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Prosecuting Officer

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Bharatiya Sakshya Adhiniyam (BSA)



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The Bharatiya Sakshya Adhiniyam, 2023

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CHAPTER

The Bharatiya Sakshya Adhiniyam, 2023

Corresponding Section Table of BSA with Repealed Act

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List of cases [BSA]

Presumption & Burden of Proof

- **Kali Ram v. State of Himachal Pradesh (1973) SC**
 - ✓ **Rule:** If two views are possible on evidence, the one favorable to the accused **must be accepted**.
 - ✓ Innocence is presumed until proven guilty.
- **Woolmington v. DPP (1935)**
 - ✓ Famous UK case, often quoted in India.
 - ✓ **Rule:** Prosecution must prove its case **beyond reasonable doubt**. The burden never shifts in criminal trials.
- **State of U.P. v. Krishna Gopal (1988) SC**
 - ✓ **Rule:** Proof beyond reasonable doubt does **not mean absolute certainty**. Courts can convict if evidence inspires confidence.
- **State of Maharashtra v. Wasudeo Ramchandra (2008) SC**
 - ✓ **Rule:** Presumption of innocence is a human right under Article 21 of the Constitution.
- **Shambhu Nath Mehra v. State of Ajmer (1956) SC**
 - ✓ **Rule:** Section 106 applies when **facts are especially within the knowledge** of the accused. But it does not relieve prosecution of its primary burden.

Admissions & Confessions

- **Pakala Narayan Swamy v. Emperor (1939) SC**
 - ✓ **Rule:** A confession must either admit the offence or substantially all facts which constitute the offence.
- **State of U.P. v. Deoman Upadhyaya (1960) SC**
 - ✓ **Rule:** Extra-judicial confessions are **not unreliable per se**. They can form the basis of conviction if truthful and voluntary.
- **Nishi Kant Jha v. State of Bihar (1969) SC**
 - ✓ **Rule:** Extra-judicial confession needs corroboration but **can be the sole basis of conviction** if found reliable.
- **State of Punjab v. Gurdeep Singh (1999) SC**
 - ✓ **Rule:** Confession to police is not admissible under Section 25, except under Section 27 for **discovery of facts**.

Dying Declaration

- **Khushal Rao v. State of Bombay (1958) SC**
 - ✓ **Rule:** Dying declaration can be sole basis of conviction if it is **truthful and voluntary**. No need for corroboration.
- **Laxman v. State of Maharashtra (2002) SC**
 - ✓ **Rule:** Certification of mental fitness by a doctor is **desirable but not mandatory** for dying declaration.
- **P.V. Radhakrishna v. State of Karnataka (2003) SC**
 - ✓ **Rule:** Dying declarations should be recorded carefully, but minor contradictions do **not make them unreliable**.

Documentary Evidence

- **Hira Lal v. State of Bihar (1977) SC**
 - ✓ **Rule:** Contents of a document must be proved by **primary evidence**, i.e., the document itself, unless secondary evidence is allowed.
- **State of Rajasthan v. Khemraj (2000) SC**
 - ✓ **Rule:** Certified copies of public documents are **admissible without calling the original document**.

Oral Evidence

- **Bhagwan Singh v. State of M.P. (2003) SC**
 - ✓ **Rule:** Evidence must be **direct** unless exceptions exist, like in dying declarations.

Circumstantial Evidence

- **Hanumant v. State of Madhya Pradesh (1952) SC**
 - ✓ **Rule:** Circumstantial evidence must:
 - Fully establish guilt
 - Be consistent with guilt only
 - Exclude every other hypothesis except guilt
- **Sharad Birdhichand Sarda v. State of Maharashtra (1984)**
 - ✓ **Rule:** Laid down the “**five golden principles**” for circumstantial evidence:
 1. Circumstances must be fully established.
 2. Facts established must be consistent only with guilt.
 3. Circumstances must be conclusive.
 4. Must exclude every hypothesis except guilt.
 5. Chain of evidence must be complete.

Test Identification Parade (TIP)

- **Rameshwar Singh v. State of J&K (1972) SC**
 - ✓ **Rule:** TIPs are only aids to investigation, **not substantive evidence**.
- **Malkhan Singh v. State of M.P. (2003) SC**
 - ✓ **Rule:** Identification parades should be held at the **earliest possible opportunity**.

Expert Opinion

- **State of H.P. v. Jai Lal (1999) SC**
 - ✓ **Rule:** Expert opinion is only **advisory**. Court is not bound by it.

