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Evidentiary value of Medical evidence in Indian Jurisprudence

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In the Indian legal system, the evidentiary value of medical evidence reroutes from the perspective of different cases to different cases. They prove to be an important piece of evidence in different cases and sometimes overturn the tables with evidence such as eye witness for the accused as well as for the prosecution. The medical evidence however is also subjected to various limitations which include their manipulation; it lies on the prosecution to use the evidence and prove their limitation whenever supposed to. The opinions of doctors are termed as expert opinion is also referred to by the court to get insightful and vivid perspectives of the matters. Opinions of doctors and medical fraternities are important and significant but are not binding on other evidences. With evolving jurisprudence of evidences, medical evidences are paving a new way in the law of land.

Keywords: *medical, evidentiary value, jurisprudence.*

INTRODUCTION

The jurisprudence of evidence is an evolving knowledge of the available body of facts and information, indicating a belief or proposition to be a valid one or true in nature. Medical evidence though is very weighty and of great magnitude, still is manipulated at times and has many limitations; misuse of such evidence can be turntables in favor of justice for the accused or the victim. Medical evidence is corroborative in nature and the knowledge possessed by

experts in the field gives a different perspective on a dispute. The opinion-based knowledge of medical experts and medical documentary pieces of evidence such as medical reports. The medical evidence is very important in nature, however, in some instances, they fall in collision with different and other evidence on record such as evidence of eye witness. Medical evidence is both documentary and oral evidence; the medical reports and certificate are documentary evidence and the statements and observations of the medical examiner or doctor are oral evidence.

IMPORTANCE OF MEDICAL EVIDENCE

Law and medical studies have vital roles played together to gain in-depth knowledge regarding different aspects of a matter. Medical studies have an important relation with every case so as to understand the cause and the way any act of offence was done. Medical evidence furnish the court with necessary scientific data to enable the court to arrive at an independent conclusion about a claim. The increasing tendency of Medical Evidence in present times makes it important evidence. Medical evidence is opinion evidence that is used to lend corroboration to the evidence of eye-witness¹. The domain of medical evidence is not restricted to criminal liability only; it is also useful in civil cases, especially in insurance claims. Thus both civil and criminal cases are getting scrutinized under medical evidence as these are getting more complicated and difficult to solve due to hi-tech and sophisticated methods adopted by them. The evidence is becoming essential at both pre-trial and trial stages. Medical evidence removes misleading information such as possibilities of an injury or lays down emphasis on primary, secondary, and oral evidence such as a statement of an eye-witness. In many of the offences relating to the body, evidence of medical is the golden key to justice.

In recent times, with the development of the jurisprudence of evidence, the weightage over medical evidence has declined, making it more of opinion-based evidence.

¹ *Anwar v State of Haryana* (1997) All Cri R 529

AUTHORITY OF MEDICAL EVIDENCE

The testimony of an expert sometimes is considered sometimes as evidence of opinion rather than verifiable evidence. Any evidence of medic collected by an expert informs courts about different aspects to deal with. Medical evidence is a very important factor in assessing the testimony of eye-witnesses and in determining whether the testimony of eye-witnesses can be safely accepted². Medical pieces of evidence are constructive in forming an opinion of the court in their own ways. The courts should refer to the medical evidence to curate the possible manners in which offence might have been done to furnish a close view of the scenario. Medical evidence is only evidence of opinion. It cannot be decisive³. If the medical and ocular evidence is contrary then the ocular evidence must prevail⁴. The story recited by eye-witness can be verified by medical evidence.⁵ The reliability to be placed on medical evidence depends upon the circumstances of every case. In some cases, the medical evidence surpasses the credibility of an eyewitness to an incident and proves to be more substantive evidence. The value of medical evidence is supportive of the notion they prove in any dispute. In certain offences such as Sexual assault, the medical evidence such as samples of semen found with the victim proves to be evidence of substantial nature. In *Chimanbhai Ukabhai v the State of Gujarat*⁶, the Supreme Court observed, “The medical evidence adduced by prosecution has great corroborative value. It proves that the injuries could have been caused in the manner alleged and the death could have been caused by the injuries so that the prosecution case being consistent with matters verifiable by medical science, there is no reason why the eye-witnesses should not be believed. Unless, however, the medical evidence in its turn goes so far that it completely rules out all possibilities whatsoever of injuries taking place in the manner alleged by eyewitnesses, the testimony of the eyewitnesses cannot be thrown out on the ground of alleged inconsistency between it and the medical evidence.”

² *Solanki Chimanbhai Ukabai v State of Gujrat* AIR 1983, SC 484

³ *Mani Ram v State of Rajasthan* AIR 1993, SC 2453

⁴ *Umesh Singh v State of Bihar* (2013) 4 SCC 360

⁵ *Sunil Chandra v State* AIR 1954, Cal 315

⁶ *Chimanbhai Ukabhai v State of Gujarat* AIR 1983, SC 484

In many cases, the opinion of the doctor and other reports over the injuries resulting in death or any other consequences are taken into consideration. It is well settled that the number of injuries is not always a safe criterion for determining who the aggressor was⁷. The defence has to establish that the injuries so caused by the accused probabilism are the version of the right to private defense⁸. The apex court in the case of *Malay Kumar Ganguly v Dr. Sukumar Mukerjee*⁹, while noticing the difference of opinion of doctors on basis of evidence on record and the literature produced, preferred one view over the other without commenting on any expert opinion expressed by either of them.

