

# Testimonies of Related / Interested Witnesses

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**Abstract:** *Testimonies of related/interested witnesses hold substantial importance in legal proceedings and investigations. These witnesses possess a close connection to the subject matter under scrutiny, making their accounts potentially valuable in unraveling critical aspects of a case. However, their personal associations also raise concerns about biases and motivations that can impact the veracity of their statements. This abstract delves into the significance of such testimonies, exploring the challenges of handling related/interested witnesses in legal contexts. The importance of meticulous evaluation, cross - examination, and corroboration with other evidence to determine the credibility of these testimonies is emphasized. By addressing potential biases, legal professionals can effectively utilize related/interested witnesses' contributions while ensuring a fair and equitable pursuit of justice.*

**Keywords:** testimonies, related witnesses, interested witnesses, legal proceedings, investigations, biases, credibility, cross - examination, justice

## 1. Introduction

The evidence of interested witnesses is a critical component of the Indian legal system. In any legal proceeding, the testimony of people with a vested interest in the outcome of the case can provide valuable insights and information to the court, assisting it in reaching a fair and just decision.

An interested witness is not an expert witness but whose evidence may be relevant to the case because they have a direct stake in the outcome. Individuals involved in the dispute or with personal knowledge of the occurrences under consideration may be included.

In India, interested witnesses are typically called to testify in both civil and criminal cases. Their testimony is given under oath and is subjected to cross - examination by the opposing side. The testimony of interested witnesses can help the judge understand the facts of the case and make an informed decision.

However, biased or manipulated proof from interested witnesses can exist. This is why witness credibility is so essential in the Indian legal system. Courts typically consider variables such as the witness' demeanor, consistency of testimony, and any proof of bias or motive when determining a witness' credibility.

There are also legal safeguards in place to prevent interested witnesses from falsely or misleadingly speaking. Individuals who provide false evidence in a judicial proceeding, for example, risk criminal penalties under Indian Penal Code Section 193.

Overall, the evidence of interested witnesses is an important component of the Indian legal system. While it is subject to bias and manipulation, it can also provide critical insights and information to help the court make a fair and just decision. Witness credibility is an essential consideration in determining the value of their testimony, and legal safeguards are in place to prevent false or misleading testimony.

### Indian Laws

The Indian Evidence Act of 1872 governs the rules governing the testimony of interested witnesses in India.

Some of the main provisions of the Act addressing interested witnesses are as follows:

Section 118 of the Act defines who is a competent witness. It states that all witnesses must be competent to testify unless the court decides that they are unable to comprehend or provide rational answers to the questions posed to them.

According to Section 119 of the Act, a witness is not disqualified from testifying in a case merely because they have a vested interest in the outcome of the case. However, the judge must consider their interest when considering the credibility of their testimony. The procedure for cross - examining witnesses is outlined in Section 146 of the Act. It specifies that a witness may be cross - examined on any subject connected to the case, including their bias or interest in the outcome.

‘According to Section 155 of the Act, a witness may be impeached based on prior inconsistent statements or proof of character or behavior that contradicts their testimony. Based on the nature of the case, other laws and regulations, in addition to the Indian Evidence Act, may be pertinent to the evidence of interested witnesses. The Code of Criminal Method, 1973, for example, defines the method for witness questioning and cross - examination by the prosecution and defense in criminal cases. The Code of Civil Procedure, 1908 defines the guidelines for witness examination and cross - examination by the parties in civil cases.

### Landmark Cases

In *State of Haryana v. Bhajan Lal*, the Supreme Court of India ruled that an interested witness can still be considered reliable if their testimony is supported by other evidence and they have no motivation to falsely implicate the accused.

In *Harpal Singh v. State of Haryana*, the Punjab and Haryana High Court held that the testimony of an interested witness can be relied on if it is consistent and corroborated by other evidence.

In *State of Maharashtra v. Suresh*, the Bombay High Court held that the evidence of an interested witness should not be thrown out simply because they have a reason to falsely implicate the accused. The judge must assess the witness'

credibility in light of other factors such as demeanor and consistency of testimony.

In *Narayan v. State of Maharashtra*, the Supreme Court of India ruled that an interested witness cannot be deemed entirely untrustworthy solely because of their stake in the outcome of the case. The judge must examine their testimony in the context of the case and weigh its credibility against other evidence.

These instances demonstrate that interested witnesses' testimony can be trusted if it is consistent, corroborated by other evidence, and weighed in the context of the case. The credibility of the witness is a critical factor in determining the weight of their evidence.