Hostile Witness

- **Sat Paul v. Delhi Administration (1976) SC**
 - ✓ **Rule:** A witness declaring hostility does **not become unreliable entirely**. His evidence can still be used for corroboration.

Accomplice Evidence

- **R. v. Baskerville (1916) SC**
 - ✓ UK case, often quoted in India.
 - ✓ **Rule:** Conviction can rest on accomplice evidence **if there is sufficient corroboration**.
- **Suresh Chandra Bahri v. State of Bihar (1994) SC**
 - ✓ **Rule:** An approver's testimony **must be reliable and corroborated** on material particulars.

Res Gestae (Section 6)

➤ **Sukhar v. State of U.P. (1999) SC**

- ✓ **Rule:** Statements made at or near the time of the incident can be admitted under **res gestae**.

Relevancy of Character

➤ **Ghulam Moinuddin v. State of Maharashtra (1971) SC**

- ✓ **Rule:** Character evidence is generally **irrelevant** in criminal cases unless specifically relevant under Sections 53-55 IEA/ 47-5 BSA.

Presumptions under Evidence Act/ BSA

➤ **Bharat Barrel v. Amin Chand (1975) SC**

- ✓ **Rule:** Presumption under Section 119 BNS/ 114 IEA can be drawn depending on the **natural course of human conduct**.

Estoppel

➤ **Indira Bai v. Nand Kishore (1990) SC**

- ✓ **Rule:** Estoppel applies only if one person **makes the other believe something** and the latter acts on it.

Evidence of Child Witness

➤ **Ratan Singh v. State of H.P. (1997) SC**

- ✓ **Rule:** Evidence of a child witness is **acceptable if found reliable**. Court must ensure the child understands the duty of speaking the truth.

Electronic Evidence

➤ **Anvar P.V. v. P.K. Basheer (2014) SC**

- ✓ **Rule:** Electronic records under Section 65B IEA/ 63 BSA are **admissible only if conditions are satisfied**. Certificate under Section 65B (4) IEA / 63 BSA is mandatory.

➤ **Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020)**

- ✓ **Rule:** Confirmed that **Section 65B IEA/63 BSA certificate is mandatory** unless the original electronic device itself is produced in court.

Introduction

ACT NO: 47 OF 2023

Date of enactment: 25th December, 2023

Date of commencement: 1st July, 2024

Introduction:

The main purpose of any court case is to decide someone's rights or responsibilities.

- In criminal cases, the aim is to find out whether the accused (person charged with an offence) is guilty or not, and what punishment should be given.
- In civil cases, the aim is to decide about things like property, family rights, agreements, or personal disputes between people or organizations.

To make sure these cases are handled fairly and properly, we need rules. These rules help to:

1. Understand what rights and duties people have, and
2. Know how to prove those rights or duties in court.

To do this, law is divided into two main parts:

1. Substantive Law (What the Law Is)

Substantive law is the part of law that tells us:

- ✓ What is right or wrong,
- ✓ What is allowed or not allowed, and
- ✓ What happens if someone breaks the rules.

It defines the actual rights and duties of people in society.

Examples of Substantive Law:

- ✓ *Indian Contract Act* – deals with agreements and promises.
- ✓ *Transfer of Property Act* – deals with buying/selling property.
- ✓ *Bharatiya Nyaya Sanhita* – new criminal law that defines crimes and punishments.

Substantive law tells you what you can or cannot do, and what punishment or remedy you will face if you break the law.

It applies to areas like:

- ✓ Criminal law (e.g., murder, theft),
- ✓ Civil law (e.g., contract disputes, property matters),
- ✓ Family law (e.g., marriage, divorce).

2. Procedural Law (How the Law Works)

Procedural law tells us how to bring a case to court and how courts will deal with it.

It includes all the steps and rules that must be followed in a legal case – from filing a case to getting a judgment.

Examples of Procedural Law:

- ✓ *Code of Civil Procedure (CPC)* – used in civil cases.
- ✓ *Code of Criminal Procedure (CrPC)* – used in criminal cases.
- ✓ *Bharatiya Nagarik Suraksha Sanhita* – new criminal procedure law.
- ✓ *Evidence (Bharatiya Sakshya Adhiniyam)*.

Procedural law tells you how to go to court, how the trial will run, and how decisions will be enforced.

