

**INTERNATIONAL JOURNAL OF LAW**  
**MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

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**Volume 4 | Issue 3**

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**2021**

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# A Study on Supreme court Decision on Stock Witness

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## ABSTRACT

*This paper mostly centers around the legitimacy of the stock witnesses in the courtrooms, particularly on account of Supreme Court of India. As a matter of first importance, get the idea clear about the face certainty what stock witness really is. However, before that likewise, what is an observer or who is skillful to be acceptable to be an observer? Section 118 of the Evidence Act expresses the people who can be a witness. The court recognizes all skilled people who can affirm with legitimate information on the wrongdoing. There are limitations set in thought by the court on the individuals who are awkward in understanding the inquiries put to them, these include:*

- *by delicate years as in tender age;*
- *extreme mature age;*
- *disease, regardless of whether of body or mind, or some other reason for a similar kind.*

*The state of the observer doesn't limits him from affirming yet his inadequacy to comprehend the inquiries or answer judiciously in light of current realities of not knowing current realities of the case avoid him from being an observer.*

*A Stock Witness is an individual who is at the back and call of the police. He obliges police with this changed attestation. Such an observer is utilized by the police in strike or the assault cases. Such onlookers are especially disfavored by the adjudicators or the delegated specialists. Whenever it is shown that a specific observer audited by the analyst is a stock passerby of the police, the court would be maintained in disposing of his disclosure. Regardless, that in itself isn't sufficient to misshape the whole arraignment case. In such a case, it is the responsibility of the court to disregard the insistence of the stock observer and to check whether the additional arraignment affirmation is sufficient to help the conviction of the charged or the censured. Under area 3 of Evidence Act first the terms Fact, Relevant Fact and Fact in issue are portrayed in respect of the verification and later when it will in general should be illustrated, discredited and not showed is inspected. In like manner, while enjoying confirmation in respect of any reality, significant fact and the truth in issue, the Court needs to give its anxious idea towards the specific real factors of the case. There may be a couple of real factors for a circumstance under the careful gaze*

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*of Court and among it some may be significant or some may be reality in issue. The Court needs to at first learn current real factors, by then it needs to check whether they are critical and thereafter whether they are truly in issue. In the wake of finding this, the Court will examine the truth and later by applying rules of confirmation Court needs to see that whether those truths are illustrated, refute or not illustrated.*

**Keywords:** *Stock witness, examiner, police, relevant fact, adjudicator.*

## I. INTRODUCTION

Witness is an individual who observes any demonstration or arrangement of acts or a scene occurring. An observer might be any individual who can see a reality through his detects. An able witness may see any demonstration from his eyes or ears or smell or sensation or contact or some other sensible mode. According to section 118 of the Indian Evidence Act, an equipped witness is one who has the limit and capacity to comprehend the inquiries put to him by the court. In the event that he has the comprehension of inquiries and the capacity to offer normal responses, at that point he is a skillful observer. There are several types of witnesses namely:

1. Interested witness
2. Related witness
3. Stock witness
4. Official witness
5. Eye witness
6. Chance witness

Here, we will especially be discussing the stock witness accordingly. The word stock methods something which is put away or kept in for later use according to the accessibility on coming. Stock witness is an individual who stays at the back foot of police and comes in front according to headings of police. Their declaration isn't truly dependable and convincing, and the court consistently selects not to remain on his declaration. Such witness are exceptionally disfavored or dismissed by the adjudicators.

Appreciation for proof involves insight and information on human issues. It is a fragile errand to be completed by Judges for gauging proof and drawing surmisings. Each cases presents its own idiosyncrasies. Sound judgment and smoothness are additionally important for the devices.

It is the court's obligation not to depend on or think about the declaration of a stock observer or witness. The court should make potential endeavors to support the indictment case on

different bits of proof, barring stock observer proof. For example, take up an example, A works for the police as an observer to the wrongdoing. In the event that a wrongdoing happens and the police or indictment doesn't have any solid observer to help their case, at that point the police may welcome A for giving declaration for arrangement that he saw blamed perpetrating a wrongdoing or some other declaration against the denounced. Such sorts of witnesses are by and large arraignment supported observers, which is very consistent with be and judges don't think about a lot to such stock witness. There are a few cases where there has been a stock observer held by the police and let us see some of them in detail.

