
UNVEILING THE ROLE OF CIRCUMSTANTIAL EVIDENCE IN CRIMINAL CASES: CRITICAL ANALYSIS OF INDIAN JUDICIAL SYSTEM

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1. ABSTRACT-

In several instances, the investigation and prosecution of cruelty against women depend on circumstantial evidence, which makes it a persistent and worrisome issue worldwide. This abstract investigates the complex connection between the use of circumstantial evidence and the commission of crimes against women. This study explains how circumstantial evidence is an essential tool for deciphering intricate situations of gender-based violence, offering insights into the mechanics of these acts, and advancing the pursuit of justice. It does this by offering a thorough examination of academic literature and legal precedents.

Additionally, it looks at the difficulties and restrictions linked to the use of circumstantial evidence in cases involving violence against women, such as biases, interpretation problems, and credibility issues. This abstract, which draws on interdisciplinary viewpoints from the fields of law, psychology, and sociology, emphasizes the significance of contextual knowledge and meticulous analysis when assessing circumstantial evidence in situations of abuse against women. In the conclusion, our research advances the conversation about gender-based violence by illuminating the complex role that circumstantial evidence plays in addressing and reversing injustices that women encounter in a variety of sociocultural contexts.

Custodial fatalities, which are frequently clouded by secrecy and accusations of wrongdoing, pose a serious threat to the criminal justice system. This abstract explores the critical function that circumstantial evidence plays in illuminating the conditions that surround such terrible situations.

This research delves into the legal frameworks, case studies, and empirical research to explain how, in situations when direct evidence is either hard to come by or manipulated, circumstantial evidence can play a crucial role in revealing the truth about deaths that occur while a person is in custody. It examines the difficulties and complexities involved in looking into deaths

that happen while someone is in the care of law enforcement, including concerns about responsibility, openness, and the defense of human rights. This abstract further highlights the necessity for thorough inspection and impartial oversight by examining the various biases and difficulties related to the interpretation of circumstantial evidence in situations of custodial deaths. This research emphasizes the significance of using a strong evidentiary framework and procedural safeguards to enable complete and unbiased inquiries into custodial deaths. It does this by drawing on interdisciplinary perspectives from law, forensic science, and human rights advocacy. This abstract adds to the current conversation on police accountability, civil liberties, and the pursuit of justice in democracies by analyzing the significance of circumstantial evidence in these situations critically.

2. INTRODUCTION

Evidence is basically needed to resolve a case in a way that either clears the guilty or clears the wrongly accused. As per Sir Blackstone, "Evidence is that which manifests, clarifies, or establishes the veracity of the facts or issues at hand. one side or the other Circumstantial evidence is information that, although not directly related to the circumstances at hand, has been observed through experience to be connected to the events at hand in a way that makes sense and provides a satisfactory resolution.

In the law of evidence, circumstantial evidence is a very significant notion, but there are other phrases that are used occasionally. To get a basic understanding of what direct evidence and circumstantial evidence are, it is a good idea to review the fundamentals of proof.

As it shall demonstrate, there have been some quite substantial variations in the legal treatment of this kind of evidence throughout history. Although most of those distinctions have vanished in the modern era, it's still a good idea to understand the basics of these phrases because they are used so frequently and can have important consequences.

Within the legal context, evidence refers to any material that a judge or jury may admit into evidence in order to support or refute claims made during a trial. Evidence is divided into two categories under Section 3 of the Indian Evidence Act of 1872: "oral" evidence and "documentary," or written, evidence.

Direct evidence and circumstantial evidence are the two further subcategories of evidence.

Evidence that refers to a number of facts other than the facts at hand but has, through experience, been shown to be connected to the facts at issue in terms of cause and effect and that produces a satisfactory conclusion is known as circumstantial evidence.¹

3. Legality of Circumstantial Evidence

The Definition of Evidence in Section 3 lists the types of evidence that fall within the umbrella of this phrase rather than providing a true definition. The Latin word "ēvidēnt," which meaning "obvious," is where the word "evidence" originates. It refers to everyday law and means to find or prove something that is in doubt. By definition, oral evidence is any statement that a witness is required to make in court regarding any fact that is being investigated, and it is included in the definition of evidence under the Indian Evidence Act of 1872.

