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## Circumstantial Evidence in criminal law

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### INTRODUCTION

In criminal trials, evidence plays a very important part to make sure justice is provided, as it supports the argument that backs your case, ammunition for a legal argument, refutes the statement of the opposing side, allows the defendant to move beyond mere statements. One of the primary reasons why evidence is important in court is its role in ensuring fairness and justice. Evidence is like the backbone of a court case. It provides the support and strength needed to prove or disprove a legal claim. Without it, the case may crumble like a house of cards.

Evidence includes all the oral statements made before court by the witnesses and all the documents including the electronic and digital records, use to prove or disprove facts and claims and determine guilt or innocence<sup>1</sup>. While evidences like eyewitness testimony are the direct evidences but this is not always available and possible so in such situations courts mostly go for circumstantial evidence which are considered as indirect evidences.

Circumstantial evidences usually sounds less reliable and weak evidence for conviction of a person, but some of conviction are done on the basis of circumstantial evidence whereas judiciary through the landmark judgement reinforced the reliability of circumstantial evidences and considers it significant for conviction, depending on chain of facts leads to conclusion or pointing towards guilt.

### UNDERSTANDING CIRCUMSTANTIAL EVIDENCE

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<sup>1</sup> Bharatiya Sakshya Adhinyam, 2023, § 2(e) (India)

In legal proceedings, oral and documentary evidence falls into two main categories - Direct and Indirect:

Direct Evidence, this type of evidence offers clear and conclusive proof of a fact without the need for interpretation. It is referred to as a fact that does not draw its inference from any other statement. And can be established on its own. Direct evidence works immediately supporting the truth without needing any further clarification or assistance. For example, eyewitness testimony is direct evidence it refers to first hand information that an individual obtains through their senses or personal perception<sup>2</sup>. Indirect Evidence, it establishes facts by presenting related but not directly conclusive facts. It relies on inference and deduction to support a conclusion, like an evidence indicating motive, opportunity, and actions surrounding a crime and circumstantial evidence is a type of indirect evidences

## **CIRCUMSTANTIAL EVIDENCE**

Circumstantial evidence doesn't directly prove the primary issue instead, it relies on deduction or inference<sup>3</sup>. It refers to that statement that helps in establishing the circumstances that are related to a particular piece of evidence. These circumstances should be fully proven and must be conclusive in nature. The concerned circumstances should be totally complete and should not have any gap in the evidence. Essential components of the circumstantial evidence:

1. The circumstance should be fully established.
2. The facts and information should be compatible with the circumstance or situation.
3. The circumstances must be convincing.

For example, evidence suggesting a person had a motive to commit murder, was seen with a weapon near the crime scene, and was later discovered with blood-stained clothing these all constitutes circumstantial evidence<sup>4</sup>.

In *Sharad Birdhichand Sarda Vs. State of Maharashtra*, (1984) 4 SCC 116, the bench of S. Murtaza Fazal Ali, A. Varadarajan and Sabyasachi Mukherjee, JJ laid down the following

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<sup>2</sup> Bharatiya Sakshya Adhinyam, 2023, § 55 (India).

<sup>3</sup> Pratishtha Mandal, All About Circumstantial Evidence, iPleaders Blog, <https://blog.ipleaders.in/all-about-circumstantial-evidence/>

<sup>4</sup> Evaluating Circumstantial Evidence in Trials: *Abdul Nassar v. State of Kerala* & Chain of Events, Supreme Court Observer, <https://www.scobserver.in/supreme-court-observer-law-reports-scolr/evaluating-circumstantial-evidence-in-trials-abdul-nassar-v-state-of-kerala-chain-of-events/>

five golden principles i.e. the panchsheel of the proof of a case based on circumstantial evidence

1. The circumstances from which the conclusion of guilt is to be drawn should be fully established.
2. The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.
3. The circumstances should be of a conclusive nature and tendency.
4. They should exclude every possible hypothesis except the one to be proved.
5. There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused<sup>5</sup>.

In the matter of *Nalini Singh Vs. State of Tamilnadu and 25 others*, it was held that the well-known rule governing circumstantial evidence is that each and every incriminating circumstance must be clearly established by reliable evidence. “The circumstance proved must form a chain of event” from which the only irresistible conclusion about the guilt of the accused can be safely drawn and no other hypothesis is possible<sup>6</sup>.

*Anant Chintaman Lagu Vs. The State of Bombay* (14 December 1959)<sup>7</sup> At the trial of a person for murder by alleged poisoning, the fact of death by poisoning is provable by circumstantial evidence, notwithstanding that the autopsy as well as the chemical analysis fail to disclose any poison; though the cause of death may not appear to be established by direct evidence, the medical evidence of experts and the circumstances of the case may be sufficient to infer that the death must be the result of the administration to the victim of some unrecognised poison or drug which acts as a poison, and a conviction can be rested on circumstantial evidence provided that it is so decisive that the court can unhesitatingly hold that the death was not a natural one.

## CONCLUSION

Circumstantial evidence is highly significant in the judicial process in the absence of direct evidence. Despite its indirect nature, if it is based on a chain of facts that are consistent,

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<sup>5</sup> *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) 4 SCC 116 (India).

<sup>6</sup> *State of Tamil Nadu v. Nalini*, (1999) 5 SCC 253 (India).

<sup>7</sup> *Anant Chintaman Lagu v. State of Bombay*, AIR 1960 SC 500 (India).

relevant, and conclusive against the person accused of committing a crime, it may serve as a strong base for conviction. The Indian judicial system has made some guidelines in order to maintain equity and avoid miscarriages of justice<sup>8</sup>. In the present-day environment, where the legal scenario and technology are constantly changing, circumstantial evidence still retains its significance.

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<sup>8</sup> S.S. Upadhyay, *Circumstantial Evidence & Its Appreciation*, [https://lawhelpline.in/wp-content/uploads/2024/01/Circumstantial\\_Evidence.pdf](https://lawhelpline.in/wp-content/uploads/2024/01/Circumstantial_Evidence.pdf)