



Circumstantial Evidence in Criminal Jurisprudence: A Doctrinal Analysis of Principles and Digital Development

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ABSTRACT

Circumstantial evidence occupies a vital position in criminal jurisprudence, particularly in cases where direct evidences are unavailable or unreliable. Indian courts have consistently recognised that a conviction maybe sustained solely on circumstantial evidence, provided that the chain of circumstances is complete and excludes every reasonable hypothesis other than the guilt of the accused. This paper examines the concept and evidentiary value of circumstantial evidence, its significance in criminal trial, and the judicial principles governing its application under the Bhartiya Sakshya Adhiniyam, 2023.

Keywords: Circumstantial Evidence; Criminal Jurisprudence; Bhartiya Sakshya Adhiniyam, 2023; Digital Evidence; Judicial Principles.

INTRODUCTION

The concept of evidence forms the foundation of the judicial process, as courts rely on evidence to ascertain the truth of disputed facts and to administer justice. Circumstantial evidence refers to indirect evidence that does not prove a fact based on direct observation but enables the court to infer its existence from related facts and surrounding circumstances. It plays a crucial role in Legal adjudication because many facts cannot be established through eyewitness testimony or a single document. Instead, courts often rely on a series of interconnected facts that collectively point toward a particular conclusion. The strength of circumstantial evidence lies in its

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combined effect: while each individual circumstance may appear insignificant in isolation, together they can form a coherent and persuasive chain of reasoning that strongly indicates what actually occurred.²

From an evidentiary stand point, circumstantial evidence demands careful scrutiny by the courts, as any conclusion drawn from it must rest on logical reasoning and ordinary human experience rather than mere conjecture or suspicion. Both direct and circumstantial evidence are recognised as valid forms of proof, and their evidentiary value depends on the particular facts of each case and the reliability of the inferences that can be drawn. Consequently, circumstantial evidence occupies a significant role in both criminal and civil proceedings, particularly in situations where direct evidence is unavailable, insufficient, or lacks credibility (**Santos v. Providence, et al. 2009**).

Under **Section 2(1)(e)** of the **Bhartiya Sakshya Adhiniyam, 2023** (old section 3 of Indian Evidence Act, 1872), evidence is broadly classified into oral and documentary evidence. Oral evidence consists of statements made by witnesses before the court regarding facts that are under inquiry, while documentary evidence includes all documents and electronic records produce for the court's examination and consideration. These provisions establish the framework through which facts are proved and evaluated during legal proceedings.³

Bhartiya Sakshya Adhiniyam, 2023, which has replaced the Indian Evidence Act of 1872, largely retains the traditional understanding of evidence while modernising certain aspects to accommodate technological developments. The Act recognises the importance of relevance in determining admissibility, with **Section 2 (1)(k)**⁴ defining relevant facts as those that are connected to the facts in issue in a manner recognised by law. Thus, only evidence that bears the logical and legal relationship to the matter under consideration may be relied upon by the courts.

Indian evidentiary law generally recognises two principal forms of evidence: direct evidence and circumstantial evidence. Direct evidence refers to proof that establishes a fact in issue without requiring any further inference. Examples include eyewitness testimony, confessions, or documents that directly demonstrate the existence of a particular fact. Such evidence, if found credible and reliable, can independently prove the matter in question.

Circumstantial evidence, on the other hand, does not directly establish a fact but enables the court to infer its existence from a series of related circumstances. It operates through logical reasoning, where individual facts, when viewed collectively, forms a chain that points toward a particular conclusion. The probative value of circumstantial evidence depends upon the completeness and consistency of the chain of circumstances. Courts have repeatedly held⁵ that each circumstance must be firmly established and that the cumulative effect of all circumstances should lead to only one reasonable inference, namely the guilt or liability of the person concerned. Consequently, while direct evidence provides immediate proof, circumstantial evidence derives its strength from the interrelationship of proven facts and often plays a decisive role in cases where direct evidence is unavailable or unreliable.

The law of evidence does not provide an explicit statutory definition of circumstantial evidence. But the concept has developed mainly from judicial interpretations. Indian courts have consistently held that circumstantial evidence is valid and admissible if it forms a complete chain of events pointing only towards the guilt of the accused. The law does not require direct evidence in every case, as many crimes are committed in secrecy where no eyewitness is available.

² *Santos v. Providence, et al.* (2009). *Direct and circumstantial evidence* (Jury instruction, No. 09-CV-348S). United States District Court for the District of Rhode Island.

<https://www.rid.uscourts.gov/sites/rid/files/juryinstructions/generalcv/Smith%20EDIC.pdf>

³ Bharatiya Sakshya Adhiniyam, No. 47 of 2023.

⁴ Bharatiya Sakshya Adhiniyam, No. 47 of 2023.

⁵ *Hanumant Govind Nargundkar v. State of Madhya Pradesh*, AIR 1952 SC 343 (India).



