



CIRCUMSTANTIAL EVIDENCE AND THE PRESUMPTION OF INNOCENCE: A CRITICAL APPRAISAL OF INDIAN CRIMINAL JURISPRUDENCE

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Abstract

Circumstantial evidence plays a crucial role in the Indian criminal justice system, especially in cases where direct evidence is unavailable or insufficient. The Indian Evidence Act, 1872, provides the legal framework for the admissibility and evaluation of such evidence. This research paper explores the nature, significance, and challenges of circumstantial evidence in criminal trials under Indian law. Through a detailed examination of judicial pronouncements, statutory provisions, and scholarly discourse, the paper highlights the principles governing circumstantial evidence, the standard of proof required, and the safeguards to prevent wrongful convictions. The study concludes that while circumstantial evidence is a powerful tool, its probative value must be assessed with caution, ensuring that the chain of facts forms a complete and unbroken link leading to the accused's guilt beyond a reasonable doubt.

Keywords: *Circumstantial Evidence, Direct Evidence, Indian Legal System, Judicial Safeguards, Evidentiary Standards, Criminal Justice*

Introduction

In criminal jurisprudence, circumstantial evidence refers to indirect evidence suggesting the occurrence of a fact or the involvement of an accused by inference, deduction, or implication, rather than through direct observation or testimony. Unlike direct evidence, such as that of an eyewitness who personally observed the commission of an offence, circumstantial evidence requires the trier of fact (i.e., the judge) to logically deduce a conclusion of guilt from a set of surrounding facts and circumstances. This type of evidence demands the construction of a narrative wherein each piece of information forms a link in a continuous and unbroken chain, cumulatively pointing toward the culpability of the accused.

Heller (2006) highlighted empirical research indicating that circumstantial evidence—such as DNA and fingerprints—is generally more probative and reliable than direct evidence like eyewitness identifications and confessions. The relevance of circumstantial evidence becomes particularly significant in criminal trials where direct evidence is unavailable, unreliable, or insufficient, which is often the case in serious offences such as homicide, sexual assault, terrorism, and white-collar crimes (Gottschalk et al., 2017; Ratanlal & Dhirajlal, 2021). In such cases, the prosecution often relies on indirect but corroborative facts—such as motive, opportunity, conduct of the accused, forensic evidence, recovery of incriminating articles, or the “last-seen” theory—to establish guilt. Consequently, circumstantial evidence not only supplements but often substitutes direct evidence as the primary evidentiary basis for conviction.

The Indian legal framework, codified primarily in the Indian Evidence Act, 1872, acknowledges the admissibility and probative value of circumstantial evidence. However, due to its inferential nature and the risk of wrongful conviction, Indian courts have historically adopted a cautious and structured approach to its evaluation. The judiciary has laid down well-established judicial principles to ensure that circumstantial evidence meets the constitutional standards of fair trial and due process, particularly under Article 21 of the Constitution of India, which guarantees the right to life and personal liberty.

The Supreme Court of India has consistently emphasized that where circumstantial evidence forms the sole basis for conviction, the prosecution must establish a complete and unbroken chain of events that unequivocally points to the accused's guilt, leaving no room for plausible alternatives. In such instances, any missing link, inconsistency, or plausible alternative hypothesis of innocence may be fatal to the prosecution's case (*Hanumant Govind Nargundkar v. State of Madhya Pradesh*, 1952; *Sharad Birdhichand Sarda v. State of Maharashtra*, 1984).

This paper undertakes a critical and analytical study of the role of circumstantial evidence in Indian criminal trials, examining its evolution through judicial interpretation, the standards courts apply to evaluate such evidence, and the inherent tension between the goals of effective prosecution and the imperatives of protecting individual rights. It addresses key questions such as: What safeguards exist to prevent miscarriages of justice? How do courts weigh circumstantial evidence against the constitutional guarantee of proof beyond reasonable

doubt? In what ways has the doctrine evolved in response to new challenges such as digital evidence and forensic advancements?

By exploring statutory provisions, landmark judgments, and academic perspectives, this paper aims to provide a comprehensive understanding of how Indian criminal jurisprudence navigates the complexities and critical importance of circumstantial evidence in ensuring both the conviction of the guilty and the protection of the innocent.

Literature Review

The evidentiary challenges posed by circumstantial evidence have drawn significant attention from legal scholars, jurists, and practitioners. Both Indian and comparative jurisprudence express concerns about the reliability, interpretation, and safeguards associated with its use in criminal trials.

Sarathi (2015), in his authoritative treatise on the law of evidence, notes that circumstantial evidence "may be stronger than direct evidence if the chain of circumstances is complete and unbroken" (p. 356). He argues that in some cases, direct evidence may be more prone to fabrication, exaggeration, or human error, while a coherent chain of circumstantial facts can present a more credible narrative.