All documents, including electronic records, submitted prior to a court examination are covered in the second section of the term. All of these records are referred to as documentary evidence, and they are different from oral testimonies. Everything used to support or refute an allegation of fact is referred to as "evidence." Evidence is everything that helps the court understand the issue at hand, excluding simple arguments.

Divergent opinions exist about the admissibility of circumstantial evidence. On the one hand, circumstantial evidence can be used to establish an accused person's guilt just like direct evidence can.

Moreover, it is significant that even the most compelling circumstantial evidence could not establish the accused's guilt in court.

Because circumstantial evidence is probabilistic, the reasoning behind this is to shield the accused from a mistaken conviction. The Supreme Court ruled in *Gagan Kanojia & Anr. v. State of Punjab*² that the court's approach should be comprehensive rather than summarily limited. The evidence presented on record has intrinsic worth, and the court should recognize this and apply the probability standard to objectively examine and evaluate it.

¹ T. Anderson, D. Schum & W. Twining, *Analysis of Evidence*, 40 (2nd ed. 1991)

² *Gagan Kanojia & Anr. v. State of Punjab*, (2006) 13 SCC 516.

In the United States, direct and circumstantial evidence are treated equally by laws and courts. The court held in *Holland v. United States*³ that there is no fundamental difference between direct and circumstantial evidence. The jury in both cases must weigh the possibilities using its knowledge of the parties and the circumstances. A small number of academics, including William Paley and Edmund Burke, believed that circumstantial evidence was superior than witness testimony because circumstances cannot be manipulated. There are three distinct meanings or forms associated with the word "evidence":

- i) relevant;
- ii) proof; and
- iii) the information used by courts to determine whether or not contested facts do exist.

For example, it can be argued that the presence of an offender close to the scene of an act of criminality prior to the act itself is evidence of his potential guilt; on the other hand, his continued presence at the scene following the act does not prove that the offender is guilty. Relevant (i) and the word "evidence" are synonymous in the example or sentence above.

Once more, we may argue that the fact that someone is found in possession of a stolen item shortly after it is stolen proves they are either the criminal or the recipient of stolen stuff. the word evidence is used as equivalent to proof (ii), which is really the effect of evidence.

In the Act, however, the word is not employed in either of these senses. There are also several alternative uses of the word "Evidence" in Section 3. However, neither of these senses of the word—which the Act uses—are found in the definition; instead, it exclusively refers to oral and written evidence. It is utilized in the third sense that was previously indicated, which is the same as the information that courts employ to determine whether or not the contested facts exist.

A person has the responsibility to prove his innocence when a fact is within his knowledge, according to Section 106 of the Indian Evidence Act [xix]. For example In A's home, B's body was discovered. A must demonstrate that, even if the deceased's body was found in his home, he had little to no role in the crime.

³ *Holland v. United States*, 348 U.S. 121,140(1954).

As a means of creating a chain of circumstantial evidence proving the accused's culpability, the housemates are also obliged to give an explanation. The victim's relatives produced credible evidence in the dowry death case, which connected the dots and created a murderous sequence of events.⁴

4. INTERFACE BETWEEN FORENSIC SCIENCE AND CIRCUMSTANTIAL EVIDENCE

The intersection of circumstantial evidence and forensic science is vital to legal procedures and investigations. In forensic science, physical evidence is analyzed using scientific methods and concepts, which frequently yields useful data for criminal investigations. Contrarily, circumstantial evidence is based on oblique facts that, when taken as a whole, support reasonable conclusions regarding the events under consideration. The whole body of evidence supporting a legal case can be strengthened by combining forensic science with circumstantial evidence. Here are some important things to think about:

