



How to lay Evidence in Court

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After successful investigation of criminal cases charge sheets are placed before the Honorable Court for its trial. Successful investigation means a case in which faultless F.I.R is drawn, spot visit is in time & proper with elaborate description of position of witnesses & accused incriminating article & other objects with a spot map, examination of witnesses in time, proper search and seizure of relevant documents and articles etc. A good investigation always ends in conviction after a trial.

It is a general trend amongst the investigating officers to finish the investigation & writing of C.Ds in hurry. Investigating officers are not in habit of writing case diaries in time in general Police. This could be mostly due to their multifarious duties in Law & order and Police arrangements, but in vigilance the only work of an investigating officer is to investigate cases. Secondly an investigating officer in Vigilance Organization investigate cases and enquire in to allegations in which lot of documents are involved. If the C.Ds / reports are not written just after the investigation / inquiry, investigating officer is likely to forget certain important points. This type of slightest omission will put him in trouble during his deposition of evidence in trial and lastly the case may end up in acquittal.

Besides, another important point is fear of giving testimony by Police officers. Most of the Police officers do not feel well when they are summoned to witness box. This type of tendency is seen with the Police officers who investigate cases in slip -shod manner. They are unable to stand the cross examination of defence counsel and fumble. But this is not seen in case of an ideal Police officer who knows his profession well. In general the first appearance may be difficult, but as the officer gets more familiar with the procedure in the Court room he will be more of ease.



The following suggestions are intended so that the police officers would be better prepared to go into the court room with a feeling of ease and comfort and that they may give convincing testimony in a way which reflects sincere interest in their profession. Above all the officer should enter the court room with a feeling of confidence and self - assurance and leave the court room with a feeling of satisfaction, contentment and a clear conscience.

The purpose of testimony

Before an officer can prepare himself to be a witness he must be familiar with the reasons and purpose of giving evidence. He must know what his duties are and where he fits into the court proceedings.

The role of the officer

After charge - sheet is filed, and the case is heard in court, the police officer has a major role. Actually the officer's function is that of a witness for the state and he serves in that capacity in the court. At this stage his co-operation with the Public Prosecutor is of utmost importance. During trial, it is the investigating officer who supplies the prosecutor the main points of information and particulars of witnesses who can establish the main points in evidence. He serves as an aid to the prosecutor in selection of witnesses to be examined and establishing the particular bits of evidence to which each of the witnesses can testify. While assisting the Prosecutor, the memory of the Police Officer is refreshed and he prepares himself to be a witness. He thus becomes a part of a team, composed of witnesses, each of whom depends on the others for support and corroboration.

Oral Testimony

Oral testimony with the assistance of the exhibits is the only means by which the actual scene or condition can be re created for the Judge. It must be born in mind that evidence is presented for the purpose of inducing belief in the mind of the Judge as to its contention. The Police Officer's testimony will be based on what he had observed and done with



reference to the matter being heard. It may be with reference to a conversation he had with the accused, the victim or a witness, or he may testify as to the result of a test or examination conducted, Above all witnesses, the evidence of a Police Officer is considered trustworthy and dependable before the Court, should the officer fail in the performance of this duty the result will be a acquittal,

Right to consult prosecutor

The Officer has a perfect right to consult the prosecutor prior to the trial in reviewing his testimony, testimony of other witnesses and to assist in the preparation of the case. It is a well established fact that all witnesses are interviewed by the P,P. prior to their appearance in the court room,

Officer's demeanour

A high standard of performance is expected of the police officer in the court room. If he appears in the witness box he is expected to be the best witness in the case, The officer must, therefore, conduct himself properly and act the part of a gentleman at all times. His habits, demeanour and conduct should be of an exemplary standard for others of the community to follow. His attitude and demeanour must reflect his sincerity in the performance of his duty.

Officers Dress

A uniformed Police Officer should be in uniform (neatly dressed) where as vigilance, crime branch and intelligence officers should be in plain cloth. In general the officer should be soberly dressed.

Taking Oath

When approaching the Clerk of Judge for taking the Oath the officer should stand erect & show by his appearance that he is sincere & smart in the performance of his duty. While taking the Oath the officer should pronounce the words clearly by holding his head high & looking the Clerk in the eye,



When the Oath is completed the Police Officer is asked his name.

The Officer should slowly state his name and surname. If it is unusual or difficult to spell it should be slowly spelt out for the benefit of the Court while in the witness box he should stand erect with comfort.

The Officers Testimony

The main interest in the witness is that he can contribute to the case in trial. How he presents this knowledge to the court is quite important. The main points that the police officer (witness) should remember :-

1. Before entering into court room the officer should switch off the mobile if it is with him.
2. His pronunciation should be clear and distinct, so that the testimony is clearly heard.
3. He should pay strict attention to counsel while questions are put.
4. He should avoid the use of technical terms.
5. During the examination in chief the officer should describe the facts of the case known to him to the best of his knowledge.
6. He should not add unnecessary things in his statement which are not in Case Diary.
7. The Officer should relate a series of facts only at the request of counsel and while relating a series of circumstances he should provide proper continuity. He should be natural in delivery and should provide a smooth running account of the events so that the court can follow and understand each step of the explanation.
8. He should never hesitate to correct an honest mistake in his testimony.
9. The Police Office must guard against developing a "Prosecution Complex" i.e., showing undue interest in gaining a conviction.



10. He should show equal respect to counsel for both sides and never show animosity.
11. When answering a question the answer should be directed to the Judge.
12. When demonstrating or illustrating, he should be certain that all interested persons can see him.
13. He should show utmost respect for the Court, being polite, courteous at all times. He should be fair and impartial in all his testimony showing no bias, prejudice or partiality.

Cross Examination

This stage of trial is very very important. It is the right of the defence counsel to cross examine prosecution witnesses including Police Officers. The main points that an official witness should remember during his cross examination.

1. There should be a Pause between the completion of the question and giving the answer. No answer should be given in haste.
2. He should be careful in answering the questions of defence counsel which are not complete or which may be compound or complex.
3. He should do everything possible to prevent the defence counsel for confusing his testimony or making him angry or excited. Once the witness is excited, the defence counsel gets benefit out of it.
4. Contacting official witnesses during recess hour of the court is not an uncommon practice for some defence lawyers. The witness should be over alert for any effort on the part of the defence counsel to influence or confuse his testimony.
5. The officer should control his temper at all times and develop an impersonal attitude towards the accused.



6. He should be calm and well composed at all times while in the witness box.
7. All the answers given by the witness while under cross examination should be spoken clearly and distinctly as when testifying under examination-in-chief.
8. The witness should develop confidence in himself. A feeling of sufficiency leads to a feeling of security and confidence.
9. The witness should never look at the expression of the people in the court room.
10. The environment of a court room may cause a witness to be uneasy. Most who appear before the court suffer from nervousness to some degree. Anxiety, apprehension and fear are factors which contribute to uneasiness. But concentration on evidence will tend to remove fear in the mind of the witness. The witness must not think of himself but of the evidence he is to present. The first step in overpowering such tension or strain is to be well prepared and to review all notes thoroughly.
11. The witness should never answer an incomplete question. Many defence counsel have the technique of using incomplete questions. In such instances it is advisable for the witness to think for some time before answering. If he finds no specific and correct answer to such question, he may say "I do not know".
12. The investigating officer / Police Officer while deposing evidence should remember that u/s 123, 124 and 125 of the Indian Evidence Act, he can refuse to answer questions relating to affairs of the State (Sec.123), official communication made in official confidence (Sec.124) and the source of information regarding the commission of an offence (Sec.125).
