

# Role of Evidence Law in Ensuring a Fair Trial in Criminal Justice

**K.Rajal and Mahalingam<sup>2</sup>**

B.COM.LL.B(HONS), SRM School of Law, SRM Institute of Science and Technology, Kattankulathur<sup>1</sup>  
Assistant Professor, SRM School of Law, SRM Institute of Science and Technology, Kattankulathur<sup>2</sup>

**Abstract:** • *This assignment critically examines the role of evidence law in ensuring a fair trial within the criminal justice system. Evidence law provides the legal framework for determining what facts may be proved, how they may be proved, and who bears the burden of proof, thereby shaping the entire fact finding process in criminal cases. In proceedings where the liberty, reputation, and sometimes even the life of an accused are at stake, the reliability, legality, and fairness of evidence become central to the administration of justice.*

• *The study highlights how evidence law enforces the presumption of innocence and the requirement that the prosecution prove guilt beyond reasonable doubt. It analyses key rules that exclude coerced confessions, improperly obtained evidence, hearsay, and uncorroborated testimony, which are crucial safeguards against torture, custodial abuse, and arbitrary state action. By insisting on lawful investigation procedures and admissible proof, evidence law protects fundamental rights such as the right against self incrimination, the right to a fair hearing, and the right to examine and challenge prosecution evidence.*

• *The assignment also explores how evidence law ensures procedural fairness during trial through regulated examination and cross examination of witnesses, the formal marking of exhibits, and clear standards for the appreciation of circumstantial and documentary evidence. These procedural safeguards enable both the prosecution and the defence to present their case on equal footing, reduce the risk of wrongful conviction, and enhance the transparency and credibility of verdicts. Finally, the study underscores that evidence law is not merely a technical set of courtroom rules but a vital instrument for upholding the rule of law, preventing miscarriages of justice, and building public trust in the criminal justice system...*

**Keywords:** law

## I. INTRODUCTION

- Evidence law is a fundamental pillar of the criminal justice system, as it governs the manner in which facts are established in a trial. In criminal cases, where the liberty and even life of an accused person may be at stake, the reliability, legality, and fairness of the evidence become central to the idea of justice. Evidence law provides the framework for determining what may be proved, how it should be proved, and who bears the burden of proof, thereby ensuring that the trial proceeds in an orderly, transparent, and rights-respecting manner.
- The primary purpose of evidence law is to assist the court in discovering the truth. It lays down rules of relevance, admissibility, and exclusion, so that only material connected to the facts in issue—such as documents, oral testimony, confessions, and forensic reports—is considered. Irrelevant, speculative, or prejudicial material is excluded, preventing the trial from being influenced by rumour, bias, or emotional appeals. By requiring that evidence be logically probative and properly tested through cross-examination and corroboration, evidence law helps the court reach a verdict that is based on actual facts rather than mere suspicion.