Justice V. R. Krishna Iyer (1974), known for his progressive judicial philosophy, emphasized that circumstantial evidence demands "meticulous and cautious evaluation" to avoid miscarriage of justice. He reiterated the moral burden on the judiciary, particularly when liberty is at stake and the evidence is inferential rather than conclusive.

Legal scholars have also questioned the epistemological adequacy of circumstantial evidence in proving guilt beyond a reasonable doubt. According to Pande (1996), such evidence demands a high level of judicial craftsmanship to sift through competing inferences. Overreliance, he warns, may lead to "judicial guesswork" based on weak or ambiguous indicators.

Conversely, Ratanlal and Dhirajlal (2021) argue that circumstantial evidence is indispensable in the justice system, especially in cases where "direct witnesses are either unavailable, untraceable, or unwilling" (p. 562). They highlight its relevance in cases involving homicide, conspiracy, and corruption.

Empirical research also supports this view. A report by the National Law University, Delhi (2016) found that a significant proportion of murder convictions in India rely on

circumstantial evidence, often without rigorous scientific validation. This raises concerns about institutional bias and judicial subjectivity.

From a comparative perspective, scholars such as Ashworth and Horder (2013) point out that common law jurisdictions impose stringent standards on the admissibility and interpretation of circumstantial evidence. Ashworth stresses the need for courts to avoid piecemeal assessments and instead consider the cumulative probative value.

Indian courts have developed doctrinal tests for such evidence, particularly the “complete chain of circumstances” test and the “exclusion of every other hypothesis” standard. These principles were articulated in *Sharad Birdhichand Sarda v. State of Maharashtra*, AIR 1984 SC 1622, requiring conclusive proof of guilt without alternative explanations.

Gaur (2020) has explored the constitutional implications of relying solely on circumstantial evidence, especially in light of Article 21 of the Indian Constitution, which guarantees a fair trial. He argues that the evidentiary burden on the prosecution must be higher when only inferential evidence is available.

Recent scholarship has also examined how technological developments are reshaping this terrain. Bhandari and Sane (2020) explore the role of digital footprints, metadata, and surveillance in constructing “electronic circumstantial evidence,” which can be persuasive but raises new questions about admissibility and legal safeguards.

Together, this literature highlights both the utility and limitations of circumstantial evidence. While it remains a valuable tool for prosecution, its use demands strict judicial standards and a steadfast commitment to procedural fairness and the presumption of innocence.

Legal Framework: Circumstantial Evidence under the Indian Evidence Act

The Indian Evidence Act of 1872 does not explicitly define *circumstantial evidence*. However, it encompasses the concept through broader provisions concerning the relevance and admissibility of facts that logically lead to the inference of guilt or innocence. The Act emphasizes not the form of the evidence—whether direct or indirect—but its probative value and coherence in establishing the fact in issue.

Among the most relevant sections is Section 6, commonly known as *res gestae*, which allows the admission of facts connected to a fact in issue as part of the same transaction. This enables the court to consider events and surrounding circumstances as a coherent whole. Sections 7 through 11 further support circumstantial reasoning by covering facts related to cause and effect, motive, preparation, and the existence of relevant conditions. Collectively,

these provisions serve as the statutory basis for courts to draw inferences from indirect facts when evaluating criminal liability.

The Supreme Court's decision in *Sharad Birdhichand Sarda v. State of Maharashtra*, 1984 remains the jurisprudential cornerstone for circumstantial evidence in India. The Court laid down clear principles governing convictions based solely on such evidence. These have since become authoritative benchmarks in cases where direct evidence is unavailable.

The essential conditions set by the Court are:

1. The circumstances from which the conclusion of guilt is drawn must be fully established, based on proof beyond a reasonable doubt. Speculative or incomplete links are insufficient.
2. The established facts must be conclusive and consistent with the hypothesis of guilt, while excluding the possibility of innocence.
3. The chain of circumstances must exclude every other rational hypothesis except the accused's guilt, in line with the doctrine of exclusion.
4. There must be a complete and coherent chain of evidence that leads only to the conclusion of guilt. Any missing link could result in a miscarriage of justice.

These principles align with the constitutional requirement that guilt be proven *beyond reasonable doubt*, a standard essential to safeguarding the personal liberty guaranteed under Article 21 of the Indian Constitution (*Maneka Gandhi v. Union of India*, 1978). Courts have consistently emphasized that suspicion, however strong, cannot take the place of proof (*Kali Ram v. State of Himachal Pradesh*, 1973).

Earlier jurisprudence also contributed to this framework. In *Hanumant Govind Nargundkar v. State of Madhya Pradesh*, 1952, the Court stressed that circumstantial evidence must be "cogent, convincing, and consistent," and that it must form a complete chain leading to the conclusion that the accused, and no one else, committed the crime.