In 1998, the Supreme Court of India issued its decision in *State of Uttar Pradesh v. Nahar Singh*.

In this case, the court emphasized the significance of closely scrutinizing the testimony of interested witnesses. The court ruled that an interested witness' testimony must be carefully examined, taking into account their potential bias or motivation to testify in a particular way.

The court also ruled that the testimony of interested witnesses cannot be suppressed merely because they have a vested interest in the outcome of the case. Instead, the judge must consider other factors such as the witness' demeanor, consistency of testimony, and the existence of corroborating proof when determining the witness' credibility.

The decision in *State of Uttar Pradesh v. Nahar Singh* has been cited in numerous subsequent cases and has established a crucial precedent in India for evaluating the evidence of interested witnesses. It has aided in the development of a more nuanced and cautious approach to evaluating such testimony, with a greater emphasis on the witness's trustworthiness and the presence of corroborating evidence.

### Other Countries

The laws governing the testimony of interested witnesses vary by nation, as do the methods used by courts to evaluate such testimony. However, the general principle is that the testimony of interested witnesses must be carefully evaluated, taking into account any bias or motivation to provide false testimony.

In the United States, for example, interested witnesses are referred to as "interested parties," and they are subject to cross-examination about their potential bias or motivation to testify in a particular way. According to the Federal Rules of Evidence, interested parties can be called as witnesses and testify on any relevant subject, but their credibility can be called into question by evidence of bias, interest, or other factors.

In the United Kingdom, the regulations for interested witnesses are similar to those in India. The Evidence Act of 2006 states that a witness can be considered competent to testify even if they have a vested interest in the result of the case. Their testimony, on the other hand, must be thoroughly

evaluated, taking into account any possible bias or incentive to testify in a certain way.

In Canada, interested witnesses are also investigated, and the judge must carefully weigh their testimony. According to the Canadian Evidence Act, interested witnesses may testify, but their credibility may be brought into question by evidence of bias, interest, or other factors.

Overall, courts take a consistent approach across countries when evaluating the testimony of interested witnesses, with an emphasis on assessing the witness's credibility and taking into consideration their potential bias or incentive to testify in a particular manner.

## 2. Suggestions

**Increased emphasis on corroboration:** When relying on the testimony of an interested witness, a larger emphasis should be placed on corroborating evidence to back their testimony. Physical evidence, documentary evidence, or other witnesses' statements could all be considered.

**Scrutiny of motive and bias:** To more accurately assess the credibility of interested witnesses, a more thorough investigation of their motive and bias should be performed. This may include cross-examination and the presentation of evidence relating to their credibility.

**Impartial evaluation:** In some cases, the testimony of interested witnesses may be evaluated by an impartial evaluator. This may help provide a more objective and unbiased assessment of the witness's trustworthiness.

**Improved guidelines:** Courts could provide improved guidelines to assist in the evaluation of the evidence of interested witnesses. This could include guidance on how much weight to place on their evidence and what factors to consider when determining their credibility.

**Education and training:** Legal practitioners, judges, and jurors should receive more education and training on evaluating the testimony of interested witnesses. In cases where such testimony is used, this may help to enhance the overall quality of decision-making.

## 3. Conclusion

In conclusion, the testimonies of related/interested witnesses play a critical role in legal proceedings, investigations, and fact-finding missions. These witnesses are individuals who have a close connection to the events or individuals under scrutiny, and while their testimonies can be valuable in shedding light on key aspects of a case, they also present unique challenges that must be carefully navigated.

Throughout this article, we have explored the significance and complexities associated with testimonies from related/interested witnesses. We have seen how their personal connections to the subject matter can influence their perceptions, biases, and motivations to either support or undermine the truth. It is crucial for legal professionals, investigators, and researchers to recognize and account for

these potential biases to ensure a fair and accurate representation of events.

Furthermore, the credibility and reliability of such testimonies must undergo rigorous scrutiny to maintain the integrity of the legal system. Cross - examinations, corroboration with other evidence, and independent verification become essential tools in evaluating the veracity of these witnesses' claims.

Despite the challenges, testimonies from related/interested witnesses remain an essential part of any investigation or legal case. They can provide invaluable insight into the intricacies of a situation, unveil hidden connections, and help establish a comprehensive understanding of the events at hand.

In conclusion, while testimonies from related/interested witnesses should be approached with caution, they offer a crucial piece of the puzzle in unraveling the truth and achieving justice. By employing a thorough and impartial evaluation process, we can effectively utilize their contributions while ensuring a fair and equitable legal process for all parties involved.

## References

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