
CRITICAL ANALYSIS ON SECTION 32(1) OF THE INDIAN EVIDENCE ACT, 1872

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ABSTRACT

Dying Declaration is also termed under the Latin, articulo mortis which means at the point of death. Dying Declaration means on the verge of death a person makes a statement to a judicial officer about the reason behind his death or the series of events that caused his death ultimately which was stated to his near or dear person and can be taken into consideration for giving sole conviction to the accused and booking him for the charge as laid down under Indian penal Code, 1860. This research paper addresses the issue of updated status under the Indian law of the Dying Declaration and the evolution of decisions passed by the Supreme Court which form the basis of further future cases to be decided on. This research paper will help you understand the core concept of dying declaration with the help of Supreme Court Cases, which have laid down guidelines to determine the admissibility of such dying declarations, and several landmark cases have shaped the understanding and application of this concept in Indian jurisprudence. The credibility of a dying declaration depends on its consistency with other evidence, the circumstances in which it was made, and the mental state of the declarant, among other factors.

Keywords: Dying Declaration, Admissibility, Circumstances, Evidence

1. INTRODUCTION

The concept of a dying declaration has evolved over time, with its origins dating back to ancient legal systems. A dying declaration is a statement made by a person who believes they are facing imminent death, and it is admissible as evidence in court. The evolution of the dying declaration can be traced through historical, legal, and societal changes that have shaped its significance and admissibility in legal proceedings.

What is Dying Declaration?

The concept of “Dying Declaration” in Indian law has its roots in common law principles. It allows statements made by a person on the verge of death to be admissible as evidence in court. This exception to the general rule against hearsay is based on the belief that individuals facing imminent death are likely to speak truthfully. The admissibility and weight given to dying declarations are subject to scrutiny by the court based on factors like the declarant’s mental state and the circumstances surrounding the statement.

The principle of the Section 32 of Indian Evidence Act, 1872 conveys from its section that a person who has the first-hand knowledge of the facts of a case, If someone is unable to appear in court for one of the reasons listed in the section, such as a handicap or death, their information should be sent to the court through some other person. If he recorded his knowledge somewhere, for example on a portrait or register that record may be produced or if he told his knowledge to another person that other someone would seem to attest to what he was told. The reason for the exception is obvious. In every case, the law seeks the best available proof. The most reliable proof is a document or a witness’s first hand knowledge, and in the event that either is unavailable or lost, then those who have either seen that document or shared that knowledge of that person will be considered as the best evidence.

Therefore the Section comes into play when the person whose statement is sought to be proved has died, or cannot be found or has become incapable of giving evidence or whose attendance may be obtained at a cost or delay that the court finds unreasonable given the facts of the case. And thus the proof of these facts will have to be offered in the first instance to make the evidence relevant. Further that if the ground of relevancy is the death of the person concerned, his death must be proved, for if he is still alive, he must appear in person.¹

¹ Dr. Avtar Singh, Principle of The law of evidence, p. 196, Central Law Publication , 24th Edition (Repainted)... 2021.

The significance of dying declarations has grown since the Supreme Court ruled in 2004 that testimonial statements, even if voluntary, may provide a unique exception to the Court's new confrontation case-law. Since then, the Court of Justice has established strict rules for the use of unavailing declarants' testimonial statements. Testimonials (which are made with the expectation of being used against the defendant) may be admitted only if they have previously been cross-examined. The only exceptions seem to be dying statements and forfeiture by negligence when the defendant intentionally made the declarant unavailable.

The **First Ruling Indian Case on which Dying Declaration** was approved under Indian law as an legal precedent set forth by Privy Council in the year 1939, as having same value of it as of Supreme Court of India decision, is in the landmark case of **Pakala Narayana Swami v Emperor**², which will see further in this research article how Indian judiciary evolved and gave many precedence on Dying Declaration to achieve justices till now recent times it been used as a justice tool to give Speedy justice when there is no sole eye- witness in event of death or circumstances dying declaration is famous and till now practices law under Indian day to day cases related to person death.

2. EVOLUTION OF DYING DECLARATION

The concept of a dying declaration can be traced back to ancient civilizations such as Rome and India. In Roman law, the concept of "dying depositions" allowed individuals on their deathbed to provide testimony that would be admissible in court. Similarly, in ancient India, the concept of "ante-mortem statements" held significant weight in legal proceedings. Ante-mortem means occurring or performed before death.

