

Whether Conviction Can Rest On The Sole Testimony Of The Prosecutrix

Evidence of the prosecutrix, is ordinarily to be believed, and may form the sole basis for conviction, unless cogent reasons, for the court to be hesitant in believing the statement at its face value, and to seek corroboration thereof, exist.

Requirement of corroboration for prosecutrix evidence in the cases of sexual assault arises only when facts and circumstances of the case project 'prosecutrix' in the light of 'an accomplice'.

Prosecutrix evidence in cases of sexual assault is in itself sufficient for conviction, unless facts and circumstances of the case present her in the light of an 'accomplice'.

"Ordinarily the evidence of a prosecutrix must carry the same weight as is attached to an injured person who is a victim of violence, unless there are special circumstances which call for greater caution, in which case it would be safe to act on her testimony if there is independent evidence lending assurance to her accusation."

State of Maharashtra v. Chandraprakash Kewalchand Jain, (1990) 1 SCC 550

Caution required to be exercised by the trial court while dispensing with the need of corroboration, or even otherwise in deciding upon the sexual assault cases.

"What is necessary is that the court must be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of the charge levelled by her. If the court keeps this in mind and feels satisfied that it can act on the evidence of the prosecutrix, there is no rule of law or practice incorporated in the Evidence Act similar to Illustration (b) to Section 114 which requires it to look for corroboration.... if a prosecutrix is an adult and of full understanding the court is entitled to base a conviction on her evidence unless the same is shown to be infirm and not trustworthy. If the totality of the circumstances appearing on the record of the case disclose that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence".

State of Maharashtra v. Chandraprakash Kewalchand Jain, (1990) 1 SCC 550

see also : Prosecutrix Evidence, Sexual Assault, Sexual Assault - Corroboration