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TOPIC: PROBATIVE VALUE OF EVIDENCE

SECTION : 6TH (A)

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Probative Value of Evidence

1. Definition

The **probative value of evidence** refers to the **ability or capacity of a piece of evidence to prove something relevant in a court of law**. It measures how strongly the evidence supports a fact in issue.

According to John William Salmond:

Evidence is probative when it tends to establish the truth or falsity of a fact in issue.

In simple terms, **higher probative value = stronger proof**.

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2. Meaning in Law

- “Probative” comes from the Latin *probare* (to prove)
- It indicates the **weight, reliability, and persuasive power** of evidence
- Courts compare probative value against **prejudicial effect** before admitting evidence

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3. Kinds of Evidence Based on Probative Value

(a) Direct Evidence

- Directly proves a fact without inference
- Example: Eyewitness testimony
- **High probative value**

(b) Circumstantial Evidence

- Requires inference to connect to the fact
- Example: Fingerprints at a crime scene
- Probative value depends on the strength of the chain

(c) Real (Physical) Evidence

- Tangible objects (weapons, documents)
- Often highly reliable if authenticated

(d) Documentary Evidence

- Written or recorded material
- Includes contracts, emails, official records

(e) Oral Evidence

- Statements made by witnesses in court
- Value depends on credibility and consistency

(f) Expert Evidence

- Opinion of specialists (doctors, forensic experts)
- Important in technical matters

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4. Factors Affecting Probative Value

1. Relevance

- Evidence must relate directly to the fact in issue
- Irrelevant evidence has no probative value

2. Reliability

- Whether the source is trustworthy
- Authentic and verified evidence carries more weight

3. Credibility of Witness

- Honesty, consistency, and demeanor of the witness
- Cross-examination plays a key role

4. Corroboration

- Supporting evidence increases probative value
- Single unsupported evidence is weaker

5. Authenticity

- Whether the evidence is genuine and not fabricated

6. Chain of Custody

- Proper handling of physical evidence
- Breaks reduce probative value

7. Probability and Logic

- Courts assess whether evidence aligns with common sense and human behavior

8. Prejudicial Effect vs Probative Value

- Even relevant evidence may be excluded if it unfairly prejudices the jury

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5. Importance of Probative Value

1. Ensures Fair Trial

- Courts rely on strong evidence to deliver justice

2. Helps in Decision Making

- Judges evaluate which evidence is more convincing

3. Prevents Miscarriage of Justice

- Weak or misleading evidence is given less weight

4. Balances Justice and Fairness

- Protects accused from unfair prejudice

5. Foundation of Judicial Reasoning

- Judgments are based on evidence with high probative force

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6. Probative Value vs Admissibility

- **Admissibility**: Whether evidence can be presented in court
- **Probative Value**: How much it proves

Example:

- Evidence may be admissible but have **low probative value**
- Or highly probative but excluded due to legal rules

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7. Judicial Approach in English Law

English courts follow principles developed through **common law** and statutes:

- Evidence must be **relevant and reliable**
- Judges may exclude evidence if its prejudicial effect outweighs probative value

- Emphasis on **fairness and justice**

Key influence: Jeremy Bentham, who emphasized rational evaluation of evidence.

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8. Conclusion

The **probative value of evidence is central to the administration of justice**. It determines how effectively evidence proves a fact and influences judicial decisions. By evaluating relevance, reliability, and credibility, courts ensure that only strong and trustworthy evidence forms the basis of judicion .