□ Medieval Europe

During the medieval period in Europe, the idea of a dying declaration continued to evolve. Common law systems recognized the importance of allowing individuals to provide testimony before their death, understanding that such statements held a unique level of credibility due to the belief that individuals would not lie when facing imminent death.

□ Legal Precedents

In English common law, the admissibility of dying declarations was established through legal precedents. The case of *Regina v. Osman* (1817) set an important precedent for

² Pakala Narayana Swami vs Emperor, (1939)41BOMLR428

the admissibility of dying declarations in English law. The court ruled that statements made by individuals who believed they were facing imminent death were admissible as evidence, provided that the declarant had a settled hopeless expectation of death.

□ **American Legal System**

In the United States, the concept of dying declarations was incorporated into the legal system and became an important exception to the hearsay rule. The case of *Mattox v. United States* (1895) solidified the admissibility of dying declarations in American courts, emphasizing their reliability and trustworthiness due to the belief that individuals facing imminent death had no motive to lie.

□ **Modern Legal Framework**

In modern legal systems, the admissibility of dying declarations is governed by specific rules and criteria. Most jurisdictions require that the declarant must have had a genuine belief in their impending death and that the statement pertains to the cause or circumstances leading to their death. Additionally, there is often a requirement for corroboration or independent evidence supporting the truthfulness of the dying declaration.

3. NEED OF DYING DECLARATION LAW

The dying declaration law in India holds significant importance in the legal system. It is a provision that allows the statement of a person who is on the verge of death to be admissible as evidence in court. This provision is crucial as it serves as a means for the deceased to provide their account of events, especially in cases where they are the only eyewitness. The need for the dying declaration law in India can be understood through several key points.

1. Ensuring Justice

The dying declaration law plays a pivotal role in ensuring justice by allowing the deceased to have their voice heard even after their demise. In many cases, the dying declaration serves as the only evidence available, particularly in situations such as murder or assault where the victim's statement is crucial for establishing the sequence of events.

2. Upholding Truth and Accuracy

In legal proceedings, the dying declaration law contributes to upholding truth and accuracy. The statement made by a person aware of their impending death is often considered to be truthful and reliable, as it is believed that individuals in such circumstances have little reason to fabricate or distort facts.

3. Protecting the Rights of Victims

The dying declaration law serves to protect the rights of victims by allowing their statements to be presented in court, even if they are no longer alive to testify. This ensures that their accounts are not disregarded due to their absence, thereby providing a means for seeking justice on their behalf.

4. Providing Closure for Families

In cases where a person succumbs to their injuries or illness, their dying declaration can provide closure for their families and loved ones. It allows them to understand the circumstances leading to their loved one's demise and can aid in bringing a sense of closure and understanding.

5. Preventing Injustice

The dying declaration law acts as a safeguard against potential injustice by enabling the court to consider crucial testimony that would otherwise be lost due to the death of the individual. This prevents perpetrators from escaping accountability solely due to the unavailability of the victim's statement.

6. Legal Recognition of Last Testimony

The dying declaration law legally recognizes and acknowledges the significance of an individual's last testimony, thereby granting it admissibility in court proceedings. This recognition ensures that critical information provided by the deceased is not disregarded based on technicalities.

7. Strengthening Prosecution

In criminal cases, particularly those involving heinous crimes, the dying declaration law strengthens the prosecution's case by allowing the victim's statement to be used as evidence against the accused. This bolsters efforts to seek justice and hold perpetrators accountable for their actions.

8. Balancing Evidentiary Requirements

The dying declaration law strikes a balance in evidentiary requirements by acknowledging the unique circumstances under which these statements are made. It takes into account the urgency and gravity of situations where individuals are compelled to provide their final testimony, thus adjusting traditional evidentiary standards accordingly.

9. Historical Precedence

The need for the dying declaration law in India is also rooted in historical precedence, where such provisions have been recognized as essential components of legal systems worldwide. It aligns with principles of fairness, equity, and human rights within legal frameworks.

10. Humanitarian Considerations

Ultimately, the dying declaration law reflects humanitarian considerations by affording individuals facing imminent death an opportunity to contribute to legal proceedings and seek redressal for any injustices they have suffered.