It covers:

- ✓ Jurisdiction (which court will hear the case),
- ✓ How to file a complaint or suit,
- ✓ What evidence is allowed,
- ✓ How the trial and appeals are done,
- ✓ How to enforce the judgment.

"The Law of Evidence is the Lex Fori"

What is "Lex Fori"

Lex fori is a Latin term meaning "the law of the forum"—i.e., the law of the country where the court is situated.

Explanation of the Passage:

- Law of Evidence = Part of Procedural Law:
 - ✓ The law of evidence governs *how* facts are proved in a courtroom.
 - ✓ Since it deals with procedure, it falls under procedural law (not substantive law).
- Indian Courts Apply Indian Evidence Law:
 - ✓ Indian courts only apply the Indian Evidence Act, regardless of where the cause of action or facts originated.
- Competency of Witness and Proof = Lex Fori:
 - ✓ Whether a witness is competent or a fact is proved is decided by the law of the country where the court is sitting, not where the incident happened.
 - ✓ Example: If a trial is in an Indian court, Indian law decides these questions.
- Illustration — Foreign Proceedings, Indian Recording:
 - ✓ Suppose a case is going on in Russia, but evidence is recorded in India (via commission or court assistance).
 - ✓ In such a case, Russia Law of Evidence applies — because the main proceeding is in Russia.

What is Proof? How Does it Differ from Evidence?

Meaning of Proof:

- Proof is a broad term.
- It refers to everything that can convince a person (or court) that a statement or allegation is true or false.
- Proof involves legal reasoning, facts, and submissions that persuade the court to accept a claim.

Meaning of Evidence:

- Evidence is narrower than proof.
- It refers specifically to the materials (like documents, objects, testimony) that are admissible in court to support proof.
- Evidence is the means through which proof is attempted.

Key Differences:

Aspect	Proof	Evidence
Scope	Broad term	Narrow term
Nature	Convincing the court about truth/falsity of a claim	Facts/documents/testimony used to support proof
Function	Final satisfaction of the court	Tools used to reach that satisfaction
Legal Use	Outcome	Means to an outcome

Facts

Types of Facts

- Physical and Psychological Facts
 - ✓ Physical Facts (Illustrations a to c)
 - ✓ Psychological Facts (Illustrations d and e)
- Positive and Negative Facts
 - ✓ Positive Facts: The existence of a certain state of things.
 - ✓ Negative Facts: The non-existence of a certain state of things.
- Matter of Fact
 - ✓ Anything that is the subject of testimony and can be proved by evidence.
- Matter of Law
 - ✓ The general law of the land, of which the court will take judicial notice.
 - ✓ It does not need to be proved by evidence.

Relevance

Definition of 'Relevant'

The term "relevant" has two meanings:

1. As admissible (i.e., legally acceptable as evidence).
2. As connected (i.e., having a logical or factual link to the case).
 - ✓ The word 'relevant' means that any two facts to which it is applied are so related to each other that, according to the common course of events, one, either by itself or in connection with other facts, proves or renders probable the past, present, or future existence or non-existence of the other.
 - ✓ Strictly speaking, 'relevant' means admissible in evidence.

Fact in Issue

- Facts in issue are those facts from which some legal right, liability, or disability arises in the inquiry.
- The decision in a case must be based upon these facts.

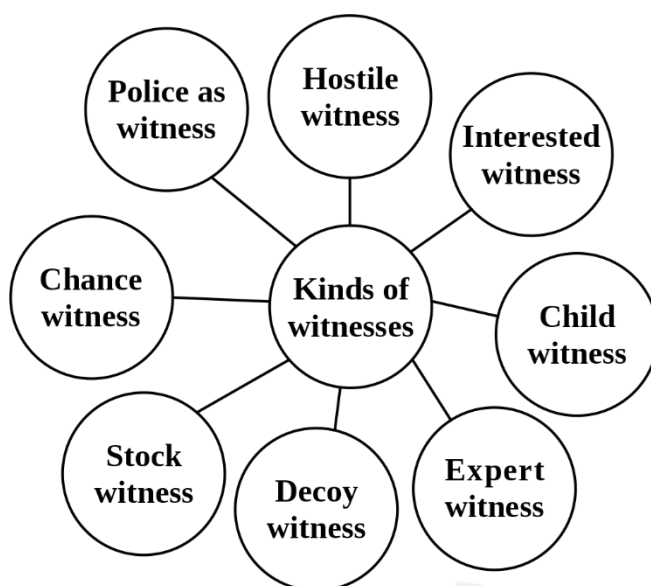
In Criminal Cases

- The charge itself constitutes and includes "facts in issue".
- (Chapter XVIII BNSS)

In Civil Cases

- Facts in issue are determined through the process of framing issues.
- Reference: Order XVI, Rules 1-7 CPC.