1. **Forensic Analysis as substantial Evidence:** In court proceedings, forensic science frequently offers substantial evidence. A direct connection between a suspect and a crime scene, victim, or weapon can be established using physical evidence such as fingerprints, DNA analysis, ballistics, and toxicology data. Forensic results, when combined with indirect evidence, add to a more complete picture of the case.
2. **Circumstantial Evidence Corroboration:** The findings of forensic investigations can support or refute circumstantial evidence. Forensic examination of traces of evidence, such hair, fibers, or soil, can confirm or refute the presence of a suspect at a crime scene, for instance, if there is circumstantial evidence suggesting their presence. The combined effect of forensic results and circumstantial evidence fortifies the overall evidentiary narrative.
3. **Filling in Information Gaps:** Deduction and inference are frequently used in circumstantial evidence. Concrete scientific data is what forensic science provides to bridge knowledge gaps. This cooperation makes the argument stronger and more compelling, particularly in situations when there may not be enough direct proof.

⁴ Indian Penal Code, 1860

4. Expert Testimony: Due to their specific understanding in the analysis and interpretation of scientific evidence, forensic specialists are indispensable in legal processes. Expert testimony can aid in the trier of facts' comprehension of the significance of both direct and circumstantial evidence, as well as serve to interpret intricate forensic findings.

5. Legal rules for Admissibility: There are legal rules for admissibility that apply to the intersection of forensic science and circumstantial evidence. Courts evaluate the evidence's probative value as well as the validity and applicability of forensic techniques. It is crucial to comprehend these legal requirements in order to guarantee that forensic evidence in court properly supports circumstantial evidence.

In conclusion, the intersection of circumstantial evidence and forensic science improves the legal contexts' investigation and adjudicative procedures. This partnership supports the pursuit of justice by bolstering the body of evidence and utilizing scientific know-how and technology innovations.

Finding evidence such as blood, fingerprints, footprints, equipment marks, DNA samples, etc. is the intersection between forensic science and circumstantial evidence. It is important to carefully maintain such evidence. Such corroborated evidence is what courts rely on. It is crucial to remember that circumstantial errors might happen as a result of human error or the unreliability of the evidence.

The State of Punjab v. Bhura Singh case saw the accused being found guilty by the Supreme Court based on the testimony of eyewitnesses and circumstantial evidence. Here, the expert examination's conclusion that the gun—which was purported to be the murder weapon—had been used lately and that the gun's remnants had been discovered at the crime scene constituted circumstantial evidence supporting that conclusion. The prosecution presents circumstantial evidence, which is based on forensic investigation and is allowed in court, in rape and murder cases as well. The criminal weapon was soiled with human meat fragments and blood. which, upon medical investigation, was determined to be that of the victim and the accused, who both had injuries on their bodies. It is important to remember that direct evidence that contradicts circumstantial evidence, or forensically erroneous evidence, cannot be utilized to convict an accused person.⁵

⁵ <https://theguardian.com/circumstantial-evidence-a-herculean-task-for-prosecution>

5. DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE

It is evident from the above that circumstantial evidence differs from direct evidence, even if it can occasionally be quite strong and convincing. This requires more connections to be made in the evidentiary chain of reasoning, and it goes beyond simple belief.

Depending on what you're attempting to show, evidence might be both direct and indirect at the same time. This data, then, provides direct proof that it rained yesterday, but it also serves as indirect evidence if you need to show that those around John were holding umbrellas.

This is right—the claim you're attempting to prove determines whether anything qualifies as direct or indirect proof. That is the direct evidence we are discussing here if you need to demonstrate in your case that it rained yesterday. It is substantially different to use circumstantial evidence to demonstrate that those in the vicinity of John's position were holding umbrellas.

It all depends on what you're attempting to demonstrate. Because it is likely necessary to establish both the mens rea, or purpose, and the actus reus, or act, circumstantial evidence plays a crucial role in criminal trials.