4. LEGAL MAXIM ON DYING DECLARATION:- A MAN WILL NOT MEET HIS MAKER WITH A LIE IN HIS MOUTH AND IT EVIDENTIAL VALUE OF DYING DECLARATION

Though the foremost incident of admission of dying protestation can be set up as far back as 1202.

1. The rule has been concretized only after the decision in *R vs Pembroke*.
2. Originally at common law, the rule was applied to civil cases as well, but after 1836 the application of this rule in England was restricted to cases of homicide. However, this position of English law was not applied in India and hence under the Evidence Act dying declarations are equally permissible in criminal and civil cases.
3. The Latin phrase “*Nemo moriturus praesumitur mentire*” translates to “No one presumed to be dying is presumed to be lying.” This statement refers to the ethical principle that when someone is on their deathbed or in a life-threatening situation, they should be assumed to be telling the truth.

4.1 The Principle Behind Admissibility of Dying Declaration Under Indian Context.

The principle of “*Nemo moriturus praesumitur mentire*” has its roots in ancient Roman law and can be traced back to the Twelve Tables, the earliest known legal code in Rome. This principle was established to protect the dying from being accused of lying or deceit, as it was believed that they had nothing to gain by doing so. The principle has since been incorporated into various legal systems and ethical considerations worldwide.

4.2 Legal Applications – “*Nemo moriturus praesumitur mentire*”

In legal contexts, the principle of “*Nemo moriturus praesumitur mentire*” is often applied

in criminal proceedings. For example, when a person is accused of a crime, their testimony may be considered more credible if they are terminally ill or near death. This is because the assumption is that they have no reason to lie or deceive at this stage of their life.

In civil cases, the principle can also be applied when dealing with issues such as wills and testaments. If a person is on their deathbed, their statements about their wishes and intentions may be taken as more reliable than they would be if the person were healthy.

In this case, The Supreme Court in its decision in **P.V. Radhakrishna v. State of Karnataka**³, stated this as follows: *Nemo moriturus proesumitur mentiri*, which means “a man will not meet his maker with a lie in his mouth,” is the Latin maxim that states the basis for admitting a dying declaration as evidence.

5. ESSENTIAL CONDITION FOR ADMISSIBILITY OF DYING DECLARATION UNDER INDIAN LAW

According to Section 32(1) of the Indian Evidence Act, 1872 a statement written or verbal facts made by a person -

(i) Who is dead or (ii) Who cannot be found or (iii) who has become incapable of giving evidence or (iv) whose attendance cannot be procured without unreasonable delay or expense is relevant under the Section 32(1) – When it relates to cause of death.

- ☐ Dying declaration is any statement it may be in 1) oral form or 2) documentary form (written form).
- ☐ Moreover it can be given by any person who is at verge of death or imminent death to be soon. Further the person giving statement of dying declaration, who would die in ahead of near short time, it should relate to 1) reason behind his death or circumstances which resulted into his death which is in question. Thus if a person is stating these two facts then it will amount to dying declaration.
- ☐ Death of the person is must who has given statement prior to his death to be called as dying declaration explaining his cause of his death or circumstances of transaction resulting into his death.
- ☐ Expectancy of death is not necessary or fear of death is not necessary.

³ AIR 2003 SC 2859 at p.2862.

- Cause of death must be in question either in Civil proceedings or Criminal Proceedings and due to that in both proceeding dying declaration is admissible.

These are the essential of the Dying Declaration which must be fulfilled to be known as dying declaration under Indian law. However, the Admissibility of dying declaration is still under the question and discretionary power of the court before whom matters is sub-judice.

6. TYPES OF DYING DECLARATION ADMISSIBLE UNDER INDIAN LAW

1. Written Dying Declaration

An attempt was made in a case before the Supreme Court to exclude a declaration on the ground of incompleteness. The statement was recorded by a doctor. It was clear in all respects. To wind up the statement the doctor asked the injured if he had anything else to say. He lapsed into unconsciousness without answering this question. The court held that the statement was not incomplete. It was rightly admitted.⁴

2. Oral Dying Declaration

Oral Dying Declaration is admissible in evidence as an exception to the rule of hearsay evidence. Where the declaration is oral it is desirable that as far as possible the whole of it shall be proved, though it should remain valid even if the witness is not able to remember the whole of it. As it is cited in this case of Supreme Court⁵ held that if a particular statement satisfies all the criteria of Dying Declaration it cannot be discarded merely because it has not been recorded by the Magistrate or police officers did not obtain attestation by any person present at the time of making the Statement.

