**Supreme Court Verdict Emphasizes Caution in Relying Solely on Dying Declarations for Convictions**

As per the settled law, though a statement made by a person who is dying is made exception to the rule of hearsay and has been made admissible in evidence under Section 32 of the Evidence Act, it would not be prudent to base conviction, relying upon such dying declaration alone

In Case of **HARIPRASAD @ KISHAN SAHU v. STATE OF CHHATTISGARH [CRIMINAL APPEAL NO. 1182 OF 2012]**The case in question involves an appeal filed by the accused challenging the High Court of Chhattisgarh's decision dated 09.02.2011. The High Court had upheld the Special Judge's conviction and sentence of the appellant under Section 302 of the Indian Penal Code, while acquitting him under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The charges were related to the death of Bisahu Singh on 23.07.2003, with the prosecution alleging that the appellant caused the demise by administering a herb-laced liquor. The Trial Court had imposed a life sentence and a fine.

The appellant contested the conviction, raising concerns about the lack of motive, the delay in filing the FIR (which was done over a year after the incident), and the overall insufficiency of evidence. In its analysis, the court addressed the delay issue, acknowledging valid reasons for it and emphasizing that delay alone couldn't be deemed fatal. The court also expressed reservations about the cause of death, highlighting the absence of a clear motive for poisoning. Furthermore, doubts were raised regarding the reliability of the chemical examination report and the credibility of the dying declaration. The court questioned the evidence concerning the appellant's opportunity to administer poison.

Ultimately, the court found the prosecution's case to be weak due to insufficient proof. Consequently, the appellant was acquitted, and the convictions and sentences imposed by the lower courts were set aside. This decision was based on a comprehensive examination of the evidence presented and a critical analysis of the various factors raised by the appellant in challenging the conviction.

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**Written by- Komal Goswami**