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Assignment Topic :-

→ Probative Value of Evidence :-

Subject : English Jurisprudence

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=> Probative value of Evidence :-

i) Introduction :-

In the law of evidence, not all evidence carries the same weight. courts are concerned not only with whether evidence is admissible but also with how far it helps in proving a fact in issue.

ii) Define :-

Probative value refers to the abilty or capacity of a piece of evidence to prove or disprove a fact in issue. it determines how convincing and persuasive the evidence is in the eyes of the court.

=> Factors Affecting Probative value :-

-> Essential Elements of Probative value

1) Relevancy :-

Evidence must be logically connected to the fact is issue irrelevant evidence has no probative value

Exampel: In a murder case showing that the accused had a dispute with the victim is relevant -> High Probative value.

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2) Reliability :-
The trustworthiness of evidence is crucial.
⇒ Reliable evidence → high probative value
⇒ unreliable evidence → low probative value.
Example: scientific or forensic evidence is usually more reliable.

3) credibility of witness :-
The character, honesty and consistency of a witness affect the weight of evidence.
⇒ A trustworthy witness increase probative value.
Example :- A witness who gives the same statement repeatedly → High probative value
⇒ A witness who changed statement → Low probative value.

4) ~~Direct vs~~ Delay in Reporting :-
⇒ Unexplained delay (eg: in lodging FIR) create suspicion.
⇒ Delay may indicate fabrication or afterthought.
e.g ; Late reporting of a crime without reason reduce credibility.

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5) Authenticity of Evidence :-

Evidence must be genuine and properly proved.
forged or doubtful document have no Probative value.
e.g ; A false document can not be relied upon by the court.

⇒ Types of Evidence and their probative values :-

i) oral Evidence :-

Evidence given by witnesses in court (spoken testimony).
Probative value Depends on ;
→ Truthfulness of witness
→ Memory and perception.
→ consistency of statements.
e.g ; An eyewitness gives a clear and consistent account → high probative value.

ii) Documentary Evidence :-

Written or recorded documents is called Documentary Evidence.
(FIR, Letters, records)
it is permanent Less chance of manipulation.

e.g; A signed agreement produced in court.

iii) Direct Evidence :-

Evidence that directly proves a fact (e.g eyewitness)
probative value generally very high because it is directy relates to the issue.
e.g; Eyewitness said accused committing crime.

iv) Hearsay Evidence :-

Evidence based on what someone else said (not direct knowledge).
⇒ probative value is very low because it is not reliable.
exampel; A person says "I heard someone say the accused did it.

v) Primary Evidence :-

original document itself produced in court. very high probative value as it is direct and orignal proof.
e.g; original contract.

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vi) Secondary Evidence :-

copies or substitutes of a original documents. probative value lower than primary evidence. it accepted only in special circumstances. e.g ; photocop of document.

vii) Electronic Evidence :-

In electronic evidence Digital records includes like CCTV, call records, Email. probative value is very high if properly authenticated. Strong if verified and untampered. weak if altered.

4=) conclusion :-

The Probative value of evidence depends on multiple factors such as relevance, credibility consistency and corroboration. courts carefully analyze these factors to ensure that only reliable and convincing evidence is relied upon. ultimately, it is the quality

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and trustworthiness of evidence, not its quantity that determines the outcome of a case