- In criminal trials, the accused enjoys the presumption of innocence and the prosecution must prove guilt beyond reasonable doubt. Evidence law operationalizes these constitutional and statutory guarantees by placing a strict burden of proof on the prosecution and by restricting the use of unreliable or improperly obtained evidence. For example, confessions obtained under threat, inducement, or coercion are excluded under many evidence codes, such as the Indian Evidence Act (Section 24), to prevent torture-induced admissions and protect the right against self-incrimination. Rules against unlawful searches and seizures also bar evidence gathered in violation of procedural safeguards, reinforcing the idea that the state must follow the law even when investigating crime.
- Evidence law also ensures procedural fairness during the trial. It regulates the examination and cross-examination of witnesses, the marking of exhibits, and the manner in which documents and statements are produced. These rules give both the prosecution and the defence equal opportunities to present their case, challenge the other side's evidence, and test the credibility of witnesses. Cross-examination, in particular, is a key safeguard against perjury and false accusations, allowing the defence to expose inconsistencies, biases, or motives to fabricate.
- Furthermore, evidence law helps prevent miscarriages of justice. By requiring proper standards of proof and careful evaluation of weak or circumstantial evidence, it reduces the risk of wrongful conviction. Courts are expected to scrutinize the quality of evidence, consider alibi materials, and weigh the strengths and weaknesses of both sides before convicting an accused. Rules excluding improperly obtained evidence discipline investigative agencies and deter unlawful practices, thereby enhancing the integrity of the criminal-justice system and strengthening public confidence in its fairness.
- The right to a fair trial is a norm of international human rights law and also adopted by many countries in their procedural law. Countries like U.S.A., Canada, U.K., and India have adopted this norm and it is enshrined in their Constitution. The right to a fair trial has been defined in numerous international instruments. The major features of fair criminal trial are preserved in the Universal Declaration of Human Rights, 1948.
- Article 10– Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
- Article 11– (1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. (2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.
- Article 14 of the International Covenant on Civil and Political Rights reaffirmed the objects of UDHR and provides that “Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” Article 14(2) provides for the presumption of innocence, and article 14(3) sets out a list of minimum fair trial rights in criminal proceedings. Article 14(5) establishes the rights of a convicted person to have a higher court review the conviction or sentence, and article 14(7) prohibits double jeopardy
- Section 11 of the Canadian Charter of Rights and Freedoms, protects a person's basic legal rights in criminal prosecution.
- Article 6 of the European Convention on Human Rights provides the minimum rights, adequate time and facilities to prepare their defense, access to legal representation, right to examine witnesses against them or have them examined, right to the free assistance of an interpreter to everyone charged with a criminal offense.
- The Sixth Amendment to the United States Constitution provides in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of



the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

- As far as Indian legal system is concerned, the international promise of fair trial is very much reflected in its constitutional scheme as well as its procedural law. Indian judiciary has also highlighted the pivotal role of fair trial in a number of cases. It is designed to protect individuals from the unlawful and arbitrary curtailment or deprivation of their basic rights and freedoms, the most prominent of which are the right to life and liberty of the person. The concept of fair trial is based on the basic principles of natural justice.

#### **Definition of Evidence under *Bharatiya Sakshya Adhinyam, 2023***

As per Section 2(1)(e) of the *Bharatiya Sakshya Adhinyam, 2023*, “evidence” means and includes:

- All statements made before the court (including electronic statements) by witnesses on matters of fact in inquiry; this is called oral evidence; and
- All documents, including electronic or digital records, produced for the inspection of the Court; this is called documentary evidence.

Thus, evidence under BSA is broadly divided into oral and documentary, with special emphasis on electronic and digital records in tune with modern technology-driven investigations and trials.

#### **Types of Evidence under BSA**

##### **1. Oral Evidence**

- Statements given by witnesses in court, or through electronic means (e.g., video-conferencing), about facts within their knowledge.
- Must be relevant and direct to the facts in issue; hearsay (indirect narration) is generally excluded unless specifically allowed.

##### **2. Documentary Evidence**

- All written, printed, or electronic records produced for the Court’s inspection, such as emails, WhatsApp messages, server logs, digital images, and other electronic data.
- Further divided into:
  - Primary evidence: The original document itself or an electronic record in its original form.
  - Secondary evidence: Copies, certified copies, or oral accounts of the document’s contents when the original is lost, destroyed, or in the possession of the adverse party.

##### **3. Electronic / Digital Evidence**

- A special category under documentary evidence, where emails, SMS, social-media messages, CCTV footage, call data records, and server logs are treated as admissible records if properly authenticated.
- BSA treats many electronic records as primary evidence, strengthening their role in digital-era trials.

##### **4. Real / Material Evidence**

- Physical objects directly connected to the case, such as weapons, blood-stained clothes, tools of crime, or forensic exhibits.
- These are usually marked as exhibits and linked to the case through witness testimony.

