

DYING DECLARATION [Dated: 28-03-09]

The dying declaration of a person should normally be relied upon by courts as rarely does a person on his deathbed speak falsehood, the Supreme Court has held. "The situation in which a person is on the deathbed is so solemn and serene, when he is dying that the grave position in which he is placed, is the reason in law to accept the veracity of his statement". "It is for this reason that the requirement of oath and cross-examination are dispensed with. Besides, should the dying declaration be excluded, it will result in the miscarriage of justice because the victim being generally the only eyewitness in a serious crime, the exclusion of the statement would leave the court without a scrap of evidence," the apex court observed. However, the court has to be on guard that the statement of the deceased was not as a result of either tutoring, or prompting or a product of imagination, a Bench of Justices Arijit Pasayat and Asok Kumar Ganguly of the apex court said. The Bench passed the observation while dismissing an appeal filed by Satish Ambanna Bansode who was convicted and sentenced to life imprisonment for killing his wife Satyawwa by setting her ablaze on 5th October, 1999 in Maharashtra's Sangli district.

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