As is the case in the majority of assault cases, it is challenging to collect direct proof for the Men's Rea but simple to obtain for the Actus Reus.

When it is difficult to get direct proof of men's rea in a certain situation, circumstantial evidence is utilized to establish the men's rea of the offender. For instance, Suman's testimony that she witnessed Ram strike Ravi in the head constitutes direct evidence of Actus Reus, but she can also offer circumstantial proof of mens rea because it appeared as though he was planning to strike him. From this, it can be inferred that Ram had the Men's Rea. It is very important to use circumstantial evidence for a variety of propositions in a criminal case.

Circumstantial evidence necessitates a different line of reasoning than direct evidence, which mostly depends on your level of belief in the witness. If you accept the witness' account and find that it was raining, you have proof of the fact you are attempting to establish. First and foremost, the underlying statement must be accepted for whatever reason, just as with direct evidence. It is acceptable to accept that the witness observed the wet road, but we now need to apply a different line of reasoning because it is now entirely possible that the wet road indicates

that it rained yesterday, but it is also possible that the wet road indicates that the street was cleaned.

Two separate categories of legal evidence—direct and circumstantial—have different purposes and methods of establishing facts in a court of law. Direct evidence offers a direct and instantaneous connection by providing firsthand verification of a reality without the need for inference or assumption. Confessions, eyewitness reports, and physical, tangible evidence like documents or video recordings fall under this category. Contrarily, circumstantial evidence uses inference to establish a link between the evidence and the contested fact rather than providing direct proof of a fact.

It involves circumstantial evidence or situations that, taken as a whole, make sense. Circumstantial evidence encompasses various elements, such as motivation, occasion, and conduct patterns. While direct evidence is frequently thought to be clearer-cut and more trustworthy, circumstantial evidence can be persuasive if it supports solid, logical conclusions and adds to a thorough grasp of the issue. The weight assigned to each sort of evidence in court relies on a number of variables, including the case's general context, relevancy, and dependability.

Both kinds of evidence are admissible in court, and the weight assigned to each relies on a number of variables, such as the case's general context, the strength of the inferences drawn from the evidence, and the evidence's dependability. Courts frequently consider the combined effect of direct and circumstantial evidence in order to reach a thorough and equitable ruling. Contrarily, circumstantial evidence necessitates assumptions in order to create a link between the facts it presents and the proposition it aims to prove. It involves incidental elements or situations that, taken as a whole, make sense. Even yet, circumstantial evidence could not provide instant clarity. when strong and consistent inferences are made, it can be just as convincing. For example, it may be deemed circumstantial evidence of a suspect's involvement if they are discovered at a crime scene and there is no reasonable reason for their presence.⁶

6. Circumstantial Evidence – A Sole Base for Conviction

An accused person's voluntary confession is the best kind of evidence; in order to get one, the accused must be tortured until they confess, and their admission is then used against them as

⁶ Sufficiency of Circumstantial Evidence in a Criminal Case, 55 Col. L. Rev. 549, 551 (1955).

proof of their guilt. Even while no court would act on a confession these days if there was even the remotest suggestion that torture had been used, the investigator is nonetheless free to use these kinds of techniques to obtain evidence.

A court determines whether or not the facts that have been stated or denied by the parties actually exist after evaluating the evidence that has been brought before it and hearing the arguments. Once all the facts have been established, the court then applies the law. The court orders the right or liability that would follow in accordance with the rule of law if all the facts specified in the rule of law are proven to be true. According to Section 3 of the Indian Evidence Act, the following facts are deemed proven when a court determines they exist; if the court determines they do not, the facts are deemed rejected.