##### **5. Direct and Circumstantial Evidence**

- **Direct evidence:** Witness testimony that directly proves the fact in issue (e.g., eyewitness to a murder).
- **Circumstantial evidence:** Indirect facts from which the main fact is inferred (e.g., fingerprints, motive, opportunity). The Court must carefully evaluate circumstantial chains before convicting.



### **Need/Role of Evidence in Criminal Justice**

1. **Establishing facts and truth**
  - Evidence is the only tool by which courts discover the truth and decide whether the accused is guilty or not. Without proper evidence, trials would be based on suspicion or hearsay.
2. **Protecting the rights of the accused**
  - Evidence law ensures that only relevant, reliable, and legally obtained proof is used.
  - Coerced confessions, evidence from illegal searches, and unauthenticated digital records are excluded, protecting the right against self-incrimination and the right to a fair trial.
3. **Guiding the burden and standard of proof**
  - In criminal cases, the prosecution bears the burden to prove guilt beyond reasonable doubt; the accused need not generally prove innocence.
  - Evidence must be strong and sufficient to meet this high standard, preventing arbitrary convictions.
4. **Ensuring procedural fairness**
  - Rules of evidence regulate examination and cross-examination, production of documents, and authentication of electronic records, giving both sides a fair chance to present and challenge evidence.
5. **Preventing miscarriages of justice**
  - By excluding weak, unreliable, or unfairly obtained evidence and by carefully appraising evidence, courts reduce the risk of wrongful conviction or acquittal.
6. **Supporting fair investigation and trial**
  - Proper collection, preservation, and authentication of evidence (especially electronic evidence) help investigators build a strong case and assist courts in reaching reasoned, just verdicts, thereby strengthening public confidence in the criminal-justice system.

### **Concept of a fair trial**

The concept of a fair trial is not just a right provided in our country but it is also guaranteed by various other legislations all over the world. Article 6 of the European Convention on Human Rights deals with the Right to a fair trial. According to this Article, everyone is entitled to a fair and public hearing within a reasonable time. The trial must be conducted by an independent and impartial tribunal established by law. The African Charter of Human Rights protects the dignity of humans and prevents exploitation under Article 5. Article 6 of the African Charter of Human Rights guarantees individual liberty and security to a person. The right to a fair trial is guaranteed under Article 7 which includes various rights like:

### **Fair Trial**

The concept of fair trial is based on the basic ideology that State and its agencies have the duty to bring the offenders before the law. In their battle against crime and delinquency, State and its officers cannot on any account forsake the decency of State behavior and have recourse to extra-legal methods for the sake of detection of crime and even criminals. For how can they insist on good behavior from others when their own behavior is blameworthy, unjust and illegal? Therefore the procedure adopted by the State must be just, fair and reasonable. The Indian courts have recognized that the primary object of criminal procedure is to ensure a fair trial of accused persons.[iii] Human life should be valued and a person accused of any offense should not be punished unless he has been given a fair trial and his guilt has been proved in such trial. In *Zahira Habibullah Sheikh and ors v. State of Gujarat and ors* The Supreme Court of India observed “each one has an inbuilt right to be dealt with fairly in a criminal trial. Denial of a fair trial is as much injustice to the accused as it is to the victim and to society. Fair trial obviously would mean a trial before an impartial judge, a fair prosecutor and an atmosphere of judicial calm. Fair trial means a trial in which bias or prejudice for or against the accused, the witness or the cause which is being tried, is eliminated.



The right to a fair trial is a fundamental safeguard to ensure that individuals are protected from unlawful or arbitrary deprivation of their human rights and freedoms, most importantly of the right to liberty and security of person.

