



Research Ambition: An International Multidisciplinary
e-Journal
ISSN: 2456-0146
publish2017@gmail.com
Welfare Universe
India

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Verma, Ashish

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Research Ambition: An International Multidisciplinary e-Journal, vol. 7, núm. 1, 2022

Welfare Universe, India

Disponible en: <https://www.redalyc.org/articulo.oa?id=703973446001>

DOI: <https://doi.org/10.53724/ambition/v7n1.02>



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Test Identification Parade's Purpose And Evidentiary Value Under Indian Law

Ashish Verma
Ambedkar Law University, India

Keywords: Test Identification Parade, Crime , Identification , Accused, Eye-witness

Introduction

Test Identification Parade can be a useful method within an investigation and with due process is often accepted as evidence or as confirmation within a court of law. The primary goal is to verify and reinforce the witness's existing substantial evidence in court. The Test cannot be considered if the witness is unable to name the accused and can only identify him based on his outward appearance. The test identification parade is used to assess the witness's honesty and ability to recognize unknown people. The confirmative or substantive value of the Test Identification Parade is unquestionable, and its use as substantial evidence or key evidence is ruled out. As proof, the test identification is purely corroborative and secondary.

Test Identification Parades are governed by Section 540–A of the Code of Criminal Procedure, 1973 and Section 9 of the Indian Evidence Act, 1872. There is nothing in the Code of Criminal Procedure that allows the investigating agency to arrange a parade or gives the accused the right to demand one. Section 162 of the Code of Criminal Procedure effectively governs these parades. Also, in the case of **Rajesh and Anr v. State of Haryana**, the Court held that refusal of trial identification parade cannot be a ground for conviction.

Test Identification Parade's Purpose

At the request of the investigative agency, test identification parades are held. It is utilized to assess if the suspect or accused of the horrible crime is innocent or guilty. Witnesses who claim to have seen the accused at the time of the crime are subjected to this test.

It is important to conduct a Test Identification Parade so that the witness can be confident in their suspicions about the inmate who committed the crime and so that the investigating officer can be confident that the person they saw is the one who has been charged. This was the case in *State of Maharashtra v. Suresh*.

The prosecution claimed to be an eye witness in the case of **Rajesh and Anr v. State of Haryana**, however they were not present when the

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Multidisciplinary e-Journal, vol. 7, núm.
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Recepción: 10 Abril 2022
Aprobación: 15 Mayo 2022

DOI: <https://doi.org/10.53724/ambition/v7n1.02>

Redalyc: <https://www.redalyc.org/articulo.oa?id=703973446001>

crime occurred. Also, because they knew each other before to the case, the appellant refused to participate in the Test Identification Parade.

Value of Evidentiary Information

The parade is an important part of the investigation for both the prosecution and the accused, but it cannot be considered as important substantial or primary evidence, and conviction cannot be based solely on the results of the trial identification parade; in order to convict, the witness must be identified in court. And because the same person who is identified in the parade is also identified in the court, there is no added value.

Not a Substantial Evidence: Test Identification Parade

Because it just ensures that the inquiry is proceeding in the right direction, the Test Identification Parade is not a substantial or key evidence. The parade held during the investigation cannot be regarded important or primary evidence, and guilt cannot be based just on the results of the test identification parade; in order to convict, the witness must be identified in court. And because the same person who is identified in the parade is also identified in the court, there is no added value. The Honourable Supreme Court of India held in the matter of **State of Andhra Pradesh v. K. Venkata Reddy**, that a witness's statement in a court of law is substantive testimony, whereas the witness' identification in the TIP is only confirmatory of the testimony presented in the court of law.

Also, if a suspect refuses to participate in the Test Identification Parade, the refusal cannot be used to prove his or her guilt, and if it is, it will be of secondary relevance. The Honourable Court stated in the case of **Rajesh and Anr v. State of Haryana**, that "the identification in the course of a Test Identification Parade is intended to offer certainty to the accused's identity". The reluctance of the accused to participate in an identification parade cannot be used solely to establish guilt. In this case, the appellants or accused, Rajesh Sarkari and Ajay Hooda, were convicted of a crime primarily under Section 302 of the Indian Penal Code, together with a co-accused, Pehlad Singh alias Harpal, and were sentenced to life imprisonment. The charge was that the complainant's son, Sandeep, was murdered by shooting rounds at him. The accused, enraged, filed appeals, and additional facts were revealed in this particular appeal. The prosecution's depositions had numerous contradictions, which were clearly visible. The topic of Test Identification Parade was addressed in the second section of the judgments. An adverse inference should be drawn against the appellants for refusing to submit themselves to a Test Identification Parade, the prosecution argued. The appellants stated that the deceased's refusal to undergo Test Identification Parade stemmed from the fact that the deceased and the accused knew each other prior to the incident.

Taking all of the factors into account, the Apex Court concluded that “identifying during a Test Identification Parade is designed to offer assurance to the accused’s identity”. The reluctance of the accused to participate in an identification parade cannot be used solely to establish guilt. As a result, a refusal to participate in a Test Identification Parade is of minor value, if at all, and cannot stand alone in the absence of being a substantive or key piece of evidence.

During **Rajesh Govind Jagesha v. State of Maharashtra.**, the judiciary gave this consideration based on the facts that, despite the **Endnotes**

interval in the Test Identification Parade, the primary evidence of all the accused proved the common intention and guilt of all the members who were involved in the crime, and the counsel's argued that the person was not identified according to the description could not be accepted because all the contrary evidence proves otherwise.

Conclusion

A test identification parade has been used in India for hundreds of years, and it actually helps speed up the investigation and solve crimes faster, but it is not a significant piece of evidence and is only used as a backup. To sum up, Test Identification aids investigating agencies and is an important element of the inquiry, but it is not primary evidence in court.

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