

Criminal trial - Dying declaration - Though a dying declaration is entitled to great weight, it is worthwhile to note that the accused has no power of cross-examination. Such a power is essential for eliciting the truth as an obligation of oath could be - This is the reason the Court also insists that the dying declaration should be of such nature as to inspire full confidence of the Court in its correctness - The Court has to be on guard that the statement of the deceased was not as a result of either tutoring or prompting or a product of imagination - The Court must be further satisfied that the deceased was in a fit state of mind after a clear opportunity to observe and identify the assailant. Once the Court is satisfied that the declaration was true and voluntary, undoubtedly, it can base its conviction without any further corroboration - It cannot be laid down as an absolute rule of law that the dying declaration cannot form the sole basis of conviction unless it is corroborated - The rule requiring corroboration is merely a rule of prudence.

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