### **Principles of Fair Trial**

**1. Adversary trial system:** The system adopted by the Criminal Procedure Code, 1973 is the adversary system based on the accusatorial method. In adversarial system responsibility for the production of evidence is placed on the prosecution with the judge acting as a neutral referee. This system of criminal trial assumes that the state, on one hand, by using its investigative agencies and government counsels will prosecute the wrongdoer who, on the other hand, will also take recourse of best counsels to challenge and counter the evidences of the prosecution. Supreme Court has observed “if a Criminal Court is to be an effective instrument in dispensing justice, the presiding judge must cease to be a spectator and a mere recording machine. He must become a participant in the trial by evincing intelligent active interest.” In *Himanshu Singh Sabharwa v. State of M.P. and Ors.*, the apex court observed that if fair trial envisaged under the Code is not imparted to the parties and court has reasons to believe that prosecuting agency or prosecutor is not acting in the requisite manner the court can exercise its power under section 311 of the Code or under section 165 of the Indian Evidence Act, 1872 to call in for the material witness and procure the relevant documents so as to sub serve the cause of justice.

**2. Presumption of innocence:** Every criminal trial begins with the presumption of innocence in favour of the accused. The burden of proving the guilt of the accused is upon the prosecution and unless it relieves itself of that burden, the courts cannot record a finding of the guilt of the accused. This presumption is seen to flow from the Latin legal principle *ei incumbit probatio qui dicit, non qui negat*, that is, the burden of proof rests on who asserts, not on who denies. In *State of U.P. v. Naresh and Ors.* the Supreme Court observed “every accused is presumed to be innocent unless his guilt is proved. The presumption of innocence is a human right subject to the statutory exceptions. The said principle forms the basis of criminal jurisprudence in India.

In *Kali Ram v. State of H.P.* the Supreme Court observed “it is no doubt that wrongful acquittals are undesirable and shake the confidence of the people in the judicial system, much worse; however is the wrongful conviction of an innocent person. The consequences of the conviction of an innocent person are far more serious and its reverberations cannot be felt in a civilized society.” It is the duty of the prosecutor and defence counsel as well as all public authorities involved in a case to maintain the presumption of innocence by refraining from pre-judging the outcome of the trial.

**3. Independent, impartial and competent judges:** The basic principle of the right to a fair trial is that proceedings in any criminal case are to be conducted by a competent, independent and impartial court. In a criminal trial, as the state is the prosecuting party and the police is also an agency of the state, it is important that the judiciary is unchained of all suspicion of executive influence and control, direct or indirect. The whole burden of fair and impartial trial thus rests on the shoulders of the judiciary in India. The primary principle is that no man shall be judge in his own cause. Section 479 of the Code, prohibits trial of a case by a judge or magistrate in which he is a party or otherwise personally interested. This disqualification can be removed by obtaining the permission of the appellate court. In *Shyam Singh v. State of Rajasthan*[ix], the court observed that the question is not whether a bias has actually affected the judgement. The real test is whether there exists a circumstance according to which a litigant could reasonably apprehend that a bias attributable to a judicial officer must have operated against him in the final decision of the case. In this regard section 6 of the Code is relevant which separates courts of Executive Magistrates from the courts of Judicial Magistrates. Article 50 of the Indian Constitution also imposes similar duty on the state to take steps to separate the judiciary from the executive.

**4. Autrefois Acquit and Autrefois Convict:** According to this doctrine, if a person is tried and acquitted or convicted of an offence he cannot be tried again for the same offence or on the same facts for any other offence. This doctrine has been substantially incorporated in the article 20(2) of the Constitution and is also embodied in section 300 of the Cr. P.C.



In *Kolla Veera Raghav Rao vs Gorantla Venkateswara Rao*[x] the Supreme Court observed that Section 300(1) of Cr.P.C. is wider than Article 20(2) of the Constitution. While, Article 20(2) of the Constitution only states that ‘no one can be prosecuted and punished for the same offence more than once’, Section 300(1) of Cr.P.C. states that no one can be tried and convicted for the same offence or even for a different offence but on the same facts. In the present case, although the offences are different but the facts are the same. Hence, Section 300(1) of Cr.P.C. applies. Consequently, the prosecution under Section 420, IPC was barred by Section 300(1) of Cr.P.C. The impugned judgment of the High Court was set aside.