Kinds of Witnesses



Hostile Witness

A hostile witness is one who:

- Is antagonistic to the party that called him.
- Is unwilling to tell the truth.
- Has been won over by the opposite party and may not testify truthfully.

Procedure for Dealing with Hostile Witnesses:

- The party calling the witness may request permission from the court to cross-examine the witness, including:
 - ✓ Leading questions (Section 143). IEA/Section 146 BSA
 - ✓ Questions about previous statements in writing (Section 145). IEA/Section 148 BSA
 - ✓ Questions to test the veracity of the witness (Section 146). IEA/Section 149 BSA
 - ✓ Impeaching the credit of the witness (Section 155). IEA/Section 158 BSA

Court's Approach:

- Merely because part of the statement from a witness is unfavorable to the calling party, the court should not readily conclude that the witness is suppressing the truth.
- The court must attempt to separate the truth from falsehood carefully, while being cautious in accepting the evidence.
- It is important to approach hostile witness testimony with great care to ensure justice.

Case Law: Govindaraju v. State of Srirampuram 2012 SC

- Prosecution case does not fail if a witness turns hostile.
- The supporting part of the testimony from a hostile witness can still be considered.
- Conviction is possible if the testimony is corroborated by other evidence.
- The court must act with great caution and accept the evidence with a higher degree of care.

Case: State Tr.P.S. Lodhi Colony v. Sanjeev Vanda (2012 SC)

- The Supreme Court held that the evidence of a hostile witness cannot be discarded entirely. Courts should rely on the portion of the testimony that is credible and corroborated by other evidence.
- The Court recognized that witnesses often turn hostile due to fear or influence, especially in high-profile cases. It emphasized the need for a strong witness protection mechanism. Judges must carefully scrutinize hostile testimony and extract the truth.

Interested Witness

- An interested witness is one who has a personal interest in the outcome of a case (e.g., relative of the victim).

Evidentiary Value:***State of Rajasthan v. Teja Ram, AIR 1999 SC 1776.***

- The Supreme Court has held that evidence of an interested witness is not inadmissible, but must be examined with greater caution.
- If the testimony is credible, consistent, and corroborated, it can form the basis of conviction.
- The court must assess whether the witness is truthful despite being interested.
- Mere relationship with the victim does not disqualify a witness.

Child Witness

Competency: There is no law that automatically rejects child witnesses. A child is competent to testify if their statements are:

- Reliable.
- Truthful.
- Corroborated by other prosecution evidence.

1. K. Venkateshwarlu v. State of A.P. (2012 SC):

- ✓ A child witness is pliable due to their tender age.
- ✓ They can be influenced by threats, inducements, or coercion.
- ✓ Great caution must be exercised, and the child's testimony should be taken with care and scrutiny.

2. P. Ramesh v. State Rep. by Inspector of Police (2019 SC):

- ✓ The court must determine if the child has the intellectual and cognitive skills to recollect and narrate the incident of the crime.
- ✓ The judge has the liberty to test the child's capacity to understand and testify.

Decoy Witness

A decoy witness is a person who acts as an agent for the prosecution with the aim of discovering and exposing the commission of a crime.

- This can happen either before association with wrongdoers or before the actual preparation of the offense.
- A decoy is not an accomplice but rather a spy, detective, or decoy for law enforcement.
- Such witness is commonly used in **trap cases** involving **bribery or corruption**

CHAPTER I

Section 1-2 [Preliminary]

Section 1: Short title, application and commencement

"It applies to all judicial proceedings in or before any Court, including Courts-martial, but not to affidavits presented to any Court or officer, nor to proceedings before an arbitrator."

This clause specifies where the Act applies:

- All judicial proceedings in courts,
- Courts-martial (military courts),

But it does not apply to:

- Affidavits submitted to courts or officers (as affidavits are usually treated as self-contained evidence unless challenged),
- Proceedings before arbitrators (who follow different rules, typically as per Arbitration and Conciliation Act).

