dying declaration to be considered admissible, it must fulfil certain conditions, such as being made voluntarily and without any external influence, and must be recorded in the presence of a magistrate or an officer of the court²⁵.

One important case law in India regarding dying declaration under evidence law is the case of *State of Rajasthan v. Mohan Lal (2018)*²⁶. In this case, the Supreme Court held that a dying declaration can be relied upon as evidence in court if the following conditions are met:

1. The declaration must have been made by a person who was in a dying condition at the time of making the declaration.
2. The person making the declaration must have had a clear and sound mind and must have been able to make the declaration voluntarily and without any external pressure or influence.
3. The declaration must relate to the cause of death or the circumstances leading to the death of the declarant.
4. The declaration must be recorded as soon as possible after it is made, preferably by a judicial magistrate.

The court further held that if these conditions are met, a dying declaration can be given the same weight as any other piece of evidence in a criminal trial.

²¹ *State of Uttar Pradesh v. Deoman Upadhyaya* (AIR 1960 SC 1125).

²² *Pakkirisamy v. State of Tamil Nadu* (AIR 1997 SC 1458).

²³ *Khet Singh v. State of Rajasthan* (AIR 1981 SC 625).

²⁴ BATUK LAL, *LAW OF EVIDENCE* 285 (Orient Publishing Company 2014).

²⁵ MICHIGAN, *Evidence: Admissibility of Dying Declaration*, 20 MICHIGAN LAW REVIEW 671, 671 - 672 (1922).

²⁶ *Rajasthan v. Mohan Lal (2018)* 18 SCC 728.

One of the leading case laws on dying declaration in India is the case of *Laxman v. State of Maharashtra (2002)*²⁷. In this case, the Supreme Court of India laid down the principles governing the admissibility of dying declarations as evidence in criminal cases. The court held that a dying declaration is admissible in evidence if it is voluntarily made by the deceased, is truthful, and relates to the cause of death. The court also held that the maker of the dying declaration must be in a fit state of mind and must have had an opportunity to make a rational statement.

Furthermore, the court emphasized that a dying declaration must be proved beyond a reasonable doubt, and the court must be satisfied that the statement was not the result of any influence, threat or coercion. The court also recognized that a dying declaration is a weak form of evidence as the deceased is not available for cross-examination. Therefore, the court must be careful to ensure that the statement is reliable, and it should be corroborated by other evidence wherever possible.

VIII. ELECTRONIC EVIDENCE

Electronic evidence refers to any form of information that is stored or transmitted in electronic form, such as email messages, social media posts, text messages, computer files, databases, digital audio and video recordings, and other electronic documents.

Under evidence law, electronic evidence is subject to the same rules and procedures as any other type of evidence. It must be relevant, reliable, and authenticated before it can be admitted in court. In addition, electronic evidence may be subject to additional rules and procedures, such as those related to privacy, data protection, and the admissibility of expert testimony.

To establish the authenticity of electronic evidence, parties may need to present evidence of its source, integrity, and reliability. This may involve the use of expert witnesses, technical evidence, or other forms of corroboration. Additionally, parties may need to follow specific procedures for collecting, preserving, and producing electronic evidence, in order to ensure that it is admissible in court²⁸.

There have been several cases in India that have dealt with the admissibility of electronic evidence under the Indian Evidence Act, 1872. Some of the notable cases are:

1. *Anvar P.V. vs. P.K. Basheer (2014)*²⁹

In this case, the Supreme Court of India held that electronic evidence can be admissible in court, provided it satisfies the requirements of Section 65B of the Indian Evidence Act. This section lays down the conditions for the admissibility of electronic records as evidence.

²⁷ Laxman v. State of Maharashtra, (2002) 6 SCC 710.

²⁸ JIM CALLOWAY, *What is Electronic Evidence*, 28 FAMILY ADVOCATE 8, 8 – 9 (2006).

²⁹ Anvar P.V. vs. P.K. Basheer, (2014) 10 SCC 473.

2. *State of Maharashtra vs. Dr. Praful B. Desai (2003)*³⁰

In this case, the Bombay High Court held that electronic records can be admissible as evidence if they are produced in accordance with the provisions of the Indian Evidence Act. The court also observed that electronic records are admissible even if they are not accompanied by a certificate under Section 65B of the Act, provided they are authenticated by other means.

3. *Shafhi Mohammad vs. State of Himachal Pradesh (2018)*³¹

In this case, the Supreme Court held that a certificate under Section 65B(4) of the Indian Evidence Act is mandatory for the admissibility of electronic evidence. The court also clarified that the certificate must be issued by a person who has the necessary expertise in the field of computer science and technology.

Overall, electronic evidence plays an increasingly important role in modern litigation, and parties must be prepared to navigate the unique challenges and opportunities presented by this type of evidence.

CONCLUSION

The doctrine of *res gestae* is an important principle of evidence law in India. It allows for the admission of statements made during the course of an event, as long as they are made in close proximity to the event and are relevant to it. Motive, preparation, and conduct are often used together in legal proceedings to build a case against a person accused of a crime. By establishing a person's motive, preparing and gathering evidence of their preparations, and presenting evidence of their conduct during the commission of the crime, the prosecution can paint a picture of a person with a clear intent to commit the crime in question. *Mens Rea* is an essential principle in criminal law and helps to determine the guilt of the accused based on their state of mind at the time of the commission of the crime. Indian case law has recognized the importance of *Mens Rea* and has used it to determine the guilt of the accused in a number of cases. When facts that are not otherwise relevant become relevant, it means that they have some bearing on the matter being discussed or decided. These facts may not have direct relevance to the issue, but they can help in understanding the context, background or implications of the matter. The court may consider such facts to arrive at a just and fair decision. Admissions are an important tool for lawyers to use in building a case and can have a significant impact on the outcome of a trial. Admission is a statement made by a party in a legal proceeding or outside it which is against their own interest. Admissions can be made orally, in writing or by conduct. The admissibility of a dying declaration is based on the presumption that a person who is on the verge of death would not have any reason to make a false statement. However, for a dying declaration to be considered admissible, it must fulfil certain conditions, such as being made voluntarily and without any external influence. The electronic evidence plays an increasingly important role in modern litigation, and parties must be prepared to navigate the unique challenges and opportunities presented by this type of evidence.

³⁰ *State of Maharashtra vs. Dr. Praful B. Desai*, 2003 Cri.L.J. 3703.

³¹ *Shafhi Mohammad vs. State of Himachal Pradesh*, (2018) 2 SCC 801.

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