A fair trial means that the accused gets:

- A competent and impartial judge,
- Legal representation,
- Right to be informed of the charges,
- Right to present evidence and cross-examine prosecution witnesses,
- Right to a **speedy and open trial**, and
- Judgement based on **lawful, admissible evidence**.

In India, this is protected mainly under **Article 21** (right to life and personal liberty) and the **Code of Criminal Procedure (CrPC)**.

Evidence that fair trials are happening

- The Constitution and laws **recognise fair trial as a fundamental principle**, and courts frequently stress that no one should be punished without a fair hearing.
- Courts sometimes **set aside convictions** (even death sentences) when they find trial violations, such as lack of proper legal aid or denial of fair opportunity to defend.
- Recent judgments on **speedy trial, transfer of trial for impartiality, and protection from police misuse** show that the judiciary is actively trying to **enforce fair-trial standards**.

Evidence that fair trials are **not always happening**

- Huge **backlog of cases, procedural delays, and poor access to lawyers** for poorer accused persons often violate the right to a **speedy and equal trial**.
- There are many documented cases of **custodial violence, coerced confessions, and political misuse of criminal law**, which distort the fairness of trials.
- In some high-profile matters, the accused claim they cannot get an impartial trial due to **media pressure, police pressure, or local bias**, which the Supreme Court itself has sometimes recognised.

“In India, fair trial is a constitutional ideal and is largely recognised in law, but it is not uniformly happening in practice. While the courts and legal framework protect fair-trial rights, delays, resource shortages, and occasional misuse of process mean that many accused persons still face unfair or partial trials.”

#### “The Role and Stages of Evidence in a Trial”

##### 1. Investigation and collection of evidence

Before the trial, the police investigate the murder: they visit the crime scene, seize weapons, collect fingerprints, CCTV footage, and medical reports, and record statements of witnesses and the accused. This material forms the **prosecution’s evidence file** (e.g., a “brief of evidence”) on which the case is built.

##### 2. Framing of charges

The court then examines the evidence and decides whether to frame formal charges (for example, “murder under Section 302 IPC”). At this stage, the judge may also decide to **exclude** certain evidence (e.g., an illegally recorded confession), so only **admissible evidence** can later be used against the accused.

##### 3. Prosecution evidence (examination-in-chief)

In the trial phase, the prosecution presents its witnesses one by one and examines them in-chief (direct examination).



- The **eye-witness** may testify about seeing the accused stab the victim.
- The **doctor** may explain the medical report showing the cause of death.
- The **forensic expert** may describe how the fingerprints or blood-stains link the accused to the scene. Each of these statements is evidence used to prove the key elements of murder: who committed it, how, and that it caused death.

#### **4. Cross-examination of prosecution witnesses**

The defence then cross-examines these witnesses to challenge their credibility.

- The lawyer may ask the eye-witness about the lighting, distance, or any contradictions in earlier statements.
- The defence may question the doctor's interpretation of the injuries or the forensic expert's methodology. This stage tests how reliable and consistent the prosecution's evidence really is.

#### **5. Re-examination and clarification**

The prosecution may re-examine witnesses briefly to clarify answers that arose in cross-examination, but not to add new facts. This helps the court understand any confusion without turning the evidence into a new case.

#### **6. Defence evidence**

The accused may choose to present defence evidence, such as:

- an **alibi witness** who says the accused was elsewhere at the time of the murder;
- expert reports challenging the forensic findings; or
- documents showing the motive was not proven.

The prosecution then cross-examines these defence witnesses in the same structured way.

#### **7. Final arguments and appreciation of evidence**

After all evidence is recorded, both sides make **final arguments** on how the evidence supports their version. The judge then **appreciates** the evidence:

- Which witnesses are reliable?
- Are there contradictions?
- Is the prosecution's case strong enough to prove guilt **beyond reasonable doubt**?

