

The trustworthiness  
of his evidence, he  
must be



**ASSIGN  
BUSTER**

The corroboration must be by independent testimony confirming in some material particulars, not only that the crime was committed, but also that the accused committed it.

It is not necessary to have corroboration of all the circumstances of the case or every detail of the crime. It is sufficient if there is corroboration as to the material circumstances of the crime and of the identity of the accused in relation to the crime. (Major E. G.

Barsay v. State of Bombay, A. I. R. 1961 S.

C. 1762) Problem: N sold certain goods to J, and charged a price above the controlled one. P, a constable, came to know about it. N paid some bribe to P to avoid suspicion. J came to know of the bribe and was paid rupees ten as hush money.

State whether J was an accomplice of either N or P. Ans: In view of the fact that J is an accessory after the fact, under the Indian Penal Code, he is not an abettor. But the Privy Council has held, in a number of cases, that for the purpose of ascertaining the trustworthiness of his evidence, he must be treated as an accomplice.

He is on the same footing as an accomplice, and his evidence is no better. The presumption of untrustworthiness equally attaches to his evidence and on the same principle as that of an accomplice. It would, therefore, be better to require corroboration. The Supreme Court has held, in Siddeshwar v.

State of W. Bengal, (A. I. R. 1958 SC 143), that a girl who is a victim of an outrageous act is, generally speaking, not an accomplice, though the rule of

prudence requires that the evidence of prosecutrix should be corroborated before a conviction can be based on it.