

Principles governing dying declaration, which could be summed up as under as indicated in [Smt. Paniben v. State of Gujarat](#) (AIR 1992 SC 1817):

- (i) There is neither rule of law nor of prudence that dying declaration cannot be acted upon without corroboration. [[See Munnu Raja & Anr. v. The State of Madhya Pradesh](#) (1976) 2 SCR 764]
- (ii) If the Court is satisfied that the dying declaration is true and voluntary it can base conviction on it, without corroboration. [[See State of Uttar Pradesh v. Ram Sagar Yadav and Ors.](#) (AIR 1985 SC 416) and [Ramavati Devi v. State of Bihar](#) (AIR 1983 SC 164)]
- (iii) The Court has to scrutinize the dying declaration carefully and must ensure that the declaration is not the result of tutoring, prompting or imagination. The deceased had an opportunity to observe and identify the assailants and was in a fit state to make the declaration. [[See K. Ramachandra Reddy and Anr. v. The Public Prosecutor](#) (AIR 1976 SC 1994)]
- (iv) Where the dying declaration is suspicious, it should not be acted upon without corroborative evidence. [[See Rasheed Beg v. State of Madhya Pradesh](#) (1974 (4) SCC 264)]
- (v) Where the deceased was unconscious and could never make any dying declaration, the evidence with regard to it is to be rejected. [See [Kaka Singh v State of M.P.](#) (AIR 1982 SC 1021)]
- (vi) A dying declaration which suffers from infirmity cannot form the basis of conviction. [[See Ram Manorath and Ors. v. State of U.P.](#) (1981 (2) SCC 654)]
- (vii) Merely because a dying declaration does contain the details as to the occurrence, it is not to be rejected. [[See State of Maharashtra v. Krishnamurthi Laxmipati Naidu](#) (AIR 1981 SC 617)]
- (viii) Equally, merely because it is a brief statement, it is not to be discarded. On the contrary, the shortness of the statement itself guarantees truth. [See [Surajdeo Oza and Ors. v. State of Bihar](#) (AIR 1979 SC 1505)].
- (ix) Normally the Court in order to satisfy whether the deceased was in a fit mental condition to make the dying declaration looks up to the medical opinion. But where the eye-witness said that the deceased was in a fit and conscious state to make the dying declaration, the medical opinion cannot prevail. [[See Nanahau Ram and Anr. v. State of Madhya Pradesh](#) (AIR 1988 SC 912)].
- (x) Where the prosecution version differs from the version as given in the dying declaration, the said declaration cannot be acted upon. [[See State of U.P. v. Madan Mohan and Ors.](#) (AIR 1989 SC 1519)].
- (xi) Where there is more than one statement in the nature of dying declaration, one first in point of time must be preferred. Of course, if the plurality of dying declarations could be

held to be trustworthy and reliable, it has to be accepted. [See Mohanlal Gangaram Gehani v.State of Maharashtra (AIR 1982 SC 839) and [Mohan Lal and Ors. v. State of Haryana](#) (2007 (9) SCC 151).

[2009 SCeJ 003](#)