#### **8. Judgment based on evidence**

Finally, the court delivers a **judgment**—either convicting the accused (if all ingredients of murder are proved by reliable evidence) or acquitting (if the evidence is weak or doubtful). The entire decision is tied to the **stages and quality of evidence** used from investigation to presentation in court.

#### **Effect of evidence in a criminal trial**

##### **1. Determines guilt or acquittal**

In a criminal trial, the **verdict depends on the strength and quality of the evidence**, not on mere suspicion or public opinion.

- If the prosecution presents **strong, consistent, admissible evidence** that proves all ingredients of the offence beyond reasonable doubt, the court usually **convicts**.
- If the evidence is weak, contradictory, or falls short, the accused is **acquitted**, even if people suspect guilt.

##### **2. Shapes the entire narrative of the case**

Evidence builds the **story** of what happened: who did what, when, where, and how.

- Oral testimony of witnesses, medical reports, CCTV, forensic reports, and documents collectively create a **coherent or conflicting picture** of events.
- Clear, mutually supporting evidence makes the prosecution's version believable; gaps and contradictions create doubt that may favour the accused.

##### **3. Protects the rights of the accused**

Evidence law ensures that only **legally obtained and reliable** material is used in court.



- Confessions obtained by torture, illegally seized material, or grossly prejudicial hearsay are often **excluded**, so the state cannot secure a conviction through unfair means.
- This control over evidence is a key part of the **right to a fair trial** and helps prevent wrongful convictions.

#### **4. Strengthens or weakens the defence**

Evidence can also powerfully **support the defence** and change the outcome.

- Alibi proof, CCTV footage, DNA reports, or expert evidence may show the accused was not present at the scene or did not commit the crime.
- In some cases, strong defence evidence can **raise reasonable doubt** about the prosecution's case, leading to acquittal even if a crime clearly occurred.

#### **5. Influences sentencing and appeals**

Even after conviction, evidence continues to affect the result.

- The **nature and weight of evidence** (e.g., brutality, planning, or lack of prior record) can make the sentence more severe or more.
- In appeals, courts **re-examine how the trial court appreciated the evidence**; if the lower court wrongly ignored or mis-used crucial evidence, the conviction may be set aside or modified.

#### **Evaluation of Evidence law in a criminal trial**

- The evaluation of evidence law in a criminal trial is a crucial step that determines whether the accused is convicted or acquitted. It is not enough that evidence is produced in court; it must be carefully examined, compared, and weighed against the rules of evidence to decide whether it truly proves guilt beyond reasonable doubt. Evidence law, mainly through statutes like the Indian Evidence Act, 1872, provides the legal framework that guides this evaluation and ensures that verdicts are based on facts, not guesswork or prejudice.
- When evaluating evidence in a criminal trial, the court first checks **relevance and admissibility**. Only evidence that is legally allowed and connected to the facts in issue can be considered. For example, a witness statement, medical report, CCTV footage, forensic report, or a confession must comply with the conditions laid down in the Evidence Act and Criminal Procedure Code. If an FIR is suppressed, a confession is obtained by torture, or a critical witness is not examined properly, the court may either exclude such evidence or treat it as weak or unreliable. This stage ensures that the trial remains fair and that the accused is not punished on the basis of improperly obtained or irrelevant material.
- Next, the court evaluates the **credibility and consistency** of witnesses. The judge observes how witnesses testify, whether their statements match earlier depositions, and whether there are contradictions or signs of bias. A witness who changes his version, shows bias, or is influenced by interest or pressure may be treated as unreliable, even if his statement supports the prosecution. On the other hand, independent and consistent witnesses, especially those without personal interest in the case, carry greater weight. The defence may also produce witnesses (such as alibi proof) whose credibility is similarly tested. The court must decide whether the oral evidence is trustworthy before relying on it to convict.
- In many criminal cases, especially where there is no eye-witness, the court relies on **circumstantial evidence**. Here, the evaluation becomes even more careful. The law requires that all circumstances must form an unbroken chain, each fact must be proved beyond reasonable doubt, and the conclusion must point only to the guilt of the accused and exclude any reasonable hypothesis of innocence. If any link in the chain is weak or missing, the court must lean in favour of the accused. Higher courts often set aside convictions when they find that the trial court failed to properly apply these principles.
- Finally, the evaluation of evidence law also affects **sentencing and appeals**. If the court finds that the evidence clearly proves a heinous crime, it may impose a heavier sentence; if the evidence is weaker or certain mitigating factors appear, the court may be more lenient. In appeals, the Supreme Court and High Courts re-examine how the trial court appreciated the evidence, ensuring that the conviction is not based on a misreading of facts or a violation of evidence rules.