In **Amar Singh v State of Rajasthan**⁶, the deceased woman's brother and mother gave the evidence, that the deceased made the statement months prior to the incident of suicide by her that the appellant, her husband used to taunt the deceased saying that she had come from hungry house and the appellant himself visited their house and demanded Rs. 10000/- . It was held to be a dying declaration and the appellant was convicted under Section 304B and 498-A of IPC. The argument that the evidence of brother and mother were hearsay was

⁴ Kusa v. State of Orissa, AIR 1980 , SC 559. A Dying Declaration cannot be brushed aside merely because it is not elaborate or that it was not recorded in a particular fashion, Jagbir Singh v. State (N.C.T of Delhi), AIR 2019 , SC 4321

⁵ Purushottam Chopra v. State of N.C.T Delhi ,AIR (2020) SC ,
Paniben v. State of Gujarat, AIR (1992) SC.

⁶ Amar singh vs. State of Rajasthan, AIR 2010 SC 3391 at p. 3395.

held to be misconceived. Further the court referred to *Pakala Narayana Swami v. Emperor*, in which Lord Atkin held that circumstances of the transaction which resulted in the death of the declarant will be admissible if such circumstances have some proximate relation to the actual occurrence.

3. Statement by conduct or signs of Dying Declaration.

In the case of *Queen Empress v. Abdullah*⁷, the appellant Abdullah was charged before the Court of Session with a murder of one Dulari, a prostitute by cutting her throat with a razor. It appeared that on the morning, Dulari, with her throat cut, was taken to the police station and from there to the dispensary. She lived till the morning of the next day of giving statement. The post-mortem examination showed that the wind pipe and the anterior wall of the gullet has been cut through. The deceased had also cut on left thumb. When she was taken to the police station, she was questioned by her mother, in presence of the sub-inspector. She was also at the same time questioned by the sub-inspector of police and again subsequently, by Deputy Magistrate and the Assistant surgeon. She was unable to speak but was conscious and able to make signs. Magistrate asked Ms Dulari as to who had wounded her. Then the Magistrate mentioned several names and asked regarding them one by one if they had wounded her. She waved her hand backwards and forwards. Then she was questioned whether Abdullah has wounded her. On this she moved her hand up and down. This was understood to be sign of affirmation by the Magistrate recording the statement. In this case it was held that the question and signs taken together might perfectly be regarded as verbal statements made by a person as to cause of the death within the meaning of Section 32 of the Evidence Act, and therefore admissible in evidence as Dying Declaration.

Thus it is clear a Dying Declaration may be made by signs when the injured person is unable to speak. And it is further necessary for the relevancy of a dying declaration that the declarant should have been a competent witness while giving a statement relating to cause of death or circumstances evidence resulting into death.

7. VIEW OF INTERNATIONAL CONVENTION ON DYING DECLARATION

A dying declaration, also known as a deathbed confession or a last statement, refers to a statement made by a person who is believed to be on the verge of death or has recently died. Such declarations are often considered as crucial pieces of evidence in criminal

⁷ *Queen-Empress vs Abdullah*, (1885) ILR 7ALL385

investigations and trials. The admissibility and treatment of dying declarations under international law vary depending on the jurisdiction and legal system.

In common law jurisdictions, which include many countries that follow the legal traditions of England and Wales, the United States, Canada, Australia, and India, dying declarations are generally admissible as evidence. The rules governing the admissibility of dying declarations in these jurisdictions are primarily based on case law and judicial precedents.

The general principles for admitting a dying declaration as evidence in common law jurisdictions are:

- ☐ The declarant must be under the honest belief of impending death or have recently died.
- ☐ The statement must be made spontaneously and without any external influence or prompting.
- ☐ The declaration must relate to the events surrounding the person's death or the cause of their injuries.
- ☐ The statement must be consistent with the declarant's character and not against their interest.

The European Convention on Human Rights (ECHR)⁸ and the International Covenant on Civil and Political Rights (ICCPR) are two significant international human rights treaties that address the rights of individuals in criminal proceedings. While these treaties do not specifically address the admissibility of dying declarations, they emphasize the importance of fair trials and the right to a fair hearing.