Affidavits - Not Evidence under the Evidence Act (BSA)

1. Affidavits are not "evidence" under Section 3 of the Indian Evidence Act unless specifically allowed by law.
2. They are governed by Order 19 of the Civil Procedure Code (CPC), 1908.
3. An affidavit is acceptable as evidence only if the court permits it under Order 19 Rule 1 or 2 CPC and there is sufficient reason to do so.
4. An affidavit filed voluntarily (suo motu) or in one's own favour is not enough to prove facts or obtain relief.
5. The main reason affidavits are not accepted as normal evidence is that the person who made the affidavit cannot be cross-examined unless directed by the court.

Conclusion:

- The Indian Evidence Act does not apply to affidavits and arbitration.
- Affidavits are not evidence unless:
 - ✓ The court permits it by a specific order under CPC, and
 - ✓ The law expressly allows proof by affidavit.
- Therefore, affidavits alone cannot prove facts in court unless supported by legal authority or further oral evidence

Section 2: Definitions

"Means" and "Includes" in Legal Definitions

- Whenever the words "mean" and "includes" are used in a definition, it indicates that the definition is exhaustive and strictly binding.
- No other meaning can be assigned to the expression apart from what is specifically laid down in the definition.
- It provides an exhaustive explanation of the meaning, which must be strictly applied for the purpose of the Act.

(1) In this Adhiniyam, unless the context otherwise requires,

Clause (a) – “Court”

(a) ‘Court’ includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence;"

This definition is an inclusive one—meaning it adds to the ordinary meaning of the term “Court”, rather than restricting it.

It clarifies that for the purposes of this Act:

➤ **“Court” includes:**

- ✓ All Judges (including District Judges, Civil Judges, Sessions Judges, etc.),
- ✓ All Magistrates (Judicial Magistrates, Executive Magistrates where relevant),
- ✓ All persons legally authorised to take evidence, such as:
 - Commissioners appointed under CPC to record evidence,
 - Officers conducting inquiries under specific statutory powers,
 - Commissions of inquiry or tribunals, if they are legally empowered to take evidence.

➤ But expressly excludes:

- ✓ Arbitrators, even though they may take evidence during arbitration proceedings.

Why arbitrators are excluded?

Because arbitration proceedings are not considered judicial proceedings under the Act. Arbitrators function under the Arbitration and Conciliation Act, 1996, and follow a different evidentiary standard, often flexible and not bound by strict rules of evidence under this Act.

Clause (b) – “Conclusive proof”

(b) "Conclusive proof' means when one fact is declared by this Adhiniyam to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it;"

This clause defines what is meant by “conclusive proof” in the context of the law of evidence.

1. Conclusive Proof = Legal Finality
2. When the law declares that fact A is conclusive proof of fact B, then:
 - ✓ Once fact A is proved,
 - ✓ The Court must accept that fact B is also proved,
 - ✓ No contrary evidence is allowed to challenge fact B.
3. Binding on Court: The Court has no discretion to question or permit any rebuttal against the second fact once the first is proved.

Example:

Suppose the law says:

"A registered birth certificate is conclusive proof of the date of birth."

Then:

- Once the registered birth certificate is produced in court,
 - The date of birth stated in it must be accepted as final truth,
 - No party can introduce evidence to show a different date of birth
- Conclusive proof = Irrebuttable presumption.

Clause (c) – “Disproved”

“‘Disproved’, in relation to a fact, means when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.”

This clause defines what it means to say a fact is “disproved” in legal proceedings.

There are two ways a fact can be ‘disproved’:

1. The Court positively believes the fact does not exist, OR
2. The Court finds the non-existence of the fact so probable that:
 - ✓ A prudent person (a reasonable person using ordinary care and judgment),
 - ✓ In similar circumstances, would act on the assumption that the fact does not exist.

Example:

Suppose a person claims: "He was present at the place of incident."

To disprove this, the opposing party may produce:

- CCTV footage showing he was elsewhere,
- Travel logs,
- Witnesses testifying, he was not there.

If the Court:

- Believes he was not there, or
- Finds it highly probable that he was not there to the extent that a prudent man would act on that assumption, then the fact “he was present at the scene” is said to be disproved

Clause (d) – “Document”

“Document’ means any matter expressed or described or otherwise recorded upon any substance by means of letters, figures or marks or any other means or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter and includes electronic and digital records.”

This clause provides a broad and inclusive definition of what constitutes a “document” for the purposes of evidence law.