LIMITATIONS OF THE MEDICAL EVIDENCE

The medical evidence is also at the end opinion-based evidence and cannot be wholly relied upon. It is not proper science-based evidence but curated on the knowledge of a human being only and able to find a positive fact to be relied upon. The importance of medical evidence has gained momentum in the recent era of Indian evidence jurisprudence. The medical evidence creates an important aspect of reality while considering criminal and civil cases. The medical shreds of evidence however are sometimes limited to certain aspects and are used by the way of presentation by the counsel to prevent courts from delivering the judgments in the spirit of justice. The evidence can sometimes be turntables in cases. Medical evidence can lead to many aspects where justice may not be delivered. A suspected criminal may prove to be evidence on the grounds of medical evidence and also an innocent person proves to be a crime which he isn't. In many lower courts, the lawyers and judges do not possess the proper knowledge to critically appraise the pieces of evidence. Lack of proper knowledge and inability to properly present and appraise the magnitude and prominence of medical evidence sometimes leads to miscarriage of justice. Medical evidences are sometimes clouding and obscuring in nature, which creates ease of twisting and complexifying the complications that come with the medical pieces of evidence. An experienced advocate may misuse the evidence against the spirit of justice. Medical evidence comes with multi-faced aspects of evidence. The evidences

⁷ *State of Madhya Pradesh v Ramesh* (2005) 9 SCC 705

⁸ *Rajeev Lochan v State of Madhya Pradesh* (2011) Cri LJ 611

⁹ *Malay Kumar Ganguly v Dr. Sukumar Mukerjee* (2010) SCW 769

stand in notions of both the prosecution and defence. The possibility that only one aspect of medical evidence reveals may lead to miscarriage of justice. The Gujarat High Court in the case of *Suleman Usman Menon v the State of Gujrat*¹⁰ pointed out that “it is difficult to see how any reliance can be placed on the opinion unless it is supported by good reasons founded on the facts which warrant that opinion. If the reasons are good and convincing and the factual data, on the basis of which the opinion is formed, warrant the opinion, the court will rely on the opinion. However, if the factual data is not clear or adequate or the reasons are frivolous or inconclusive, the opinion will have no probative value.”

OPINION OF DOCTOR

In almost every trial of unlawful deaths, the opinions of medical officers and doctors are entertained to understand the nature of injuries, cause of death, effect and consequences of the wounds, intoxication or unsoundness of mind, etc. The medical and opinion of doctors are treated as expert opinion under section 45 of The Indian Evidence Act. The evidence of the opinion of the doctor is weak and strong evidence depending upon the cases and other evidence on record. Medical experts’ opinion is not always final and binding¹¹. The opinion of the doctor is evidence and it can rarely if ever, take the place of substantive evidence and it cannot be conclusive because it is after all opinion evidence¹². In an appropriate case on a consideration of the nature of the injuries and other relevant evidence, the Court can come to its own conclusion, if the medical evidence is deficient¹³. Even where a doctor has deposed in Court, his evidence has got to be appreciated like the evidence of any other witness and there is no irrefutable presumption that a doctor is always a witness of truth¹⁴. The failure of the prosecution to seek the opinion of the doctor with regard to the particular weapon used in stabbing cannot result in rejecting the prosecution case¹⁵. Where there is a glaring inconsistency between the direct evidence and the medical evidence in respect of the entire

¹⁰ *Suleman Usman Menon v State of Gujrat* (1961) 2 Cri LJ 78 (Guj)

¹¹ *Awadhesh v State of M.P.* AIR 1988, SC 1158

¹² *Balli Chaudhary alias Rakesh v State of M.P.* CRR 1080 of 2021

¹³ *Brij Bhukhan v State of U.P.* AIR 1957, SC 474

¹⁴ *Mayur v State of Gujarat* AIR 1983, SC 66

¹⁵ *Prem Chand v State* (1996) Cri LJ 1217 (Del)

prosecution case that is a manifest defect in the prosecution case¹⁶. If the evidence of the witness for the prosecution is totally inconsistent with the medical evidence, this is a most fundamental defect in the prosecution case and unless reasonably explained, it is sufficient to discredit the entire case¹⁷. Unless the medical evidence completely rules out the prosecution story, the oral evidence if otherwise reliable cannot be rejected¹⁸. It is the duty of the prosecution, and no less of the Court, to see that the alleged weapon of the offense, if available, is shown to the medical witness and his opinion invited as to whether all or any of the injuries on the victim could be caused with that weapon. Failure to do so may sometimes, cause aberration in the course of justice¹⁹. In *Sher Singh v the State of Punjab*²⁰, the Apex court held that even if the dying declaration is not certified by the doctor it will still be accepted.

CONCLUSION

In conclusion, the observation is made that the jurisprudence of medical evidence is an evolving process. With the coming up of more and more vivid outlooks on complexities in understanding and relying upon the medical evidence, the evidentiary value of medical evidences is shaping with the course of action. There are still many disputes in the way of recognizing the importance and magnitude of the significance of medical shreds of evidence and opinions of doctors. The misuse of this evidence is also a widespread illegal and unethical practice going on in society; when evidence of nature that can turn the tables is misused or misrepresented, they are against the very spirit of justice. Medical evidence must be examined carefully and the decision of the magistrates and every other judge who seeks reliance of medical evidence or opinion of doctors to prove of a fact should not solemnly rely on the medical opinions. In the end, medical evidence is findings of a human with skill and knowledge, both of which may be subjected to a mistake or any unlawful interference. They also cannot be placed on an upper stage than other evidence due to the reason being that all evidence proves a specific fact of the case, none being able to solve any matter solemnly.

¹⁶ *Piara Singh v State of Punjab* AIR 1977, SC 2274

¹⁷ *Ram Narain v State of Punjab* AIR 1975, SC 1727

¹⁸ *Vahula Bhusan v State of Tamil Nadu* (1989) 1 SCJ 255

¹⁹ *Ishwar Singh v State of U.P.* AIR 1976, SC 2423

²⁰ *Sher Singh v State of Punjab* AIR 2008, SC 1426