#### **(A) Prem Chand (Paniwala) v. Union of India and Others**

Date: November 11, 1980; Court: Supreme Court of India, the judgement was given by VR Krishna Iyer and R.S. Pathak and O. Chinappa Reddy JJ. There was a famous quote from Justice VR Iyer "Who will police the police" Is freedom of movement unreasonably fettered if police men are given powers to deter for the public peace? This case was mainly based on the golden triangle rule of the Indian Constitution namely Article 14, 19 and 21. There comes a question, why do policemen Stockpile the witnesses, which are known as stock witnesses? Well, for some easy money or to make the case easier for the petitioner or what?

Not only this case but the other as well, The Supreme Court highly disbelief and discredits upon the stock witnesses as they are not reliable as other witnesses which are complete such as related witness, eye witness, official witness. According to the observations made in this case, policemen should not remain inactive but rather do their duty so as to resist jeopardy in the cases.

#### **(B) Ramesh Kumar v. State of Himachal Pradesh**

The eminent jurists on the side of verdict were Kamlesh Sharma and RL Khurana JJ. Justice RL Khurana upon this case: As the person was accused in the narcotic drugs and psychotropic substances act 1985, the person had to go for a rigorous imprisonment of 10 years and a fine of Rs. 1 lac. In default of the non-payment of fine, the person had to go for imprisonment for one more year. Independent witnesses did not joined during the investigation and hearing of the case and only stock witnesses show up on the case. No evidence was laid by the accused and for that matter, in the absence of evidence, it could not be proved that the stock witness provided by the policemen will be a reliable one and hence the appeal was dismissed.

Many more cases like this are based upon the credibility of a stock witness and we are here to look particularly about the validity of a stock witness in the Supreme Court of India.

**Let us see now cases related to incident of threats to a witness:**

## **1. Vyapam Case**

A clinical selection examination was uncovered in Madhya Pradesh in 2013 where 13 selection tests were directed for admission to different expert courses. The up-and-comers who applied for the assessments were supplanted by exemplary clinical understudies or clinical professionals mimicking as competitors in return of money related advantages. The exploring officials that were associated with the situation alongside the informants on whose data the examination was completed gotten dangers from those implied in the trick. Around 23 informants while getting subtleties of the trick. These informants are secret analysts of police specialists that are depended with giving subtleties of any criminal behavior being completed in their neighborhood. For this situation, these informants would have been introduced in court as witnesses yet they were executed prior to anything could be affirmed in court.

## **2. Asaram Bapu Case**

Self presenting godman, Asaram Bapu dwelled in his ashram as a fan to god and courier of heavenly powers on the Earth. He was blamed for a few assault charges by the ones who visited him for supplications however were rather constrained into accommodation by him for sexual blessings. The observers for the situation included every one of the ones who were assaulted by him. These observers got dangers by his men alongside his adherents. The exploring officials were likewise taken steps to stop the examination or would be exposed to desperate results.

### **(A) Research Question**

What is the level of credibility of a stock witness in a case in India, especially in the case of Supreme Court of India?

### **(B) Research Problem**

Why the stock witnesses are not used in the cases more often as other type of witnesses are used there in the cases such as eye witnesses or official witnesses?

### **(C) Hypothesis**

It is to be looked upon that how the stock witnesses can play a crucial role upon deciding upon a case and how they help policemen in the investigation of a case.

### **(D) Methodology**

The research method used in this research paper is doctrinal research method.

It is a theoretical study where mostly secondary source of data is used to seek answer one or

two legal propositions or questions or doctrines.

### **(E) Literature review**

For this paper, I have mainly looked upon the online blogs and journals so as to find the materials for the same. Upon any sort of discrepancy or doubt, the professor helped me a lot so as to know what am I doing and how to write this paper further. However, the research proved the hypothesis to be wrong and it can be said that the stock witnesses cannot be trusted by the legal luminaries in the court and admissibility of stock witnesses are highly doubted even today.

