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PRESENTATION ON

# *COURT TESTIMONY*

FOR THE SUBJECT

**CUFS 2416 EXPLOSIVE AND POST BLAST INVESTIGATION**

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B.SC. FORENSIC SCIENCE (SEM 6)

# CONTENT

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- Introduction
- Who can be witness ?
- Different kinds of witnesses
- Vol dire Test
- Importance of witness
- Conclusion



# WITNESS



# INTRODUCTION

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- Something that someone says especially in a court of law while formally promising to tell the truth is said as court testimony.
- The witnesses are a crucial part of a criminal case with their testimony being the major proof in favor of or against the accused providing a fair judgement delivered on the principle of justice
- The Indian Evidence Act provides certain provisions as to the persons capable of testifying in court of law and its admissibility.

# WHO CAN BE WITNESS ?

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- Section 118 of the Act states the persons who can be a witness. The court identifies all competent individuals who can testify with proper knowledge of the crime.
- There are restrictions placed in consideration by the court on those who are incompetent in understanding the questions put to them, these include:
  1. By tender ages
  2. Extreme old age
  3. Disease, whether of body or mind, or any other cause of the same kind.

# DIFFERENT KINDS OF WITNESSES

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1. Prosecution witness – Any witness who has been brought into the court to testify by the prosecution while supporting their claims.
2. Defence witness – Any person who justifies the contentions of the defence by providing such statements that can discharge the accused from any charges filed.
3. Eye witness – Any person who helps the court by describing the acts committed on the crime scene with complete authenticity as it was present there and has first hand information.

# DIFFERENT KINDS OF WITNESSES

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4. Expert witness – Any person who has the professional, educational or judicial expertise on the matter beyond any average individual, and the court can rely on its testimony to declare a verdict.
5. Hostile witness – Any person who by his consequent statements gives out an impression of not letting out the truth or not desirous of hiding the truth.
6. Child witness – A child who has the understanding of the questions of the court or has the rational answers to the questions put forward can testify in a court as per section 118 of Indian Evidence Act.

# CHILD WITNESS





# HOSTILE WITNESS



# DIFFERENT KINDS OF WITNESSES

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7. Dumb witness – Any person who is not capable of giving oral statements can be allowed to provide statements in written declaratory form in the court. Such written statements shall be deemed as oral evidence.

8. Chance witness – Any person who by the matter of coincidence happens to be present at the site of crime committed.

9. Accomplice witness – Any person who was connected to the crime in its illegal commission or omission provides the statements in the court.

10. Interested witness – Any person who has some interest in the case or its verdict in order to extract some material benefit out of it.

# VOL DIRE TEST

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- This test was established to identify the competency of the child to be a witness according to the conditions provided in section 118 of the Indian Evidence Act, 1872.
- The child can be asked some questions out of the scope of the case details which include preliminary questions on name, father's name or their place of residence.
- If the court is satisfied with the answers of the questions, the capability of the child to understand the questions and answer them rationally, can the child be allowed to testify in court.

# IMPORTANCE OF WITNESS

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- A witness is the one with the first hand information of the crime committed and plays a huge role in the investigation process as well revealing the truth behind the circumstances that led to the crime.
- They help the court by clarifying what happened at the crime scene and all other details they know of the crime, all of which is relevant to the case and assist the judge in deciding criminal matters.

# CONCLUSION

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- A criminal case requires testimony of the witnesses who have the first hand information of the crime to fill the void of the investigation process and ease the task of the judiciary in dispensing justice.
- The Indian Evidence Act provides provisions as to who can be a witness and what could be the admissibility of testimonies of all sorts of witnesses.
- The quality of witness is kept over the quantity and need for a certain witness protection scheme has been identified considering the importance of the witnesses and the threats they are subjected to.

# REFERENCES

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