In accordance with Article 6 of the ECHR and Article 14 of the ICCPR⁹, the admissibility of dying declarations in criminal proceedings should be consistent with the principles of fairness and impartiality. This means that the evidence must be assessed based on its reliability, relevance, and probative value, and any potential prejudice to the accused must be carefully considered.

In therefore, the admissibility and treatment of dying declarations under international law depend on the specific legal system and jurisdiction. While common law jurisdictions generally allow dying declarations as evidence. The admissibility of such declarations must always be

⁸ European Convention on Human Rights , 1950

⁹ international Covenant on Civil and Political Rights,1976

consistent with the principles of fairness and impartiality as enshrined in international human rights treaties.

8. DRAWBACK OF DYING DECLARATION

□ Admissibility and Reliability

One of the primary drawbacks of dying declarations under Indian law is related to their admissibility and reliability. While the Indian Evidence Act allows for dying declarations to be admitted as evidence, there are concerns regarding the reliability of such statements. The circumstances under which a dying declaration is made, including the physical and mental state of the declarant, can impact its accuracy and truthfulness. Additionally, there may be instances where the declarant is influenced or coerced into making a particular statement due to their vulnerable state.

□ Cross-Examination and Verification

Another drawback of dying declarations is the limited opportunity for cross-examination and verification. In many cases, the person making the dying declaration may not survive to testify in court, depriving the accused of the right to cross-examine the declarant. This raises concerns about the authenticity and veracity of the statement, as there is no opportunity to test its reliability through rigorous cross-examination.

□ Potential for Misuse

There is also a risk of potential misuse of dying declarations in legal proceedings. Due to their motive nature and perceived credibility, there is a possibility that false or manipulated dying declarations could be used to falsely implicate individuals in criminal cases. This highlights the need for careful scrutiny and corroboration of dying declarations to prevent miscarriages of justice.

Case law :- P. Mani vs State of Tamil Nadu ¹⁰

The accused in this instance was accused of killing his wife. The prosecution primarily relied on the dying declaration made by the victim, which accused the husband of setting her on fire. The trial court convicted the accused based on this dying declaration, but the High Court acquitted him, citing various inconsistencies and contradictions in the dying declaration. Moreover, this case highlights the need for proper investigation

¹⁰ P. Mani v State of Tamil Nadu, AIR 2006 SUPREME COURT 1319, 2006 (3) SCC 161

and corroboration of evidence in criminal cases, especially when relying on dying declarations. Thus the case of R. Mani vs State of Tamil Nadu serves as a notable example of how dying declarations can be misused and emphasizes the critical role of judicial scrutiny in evaluating their reliability. It underscores the significance of upholding legal standards to prevent miscarriages of justice based on potentially flawed or manipulated dying declarations.

Case law :- Surinder Kumar v. State of Haryana¹¹

In the case of Surinder Kumar v State of haryana, a dying declaration was not accepted due to the influence of drugs on the deceased's mental alertness.

9. SOME GENERAL PROCEDURE FOLLOWED IN EVERY DYING DECLARATION UNDER INDIAN LAW

The court laid down the following general preposition:

1. There is no absolute rule of law that dying declaration cannot be the sole basis of conviction unless corroborated. If the declaration is coherent consistent and trustworthy and appears to have been made voluntarily, conviction can be based on it even if there is no corroborations.
2. Each case must go by its own facts.
3. A dying declaration is not a weaker kind of evidence than any other piece of evidence.
4. A dying declaration which has been properly recorded by a competent magistrate, that is to say, in the form of questions and answers, and, as far as practicable in the words of the maker of the declaration is reliable. But it is not necessary to record the declaration in the form of questions and answers, if it is in terms of the actual words spoken by the deceased.¹²
5. At the time of Dying Declaration the deceased person stating prior to his death , the mental state of deceased person should be checked by the doctor before taking statement is also procedure of dying declaration that person should mentally stable to give dying declaration and medical history of the person giving dying declaration to know the reason of death.

¹¹ Surinder Kumar v. State of Haryana (2011) 10 SCC 173,

¹² Ram Bihari Yadav v State of Bihar , 1998 SCC 517.