Essential Elements:

A document means:

1. Any matter (information, idea, communication),
2. That is:
 - ✓ Expressed (clearly stated),
 - ✓ Described, or
 - ✓ Otherwise recorded
3. On any physical or non-physical substance (like paper, digital media, etc.),
4. By:
 - ✓ Letters (e.g., written text),
 - ✓ Figures (e.g., numbers, codes),
 - ✓ Marks (e.g., signatures, symbols),
 - ✓ Or any other means (e.g., biometric records, QR codes),
 - ✓ Or a combination of these,
5. With the purpose or possibility of being used to record that matter.

Inclusion of Modern Records:

- The definition expressly includes:
 - ✓ Electronic records (e.g., emails, PDFs, scanned copies, Word files),
 - ✓ Digital records (e.g., blockchain entries, cloud data, mobile messages, CCTV footage, etc.).

Clause (e) – “Evidence”

“Evidence” means and includes

- (i) all statements including statements given electronically which the Court permits or requires to be made before it by witnesses in relation to matters of fact under inquiry and such statements are called oral evidence;
- (ii) all documents including electronic or digital records produced for the inspection of the Court and such documents are called documentary evidence.

Inclusive Definition:

The phrase “means and includes” shows that this is an inclusive definition—broad enough to encompass both traditional and modern forms of evidence.

Sub-clause (i): Oral Evidence

- All statements made by witnesses in Court,
- These may be given physically or electronically (e.g., via video conferencing),
- Must be permitted or required by the Court,
- Must relate to matters of fact under judicial inquiry.

Such statements are termed as: *Oral Evidence*.

Example: A witness testifying in court about what they saw during a crime, or testifying remotely via video call.

Sub-clause (ii): Documentary Evidence

- All documents, including:
 - ✓ Physical (paper-based) documents,
 - ✓ Electronic records (emails, PDFs, audio files),
 - ✓ Digital records (cloud documents, blockchain entries, chat transcripts),
- These must be produced before the Court for inspection.

Such materials are termed as: *Documentary Evidence*.

Example: A sale deed, a WhatsApp chat screenshot, CCTV footage, or a digital invoice presented to the Court

Evidence

- Evidence means testimony (whether oral, documentary, or real) that may be legally received to prove or disprove some facts in dispute.
- It also includes the content of that testimony.

What Does NOT Constitute Legal Evidence?

- The result of an investigation is not legal evidence.
- FIR is not a substantive piece of evidence.
- Confession of a co-accused is not considered evidence.

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- Statement recorded under Section 313 CrPC/351 BNSS is not evidence.
 - Evidence given in one case cannot be used in another case if different issues are involved. However, parties may agree that evidence taken in one suit shall be treated as evidence in another suit.
 - Affidavit is not evidence unless specifically permitted by law.

Case Laws on Definition of Evidence

- **State of Maharashtra v. Prafull B. Desai (2003 SC)** – The Supreme Court held that the words "means and includes" suggest that the definition of evidence is exhaustive.
- **Nardeep Singh v. State of Punjab (2014 SC)** – The Court reaffirmed that the definition of evidence is exhaustive.

Circumstantial Evidence

- One of the established principles of law is that a witness may lie, but circumstances do not.
- Direct ocular (eye-witness) evidence is not necessary to prove the identity of the person behind a crime.
- Guilt can be proved through circumstantial evidence as well.

Distinction Between Direct and Circumstantial Evidence

- There is no fundamental difference between direct evidence and circumstantial evidence.
- The only difference lies in the mode of proof:
 - ✓ Direct evidence directly establishes the commission of the offense.
 - ✓ Circumstantial evidence establishes the offense indirectly by presenting circumstances that lead to an irresistible inference of guilt.
- However, conviction based purely on circumstantial evidence requires a cautious approach.

Case: Sharad Birdhichand Sarda v. State of Maharashtra (AIR 1984 SC 1622)

Justice S.M. Fazal Ali laid down the conditions that must be fulfilled before a case based on circumstantial evidence can be fully established:

Five Golden Principles:

- The circumstances must be fully proved.
 - ✓ Each fact or circumstance used against the accused must be clearly established.
- All the facts must point only to the guilt of the accused.
 - ✓ The chain of evidence must lead to one conclusion only – that the accused is guilty.
- The circumstances must be conclusive in nature.
 - ✓ The evidence must be strong enough to rule out any other possibility.
- All other possible explanations must be ruled out.
 - ✓ If there is any other reasonable explanation, then the accused cannot be convicted.
- The chain of evidence must be complete.
 - ✓ There should be no missing links in the chain of evidence — it must connect the accused with the crime without any gaps