The remedy is not found in the courts but elsewhere. Although truth tablets and lie detectors are mechanical tools, no court would consider using them exclusively.⁷

Within the legal system, there are issues and obstacles when a criminal conviction is based only on circumstantial evidence. Indirect facts or circumstances that, taken together, imply something about a contested fact are referred to as circumstantial evidence. Though it can be convincing, the exclusive use of circumstantial evidence brings up a few issues that need to be examined:

1. Interpretation and Inference: The capacity to deduce rational conclusions from the facts at hand determines the strength of circumstantial evidence. Relying only on circumstantial evidence might lead to interpretation problems because various people may perceive the same events differently.
2. Other Explanations: There are frequently other explanations that might be made in light of circumstantial evidence. The legal system must carefully weigh conflicting interpretations since relying solely on circumstantial evidence carries the danger that the circumstances could be consistent with both guilt and innocence.
3. Cumulative Weight: Although circumstantial evidence may be strong, courts frequently take the whole weight of the evidence into account when making their decisions. The case's overall

⁷ Supra

persuasiveness may be weakened if circumstantial evidence is the only source used. This is because circumstantial evidence lacks the directness and immediateness of direct evidence.

4. Reasonable Doubt: Relying exclusively on circumstantial evidence may raise questions regarding whether or not one can prove a case in a court of law that demands proof beyond a reasonable doubt. In the absence of direct evidence connecting the accused to the offense, juries and judges might use greater caution before convicting the accused.

5. Legal Scrutiny: If the conviction was based solely on circumstantial evidence, it might be more closely examined in court. Defense lawyers may contest the evidence's adequacy by highlighting the absence of concrete evidence and possible flaws in the conclusions made.

6. Risk of Wrongful Convictions: Relying exclusively on circumstantial evidence raises the possibility of erroneous convictions since it might not have the unambiguous clarity that direct evidence does. The legal system needs to make sure that evidence gathered by circumstantial means is solid, trustworthy, and scrutinized closely.

In conclusion, even while circumstantial evidence can be extremely helpful in proving guilt, relying only on it to support a conviction must be carefully considered. Legal systems place a strong emphasis on the necessity of conducting a thorough analysis of all available data, whether direct and indirect, in order to guarantee an impartial and just verdict of guilt or innocence.⁸

7. RECOMMENDATIONS AND CONCLUSION

In any legal action, whether it be criminal or civil, evidence is the most essential and necessary component because it serves to verify the facts. Both choosing and winning contested facts can be done with the use of the facts put out in evidence. Proof gives the facts that are cited as proof weight. An argument can be supported or refuted by evidence as well. The use of evidence can cause cases to go in different paths.

While hearsay and secondary evidence are sometimes confused with circumstantial evidence, the court has repeatedly decided that the two are not the same thing. Circumstantial evidence

⁸ Indian Evidence Act, Ratanlal & Dhirajlal, Lexis Nexis Butterworths Wadhwa, 21st Edition, Nagpur

is vital for both criminal and civil procedures, but it is often misinterpreted. Direct evidence that has been used indirectly is all that constitutes circumstantial evidence.

The country's high courts, as well as the esteemed Supreme Court, have made clear their positions on the rules and provisions pertaining to circumstantial evidence on multiple occasions. The following ideas, which have been repeatedly supported by the courts, might be used to summarize circumstantial evidence. They are known as the "five golden principles of circumstantial evidence."

It's true what they say: "Causes do not make men tell lies." Since circumstantial evidence explains the entire course of events and creates a logical scenario as to how, why, and where a crime was committed, it is imperative that the belief that it cannot be used as evidence alone to convict an accused person be removed from the Indian judicial system in accordance with the true spirit of the law.

In addition, unlike direct evidence, which depends on an individual's testimony for the court to draw a conclusion, the evidence speaks for itself. There is a common misperception that when specific direct evidence is present in a case, indirect or circumstantial evidence is invalid.

However, as there is a big difference between "may be true" and "must be true," it can also be claimed that if the court is not vigilant and cautious when allowing circumstances as evidence, it could result in a miscarriage of justice. Furthermore, the researcher thinks that in order to draw a possible outcome for both scenarios, the courts need to adopt a balanced viewpoint.