Together, these legal standards and judicial precedents underline the cautious approach required when relying on circumstantial evidence. As legal systems increasingly incorporate digital, forensic, and behavioral indicators—many of which qualify as circumstantial—it becomes essential that evidentiary rules adapt without compromising constitutional protections.

Judicial Trends and Interpretation of Circumstantial Evidence in India

The Indian judiciary has developed a careful and nuanced approach toward the use of circumstantial evidence in criminal trials. While recognizing its necessity in the absence of direct proof, courts have emphasized that such evidence must satisfy strict legal and logical criteria to prevent miscarriages of justice.

Early Caution and the Burden of Proof

The foundational principle that circumstantial evidence must establish guilt beyond reasonable doubt was firmly laid out in *Hanumant Govind Nargundkar v. State of Madhya Pradesh*, 1952. In this landmark decision, the Supreme Court cautioned against hasty convictions and underscored that circumstantial evidence must be “fully established” and must form a chain leading to the “irresistible conclusion” of guilt.

Sharad Birdhichand Sarda and the Chain of Circumstances Test

In *Sharad Birdhichand Sarda v. State of Maharashtra*, 1984, the Court laid down five essential conditions for a conviction based solely on circumstantial evidence. These include the complete establishment of facts, the exclusion of all hypotheses except guilt, and a consistent, unbroken chain of evidence. The decision signaled a shift toward a more structured and objective methodology in judicial reasoning.

Application in Modern Cases

The Supreme Court has continued to rely on circumstantial evidence, provided it meets established benchmarks. In *State of U.P. v. Satish*, 2005, the Court upheld a conviction for rape and murder based entirely on circumstantial factors, such as the “last seen” theory, recovery of incriminating materials, and forensic support.

In *C. Chenga Reddy v. State of A.P.*, 1996, the Court distinguished between moral and legal certainty, emphasizing that only the latter meets the standard required in criminal law.

Further, in *Trimukh Maroti Kirkan v. State of Maharashtra*, 2006, the accused’s conduct, lack of plausible explanation, and post-crime behavior were accepted as evidentiary elements contributing to conviction.

Limits and Reversals: Safeguarding Against Miscarriages

Judicial vigilance is also evident in cases where courts have overturned convictions due to weak or speculative circumstantial evidence. In *Sharad Birdhichand Sarda*, 1984, the Court reversed the conviction upon finding gaps in the evidentiary chain. Likewise, in *Rishi Pal v.*

State of Uttarakhand, 2013, the Court emphasized that all hypotheses consistent with innocence must be ruled out.

These reversals highlight the judiciary's recognition of the irreversible consequences of wrongful conviction and its commitment to the presumption of innocence.

Presumption Under Section 106 of the Evidence Act

Section 106 of the Indian Evidence Act provides that when facts are especially within the knowledge of the accused, the burden of explanation may shift accordingly. In *State of Rajasthan v. Kashi Ram*, 2006, the Court noted that failure to provide such an explanation may reinforce the presumption of guilt, provided the prosecution has already established a strong circumstantial case. However, courts have consistently clarified that this provision does not shift the burden of proof from the prosecution but allows for adverse inference only when the foundational case is firmly established.

Challenges and Safeguards

Circumstantial evidence is crucial in Indian criminal trials, yet its indirect nature poses significant evidentiary challenges that could lead to unjust outcomes. This section examines these challenges and the judicial safeguards in place to ensure fairness and reliability in the legal process.

Evidentiary Challenges

Fragmented and Inconclusive Facts

Circumstantial evidence often consists of individual facts that must be synthesized into a coherent narrative. Unlike direct evidence, these facts may remain inconclusive unless supported by further corroboration. Courts have warned against reliance on suspicion or morally persuasive arguments without legal substantiation. As the Supreme Court has asserted, "suspicion, however strong, cannot take the place of proof" (*Sujit Biswas v. State of Assam*, 2013).

Subjectivity and Interpretive Bias

Inferences drawn from circumstantial evidence can be influenced by the observer's biases or assumptions. Judicial decisions have acknowledged that overreliance on circumstantial evidence, especially without forensic corroboration, can lead to prejudicial outcomes (*Navaneethakrishnan v. State*, 2018). Cognitive biases and selective investigation can further distort evidentiary interpretation.

Risk of False Inference and Coincidence

There is an inherent risk of drawing false conclusions based on coincidental or benign behaviors, such as silence, fleeing from the scene, or the destruction of documents. Scholars have warned against equating correlation with causation in criminal proceedings (Chimni, 2005). Such interpretive errors are particularly dangerous when the case rests entirely on circumstantial evidence.

Judicial Safeguards

To safeguard the rights of the accused, Indian courts have developed stringent doctrinal principles aimed at validating the reliability of circumstantial evidence.