6. The court must consider many factors, such as the dying man's opportunity for observation, when determining the veracity of a deathbed declaration.¹³

10. RESEARCH METHODOLOGY

The above research paper has been written by doctrinal approach by deep dive into the core with help of the Secondary source such as national and international journal.

Moreover Qualitative research is adopted, to review Supreme Court and High Court decision on the law now and then to give a proper understanding of the Concept of Dying Declaration under Indian law.

11. RECOMMENDATION ON DYING DECLARATION LAW IMPROVEMENT

- ❑ **Clarification of 'Belief of Imminent Death':** The term 'belief of imminent death' should be clearly defined to avoid ambiguity and misinterpretation. This could help prevent the misuse of the dying declaration provision by interested parties.
- ❑ **Corroboration Requirement:** Introducing a corroboration requirement for dying declarations could strengthen the evidentiary value of such declarations. This would ensure that the accused is not convicted solely based on an unverified statement made by the deceased.
- ❑ **Expanding the Definition of 'Dying Declaration':** The definition of a dying declaration should be expanded to include declarations made by persons who are not necessarily on the verge of death but are in a critical condition. This would allow for the admissibility of crucial evidence in cases where the victim may not have died immediately but succumbed to their injuries later.
- ❑ **Protection of the Rights of the Accused:** The accused should be provided with adequate opportunities to challenge the admissibility and veracity of the dying declaration. This could include allowing the accused to present evidence to rebut the presumption of truth or to question the circumstances under which the declaration was made.
- ❑ **Training for Judicial Officers:** To ensure uniformity in the application of the dying declaration provisions, it is essential to provide training to judicial officers on the proper

¹³ Dr. Avtar Singh, Principle of The law of evidence, page no 196 – 197, Central Law Publication , 24th Edition , p – 207.

handling and evaluation of such evidence.

12. CONCLUSION

Dying Declaration is very crucial piece of evidence as it itself disclose the cause of death of a person or circumstances which resulted in his death and its credibility is equivalent to best evidence or direct evidence under Indian law. It is a substantive law given under Section 32(1) of the Indian Evidence Act, 1872 which is a procedural Act.

A dying declaration is presumed to be true and correct, and the accused cannot dispute its veracity by proving that the deceased was mistaken or lying. However, the presumption can be rebutted by producing evidence that the declaration was not made under the genuine belief of impending death or that it was influenced by some motive or interest.

Dying Declaration not only helps to give justice but maintains a decorum of Robust or immediate action by law enforcement agencies towards wrongdoers to put them behind the bars as soon as a Dying Declaration is taken by the magistrate with utmost precautions and judicial supervision or even if a magistrate has not taken a dying declaration statement, if it falls under any of the circumstances transaction statement which discover how the death was caused can also be considered as a dying declaration before the court, at the court's discretion after reviewing all the criteria has been fulfilled to be known as a dying declaration. As explained under various case laws of the Privy Council and Supreme Court and High Court under this research paper.

Thereby, it is concluded that a Dying Declaration is used in many cases of criminal proceedings by prosecution and civil proceedings under family disputes and wills as a medium to give justice.

REFERENCES

- 1) Ratanlal & Dhirajlal's Law of Evidence, Lexis Nexis
- 2) Batuk Lal The law of Evidence, Central law Agency.
- 3) Indian Evidence Act, 1872
- 4) Indian Penal Code, 1860
- 5) https://www.law.cornell.edu/wex/dying_declaration
- 6) Orenstein, Aviva A., "Her Last Words: Dying Declarations and Modern Confrontation Jurisprudence" (2010). Articles by Maurer Faculty. 6. <https://www.repository.law.indiana.edu/facpub/6>
- 7) Agarwal, Aditi, Dying Declarations: A Comparative Analysis of Admissibility and Evidentiary Value (June 8, 2020). July 2021 | White Black Legal Law Journal, Volume II Issue 9.
- 8) Surinder Kumar v. State of Haryana (2011) 10 SCC 173
- 9) P. Mani v State of Tamil Nadu, AIR 2006 SUPREME COURT 1319, 2006 (3) SCC 161
- 10) Queen-Empress vs Abdullah, (1885) ILR 7ALL385
- 11) Amar singh vs. State of Rajasthan, AIR 2010 SC
- 12) P.V. Radhakrishna v. State of Karnataka, AIR 2003 SC
- 13) Pakala Swami Narayana v Emperor , (1939)41BOMLR428