

#### 4. Circumstances Requiring Corroboration of Dying Declarations:

It has been observed in *DPP v. Hester* (1973) that the accumulative experience of the courts has shown that it is unwise to draw a settled conclusion in many circumstances on the testimony of one person alone. This might be for a number of reasons: for instance, motives of self-interest, or of self-exculpation, or of vindictiveness. The straight line of truth might be influenced by emotions or hysteria or alarm or remorse. Sometimes, immaturity or imagination might hamper the true appreciation of facts. Thus, there must be a sound policy to have rules of law or of practice for averting the peril of insecure finding.

The statement of a dying man is not very different from that of an individual witness except that the declarant died after making his statement. So, taking into account the caution embodied in the above referred case against relying upon the sole testimony of a person, the courts do not rely on such dying declaration whose mode of recording does not inspire confidence or in other words it is suspicious or tainted. Whenever such like situation occurs the courts have to ask for corroboration otherwise it would be a miscarriage of justice as held in *Rasheed Beg v. State* (1974). In this case, two dying declarations were made by a boy of 12 years: these statements were recorded when the boy was in a critical situation and losing consciousness. It was also found that the person who bore enmity with the named accused had accompanied the boy from the place of the incident to the hospital and the same person was also present when the dying declarations were recorded. The court observed that in such circumstances the possibility of the boy being tutored to name the accused could not be ruled out. Hence, it was not safe to convict the named accused without any corroborative evidence.

Though there are no hard and fast rules as to avoidance of suspicious circumstances while recording a dying declaration. This depends on the surrounding circumstances of dying declarations and their proper evaluation could lead us to conclude whether any particular dying declaration should or should not be corroborated. Similar principles were laid down by the Supreme Court of Pakistan in *Farman Bi v. Ghulam Farid* (1994). The court observed that "to import veracity to a dying declaration, it is necessary that the declarant should be free from external influence and not crowded around by unauthorized persons while making the statement." In the instant case, it was transpired from the record that five or six persons were sitting around the declarant when he was making the statement. Consequently, the Supreme Court refused to convict on the sole evidence of dying declaration without corroboration.

The same rule has been laid down by the Supreme Court of India in *State v. Ram Sagar Yadav* (1985) "it is only if the circumstances surrounding the dying declaration are not clear or convincing that the court may, for its assurance, look for corroboration of the dying declaration."

Another situation where corroboration of a dying declaration is held to be necessary by the judicial pronouncements is that when one part of a dying declaration is found to be false or incorrect, then it appears to be justified not to rely on the other part without corroborating it by independent evidence. The Supreme Court of India in *Godhu v. State* (1974) has judiciously divided such a situation into two categories: the first is when two parts of a dying declaration are indissolubly linked and there is no possibility of severing them apart. The court observed that this situation does not leave any other option except to reject the whole dying declaration. The second category is when two parts of a dying declaration can be regarded independent of each other with an ample possibility to treat them apart without affecting their intrinsic worth. In this last mentioned situation, the Supreme Court of India opined that the judicial authorities should not "normally act upon a part of the dying declaration, the other part of which has not been found to be true, unless the part relied upon is corroborated in material particulars by the other evidence on record. If such other evidence