## **II. WHO IS A WITNESS?**

The witnesses are a crucial part of a criminal case with their testimony or sworn evidence being the major proof in favour of or against the accused providing a fair judgement delivered on the principle of justice. The Indian Evidence Act 1872 provides certain provisions as to the persons capable of testifying in court of law and its admissibility. It has been tried to do extensive research based article on the information of the provisions on witnesses in the Indian Evidence Act, 1872. Now, we will look upon the different types of witnesses in detail:

1. Prosecution witness – Any witness who has been brought into the court to testify by the prosecution while supporting their claims.
2. Defense witness – Any person who justifies the contentions of the defence by providing such statements that can discharge the accused from any charges filed.
3. Eye witness – Any person who helps the court by describing the acts committed on the crime scene with complete authenticity as it was present there and has first hand information.
4. Expert witness – Any person who has the professional, educational or judicial expertise on the matter beyond any average individual, and the court can rely on its testimony to declare a verdict.
5. Hostile witness – Any person who by his consequent statements gives out an impression of not letting out the truth or not desirous of hiding the truth.
6. Child witness – A child who has the understanding of the questions of the court or has the rational answers to the questions put forward can testify in a court as per section 118 of Indian Evidence Act.
7. Dumb witness – Any person who is not capable of giving oral statements can be allowed to provide statements in written declaratory form in the court. Such written statements shall be deemed as oral evidence.

8. Chance witness – Any person who by the matter of coincidence happens to be present at the site of crime committed.
9. Accomplice witness – Any person who was connected to the crime in its illegal commission or omission provides the statements in the court.
10. Interested witness – Any person who has some interest in the case or its verdict in order to extract some material benefit out of it.

#### **(A) Attorney-Client Privilege:**

Section 126 of the Evidence Act restricts the legal advisor from disclosing any communication, documents or anything else with his client. The provision only states about any person in the capacity of legal advisor barred from sharing his/her confidential details. This privilege is applicable to all the communications, either documentary or oral.

Section 127 of the Evidence Act extends the ambit of section 126 by including all other people employed by the legal advisors into the restrictions mentioned in the previous section.

Section 128 acts as the waiver for the client to avoid providing any information unless it is its own will to produce such information, calling the counsel as a witness.

### **III. WHAT IS A STOCK WITNESS?**

A Stock Witness is a person who is at the back and call of the police. He obliges police with this tailored sworn evidence which means eventually being a part and parcel of police's words and usually seen as a puppet of the police. Such a witness is used by the police in raid cases most often. Such witnesses are highly disfavoured by the adjudicators.

Once it is proved that a certain witness examined by the prosecution is a stock witness of the police, the court would be justified in discarding his testimony. But that in itself is not enough to falsify the entire prosecution case. In such a case, it is the duty of the court to move aside the sworn evidence of the stock witness and to see if the remaining prosecution evidence is enough to sustain the conviction of the accused, which is quite fair and well understood that only the stock witness cannot decide the whole case to be falsified.

### **IV. ADMISSIBILITY OF STOCK WITNESS IN SUPREME COURT AS WELL AS THE HIGH COURT CASES**

By far we have seen in the cases, a stock witness is someone who is looked upon as a puppet of policemen by the eyes of adjudicators in a case. It is so because the judges really need fool proof evidence upon which they can rely and justice can be served but if the witnesses are biased, as in the case of stock witnesses produced by the police then it might happen that case

will become one sided and might not serve the purpose of fair justice.

## **V. SCOPE AND OBJECTIVES**

There is a lot of scope in this paper because many of the people mainly do not know about the fact that what a stock witness is, how to go about with it and what is the relevance of him/her in deciding of a case?

The objective of this paper is to give a basic understanding of what actually a stock witness is how to go about with the credibility and truthfulness upon him/her?

## **VI. CONCLUSION**

To close my work, I might want to say that from the perspective of criminal statute and reasonable serving of the finishes of equity, it is critical to know the essential parts of the confirmations and overall sets of laws. A criminal case requires confirmation of the observers who have the direct data of the wrongdoing to make up for the shortcoming of the examination cycle and facilitate the undertaking of the legal executive in administering equity. The Indian Evidence Act 1872 gives arrangements concerning who can be an observer and what could be the acceptability of confirmations, sworn proclamations of a wide range of witnesses. The nature of witness is kept absurd and need for a specific observer insurance plot has been distinguished considering the significance of the observers and the dangers they are exposed to. There is a desperate need of security of observers in India in order to urge the observers to deliver declaration in the court without the dread of being murdered or tormented while helping the court in choosing the case.

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