## II. CONCLUSION

- Evidence law, particularly under the Bharatiya Sakshya Adhiniyam, 2023 (BSA), forms the bedrock of India's criminal justice system, ensuring that trials are not mere spectacles of accusation but rigorous quests for truth grounded in fairness and reliability. This document has comprehensively explored how BSA modernizes and fortifies evidentiary principles inherited from the Indian Evidence Act, 1872, adapting them to contemporary challenges like digital forensics and electronic records while upholding constitutional mandates under Article 21 for life, liberty, and fair hearings.
- At its core, evidence law delineates what constitutes proof—spanning oral testimonies, documentary records, electronic data such as CCTV footage and WhatsApp messages, real/material objects like weapons, and circumstantial chains that infer guilt. By classifying evidence into primary, secondary, direct, and indirect categories, BSA empowers courts to sift reliable facts from speculation, excluding hearsay, coerced confessions, and unlawfully obtained materials that could pervert justice. This exclusionary framework operationalizes the golden thread of criminal jurisprudence: the presumption of innocence and the prosecution's burden to prove guilt beyond reasonable doubt. Without such stringent rules, trials risk devolving into inquisitorial abuses, where state power overrides individual rights, leading to wrongful convictions or acquittals based on prejudice rather than probative value.
- The document illustrates evidence's pivotal role across trial stages: from pre-trial investigations where police collect fingerprints, medical reports, and witness statements; to charge-framing where courts prune inadmissible proof; through prosecution's examination-in-chief, defense cross-examination, and re-examination that test witness credibility; culminating in judicial appreciation that weighs consistencies, biases, and unbroken circumstantial links. Cross-examination emerges as a vital democratic tool, exposing perjury, motives, and inconsistencies, while rules on authentication—especially for digital evidence—bridge traditional and tech-driven prosecutions. In murder trials, for instance, eyewitness accounts must align with forensic reports and alibis; any gap invites acquittal, reinforcing that suspicion alone cannot sustain conviction.
- Yet, the analysis reveals stark realities: while BSA's emphasis on electronic records as primary evidence heralds progress for digital-era crimes, implementation gaps persist. Massive case backlogs, custodial torture yielding inadmissible confessions, inadequate legal aid for the indigent, media trials eroding impartiality, and uneven training in evaluating circumstantial or virtual evidence undermine fair trial ideals. High-profile cases often highlight these fissures, where procedural delays or police overreach distort outcomes, eroding public confidence despite judicial interventions like speedy trial mandates or conviction reversals on evidentiary flaws.
- To transcend these limitations, reforms are imperative. First, bolster investigative integrity through mandatory body cameras, centralized digital evidence vaults, and specialized forensic labs to prevent tampering. Second, judicial academies must prioritize training in BSA's nuances, particularly electronic authentication under Sections like 21(e), ensuring consistent application of relevance, admissibility, and proof standards. Third, expedite trials via technology—virtual hearings, AI-assisted evidence triage—to honor Article 21's speedy justice facet. Fourth, enhance defense resources, including public prosecutors' accountability and pro bono mandates, leveling the playing field. Legislative tweaks could further refine circumstantial evidence rules, mandating explicit "exclusion of innocence hypothesis" reasoning in judgments.