Requirement of a Complete and Coherent Chain of Circumstances

A critical judicial safeguard is that all circumstances must form a complete and unbroken chain that points to the accused's guilt. If any link in the chain is missing or unreliable, the prosecution's case collapses. This principle was solidified in *Sharad Birdhichand Sarda v. State of Maharashtra*, 1984 and traces back to *Hanumant Govind Nargundkar v. State of Madhya Pradesh*, 1952.

Exclusion of All Reasonable Hypotheses Except Guilt

The courts insist that the facts must not only align with the hypothesis of guilt but must also exclude every reasonable alternative, including the possibility of innocence (*Sharad Birdhichand Sarda v. State of Maharashtra*, 1984). This maintains the presumption of innocence and places the burden of proof squarely on the prosecution.

Proof Beyond Reasonable Doubt

In accordance with international criminal justice standards, the Indian judiciary demands that circumstantial evidence must establish guilt beyond a reasonable doubt (*Krishnan v. State*, 2008). This high threshold is necessary to prevent erroneous convictions based on interpretive gaps or incomplete narratives.

Consideration of Defence Evidence and Alternative Explanations

Courts are obligated to actively consider defence submissions, including alibis and alternative theories. Failure to evaluate these explanations can result in procedural imbalances that compromise the fairness of the trial (*Trimukh Maroti Kirkan v. State of Maharashtra*, 2006). Judicial prudence requires a holistic assessment of all evidence presented, not merely that which supports the prosecution.

Policy Recommendations and Reform Suggestions

To enhance the consistency, fairness, and reliability of circumstantial evidence in the Indian legal system, we propose several key policy recommendations and reform suggestions:

Policy Recommendations:

- 1. *Statutory Recognition and Definition***

Officially define circumstantial evidence within the Indian Evidence Act to ensure uniform interpretation and application across all jurisdictions.

- 2. *Judicial Training and Forensic Literacy***

Implement regular training for judges focusing on forensic science and digital evidence analysis to strengthen their ability to interpret complex evidence soundly (Sarathi, 2015).

- 3. *Codification of Judicial Guidelines***

Formalize the evaluative standards established in landmark judgments like *Sharad Birdhichand Sarda v. State of Maharashtra* through legislative amendments or Supreme Court guidelines (*Sharad Birdhichand Sarda v. State of Maharashtra*, 1984).

- 4. *Safeguards Against Investigative Bias***

Train law enforcement to recognize and avoid confirmation bias. Implement robust oversight mechanisms to ensure meticulous documentation of both incriminating and exculpatory evidence (Walker, 1997).

- 5. *Enhanced Role of Defense in Evidentiary Review***

Provide defense attorneys with broader access to forensic tools and independent resources, facilitating a more thorough and equitable evaluation of circumstantial evidence (Iyer, 1974).

Reform Suggestions:

- 1. *Legislative Amendments for Digital Evidence***

Update the Indian Evidence Act to specifically address the integrity of metadata, establish clear chain-of-custody protocols, and clarify user attribution for electronic evidence (Ashworth & Horder, 2013).

- 2. *Creation of an Evidence Review Tribunal***

Establish an independent tribunal composed of forensic and legal experts to oversee pre-trial challenges related to complex circumstantial evidence.

3. **Data-Driven Judicial Oversight**

Conduct empirical research into circumstantial convictions to identify systemic flaws or patterns, informing data-driven reforms (Gautam, 2003).

4. **Revisiting Section 106 of the Evidence Act**

Clarify Section 106 to prevent the inappropriate shifting of the burden of proof, ensuring that prosecutorial responsibility is maintained (*Nanavati v. State of Maharashtra*, 1962).

Conclusion

Circumstantial evidence is vital to India's criminal justice system, filling gaps where direct proof is absent. While the Indian Evidence Act of 1872 doesn't explicitly define it, it provides a robust framework through principles of relevancy and admissibility. Landmark judicial precedents, particularly *Sharad Birdhichand Sarda v. State of Maharashtra*, 1984, have standardized its evaluation, emphasizing logical inference and fairness.

Indian courts balance the necessity of circumstantial evidence with a high standard of certainty to protect the accused, thus upholding judicial integrity and minimizing wrongful convictions. However, with the rise of digital footprints and forensic science, the legal system must adapt with modernized evidentiary standards that uphold the presumption of innocence.

The Indian judiciary's cautious yet progressive approach to circumstantial evidence, reinforced by doctrinal safeguards, ensures justice is both done and perceived to be done. Used prudently, it remains an essential component of the Indian legal system. Yet, its inferential nature demands strict procedural safeguards and nuanced judicial interpretation. As courts encounter increasingly complex, technology-driven crimes, reforms in evidentiary standards, judicial education, and statutory clarity will be crucial to strengthen the rule of law without undermining fundamental rights.

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