

Res Gestae

Res Gestae is a Latin term that translates to "things done" and refers to a legal doctrine used in the admissibility of evidence under Indian Evidence Law. This principle is encapsulated within Sections 6 to 8 of the Indian Evidence Act, 1872, which deal with facts forming part of the same transaction. The doctrine allows statements made by participants or witnesses during the course or immediate aftermath of an event to be admitted as evidence, under the premise that they are spontaneous and closely linked to the event itself, thereby offering reliability.

The Principle of Res Gestae

The essence of the Res Gestae rule is that it admits statements or exclamations made spontaneously by a person present at the action scene or closely connected to it. These statements are considered reliable as they are made without premeditation and during the excitement of the moment, thus minimizing the possibility of concoction or distortion. Indian courts have held that such statements provide direct insight into the events as they unfolded, making them crucial pieces of evidence.

Relevance under Section 6

Section 6 of the Indian Evidence Act explicitly covers this concept by stating that "facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places." This inclusion acknowledges that certain statements or actions, although not directly in issue, are inseparable from the main event and thus relevant for its understanding.

Examples

The application of Res Gestae can be best understood through illustrative cases where courts have allowed statements under this doctrine. For instance, spontaneous exclamations made by a victim during an assault, statements made by a bystander pointing out the direction the assailant fled, or even a victim's scream can be admissible under Res Gestae if they are contemporaneous with the events being described.

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Admissibility Criteria for Res Gestae

For evidence to be admitted under the doctrine of Res Gestae, it must satisfy certain criteria:

- Spontaneity and Contemporaneity: The statements or acts must be spontaneous and nearly contemporaneous with the main event to ensure reliability and prevent the possibility of concoction or distortion.
- Causality: There must be a causal connection between the statement or act and the event in question.
- Clarity: The statements should be clear and provide insight into the nature of the event, rather than introducing ambiguity.

