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[Smt. Kamla v. State of Punjab](#) (1993) 1 SCC 1, Court held as follows:

“A [dying declaration](#) should satisfy all the necessary tests and one such important test is that if there are more than one dying declaration they should be consistent particularly in material particulars.”

[Kishan Lal v. State of Rajasthan](#) (2000) 1 SCC 310, Court held as follows:

“Examining these two dying declarations, we find not only that they gave two conflicting versions but there is inter se discrepancies in the depositions of the witnesses given in support of the other dying declaration dated 6.11.1976. Finally, in the dying declaration before a Magistrate on which possibly more reliance could have been placed the deceased did not name any of the accused. Thus, we have no hesitation to hold that these two dying declarations do not bring home the guilt of the appellant. High Court, therefore, erred in placing reliance on it by erroneously evaluating them.”

[Lella Srinivasa Rao v. State of A.P.](#) (2004) 9 SCC 713, Court had occasion to consider the legality and acceptability of two dying declarations. Noticing the inconsistency between the two dying declarations, the Court held that it is not safe to act solely on the said declarations to convict the accused persons.

[Amol Singh v. State of Madhya Pradesh](#) (2008) 5 SCC 468, Court interfered with the order of [sentence](#) noticing inconsistencies between the multiple dying declarations. It is not the plurality of the dying declarations but the reliability thereof that adds weight to the prosecution case. If a dying declaration is found to be voluntary, reliable and made in fit mental condition, it can be relied upon without any [corroboration](#) but the statement should be consistent throughout. However, if some inconsistencies are noticed between one dying declaration and the other, the Court has to examine the nature of the inconsistencies, namely, whether they are material or not and while scrutinising the contents of various dying declarations, in such a situation, the court has to examine the same in the light of the various surrounding facts and circumstances.

[State of Andhra Pradesh v. P. Khaja Hussain](#) (2009) 15 SCC 120, Court rejected the appeal filed against the acquittal holding that it was not a case where the variation between the two dying declarations was trivial in nature.

[Sharda v. State of Rajasthan](#) (2010) 2 SCC 85, Court has dealt with three dying declarations. Noticing inconsistencies between dying declarations, this Court set aside the sentence ordered by Sessions Judge as well as High Court and held as follows:

“Though a dying declaration is entitled and is still recognised by law to be given greater weightage but it has also to be kept in mind that the accused had no chance of cross-examination. Such a right of cross-examination is essential for eliciting the truth as an obligation of oath. This is the reason, generally, the court insists that the dying declaration should be such which inspires full confidence of the court of its correctness. The court has to be on guard that such statement of the deceased was not as a result of either tutoring, prompting or 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 assailants. Once the court is satisfied that the aforesaid requirement and also to the fact that declaration was true and voluntary, undoubtedly, it can base its conviction without any further corroboration.”

Tags: [Dying Declaration](#), [Multiple Dying Declarations](#)