



FACULTY OF JURIDICAL SCIENCES

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COURSE: B.B.A.LL.B. VI Semester

SUBJECT: Law of Evidence

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Lecture-6



Relevancy of Facts

1. Doctrine of Res- gestae:

The doctrine of Res gestae is expressed under section 6 of the Indian Evidence Act, 1872 in the following words- *“Facts which though not in issue are so connected with the facts in issue so as to form a part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places”*

Res gestae was originally used by the Romans which means to ‘acts done or actus’. The most important principle of this doctrine is that all the facts must be described in the same transaction. Whereas transaction means a group of facts which are so connected to each other that they can be considered as a single fact. In Layman’s language, a transaction may be considered as a series of certain acts and when all the actions are carried in the same situations at the same point of time then such situation or condition be called as the act of the same transaction. Circumstantial or indirect facts are also considered under the doctrine of res gestae as they are also forming a part of the same transaction.

Essentials of Doctrine of Res Gestae-

1. The statement made should not be an opinion and must be a statement.
2. The statements should be made by the participants of the transaction.
3. The statements should have enough information to explain or brief about the incident.
4. The statements made by the person or act of the person should be spontaneous and simultaneous to the main transaction.

Illustrations-

- a) If a person is dying of poison and before dying, he tells the name of the accused.
- b) If a person is about to die as the accused is in front of him holding a gun and he asks for help.
- c) If an injured person is crying for help.

In, ***Ratten V. Queen* [1972] A.C. 378** the victim (wife) called the police for help as her husband was holding the gun and was about to kill her but before the operator could get connected to the call and report the statements of the victim, the call disconnected. Later the police found her dead body in her house from where she called the police for help. Later the police found that the time of the call and time of death was almost the same so the call by the victim comes under the principle of *res gestae*. Hence the court found the husband guilty of murder and quashed his reasoning that he shot accidentally without any intention.

In, ***Sukhar V. State of UP* (1999) 9 SCC 507** the victim tried to alarm that the accused will shoot him in a few minutes. On hearing the alarm the witness almost reached the place of incident. However, the victim survived and the accused was charged under section 307 of IPC (Punishment for Attempt to Murder). Despite the circumstances, in this case, being hearsay evidence, but still, the court recognised the act in the same part of the transaction and explained it to be a case of section 6 of the Indian Evidence Act. Therefore the statements of the witnesses were admissible as it formed a part of the same transaction.

In ***Uttam Singh vs. State of Madhya Pradesh* 2002 INDLAW MP 79** the child and the victim were sleeping together at the time of the incident and he suddenly awakened due to the voice of axe and screamed for help by taking the name of the accused. Just after the call for help his mother, sister and other witness come there. The court found this evidence to be admissible as the act of the child and the accused was of the same part of the single transaction.