IMPORTANCE OF CIRCUMSTANTIAL EVIDENCE IN CRIMINAL CASES

Circumstantial evidence plays a crucial role in criminal justice systems, especially in cases where direct evidence is unavailable. In many serious offences, such as murder, kidnapping, or conspiracy, crimes are committed in secrecy, leaving no eyewitness behind. In such situations, circumstantial evidence becomes the primary tool for proving the guilt or innocence of the accused. The importance of circumstantial evidence is highlighted in following points:

1. Essential in cases without eye witness.

One of the most important roles of circumstantial evidence is that it helps in proving crimes where no person has directly witnessed the offence. Criminal acts are often planned and executed in private, making direct evidence rare. In such cases, courts rely on surrounding facts like motive, last scene theory, forensic reports, and recovery of weapons to reach a conclusion.

2. Helps in reconstructing the crime.

Circumstantial evidence allows the court to reconstruct the sequence of events before, during, and after the crime. When all circumstances are connected, they help form a logical picture of what likely happened. This reconstruction is vital in understanding the role of the accused.

3. Strengthens prosecution in complex cases.

In modern criminal cases involving organised crime, cybercrime, or conspiracy, direct evidence is often unavailable or deliberately destroyed. Circumstantial evidence such as digital records, call data records, financial transactions, and forensic findings becomes extremely important in building the prosecution's case.

4. Recognised as valid legal proof.

Indian courts have repeatedly held that circumstantial evidence is not secondary or weak evidence. If it forms a complete and unbroken chain, it can be as strong as direct evidence and can independently lead to conviction. The supreme court upheld in *Sharad Birdichand Sarda vs. State of Maharashtra* that circumstantial evidence, if properly established, can be the sole basis of conviction.

5. Supports forensic and scientific advancements.

Modern criminal justice increasingly relies on forensic science, DNA analysis, fingerprint matching, CCTV footage, and digital evidence. All these are forms of circumstantial evidence that significantly improve the accuracy and reliability of investigations.

PRINCIPLES GOVERNING CIRCUMSTANTIAL EVIDENCE

Indian courts have consistently held that circumstantial evidence is admissible and can form the basis of conviction, but only when strict legal safeguards are satisfied. Since such evidences are indirect, courts insist on a complete and reliable chain of circumstances to avoid wrongful convictions. With the passage of time, judicial decisions have developed clear principles governing its use.

1. All circumstances must be fully and firmly established.

Each circumstance relied upon by the prosecution must be clearly proved and not based on suspicion or conjecture. The Supreme Court ruled in *Hanumant Govind Nargundkar vs. State of Madhya Pradesh*⁶ that in cases involving circumstantial evidence, each circumstance must be amply supported by credible evidence, and

⁶ *Hanumant Govind Nargundkar v. State of Madhya Pradesh*, AIR 1952 SC 343 (India).



the chain of circumstances must be comprehensive enough to rule out all plausible theories save the accused's guilt. The court further noted that legal proof cannot be replaced by suspicion, no matter how powerful.

2. Circumstances must be consistent only with the guilt of the accused.

The facts proved must point only towards the accused being guilty and not allow any reasonable alternative explanation. *Sharad Birdhichand Sarda vs. State of Maharashtra*⁷ is one of the most important cases on circumstantial evidence. The Supreme Court laid down the famous "five golden principles" (Panchsheel rules) in this case stating that:

- (a) The circumstances must be fully established
- (b) They must point only to the guilt of the accused
- (c) They must be conclusive in nature
- (d) They should exclude every possible hypothesis except guilt
- (e) There must be a complete chain of evidence

The court emphasize that if even one link in the chain is missing, the accused must be given the benefit of doubt.

3. Chain of evidence must be complete.

All circumstances together must form a continuous and unbroken chain leading only to the conclusion of guilt. The Supreme Court ruled in *Pramukh Maroti Kirkan vs. State of Maharashtra*⁸ that when a murder takes place inside the home, the prosecution may rely on circumstantial evidence, and if the accused does not provide a convincing defense, the court may form a negative conclusion. Nonetheless, the prosecution is still required to present a comprehensive series of events that clearly indicate the accused's guilt.

4. Circumstances must exclude or other hypotheses.

The evidence must rule out every possible explanation except the guilt of the accused. The Supreme Court reaffirmed in *State of UP vs. Ashok Kumar Srivastava*⁹ that where there are two plausible interpretations based on circumstantial evidence, the accused's perspective must be taken. The court further noted that the fact utilized by the prosecution must be such that they are incompatible with the accused's innocence and cannot be explained by any other plausible theory. This reinforces the principle of benefit of doubt in circumstantial cases.

5. Moral certainty is required, not mathematical certainty.

Courts do not require absolute certainty, but the evidence must create strong moral conviction of guilt. Moral certainty refers to high degree of assurance based on evidence, which convinces the court of the accused's guilt beyond reasonable doubt, though not with absolute mathematical certainty.¹⁰ The Supreme Court ruled in *Padala Veera Reddy vs. State of Andhra Pradesh*¹¹ that circumstantial evidence must completely support the accused's guilt and rule out all plausible theories other than guilt. The court explained that a strong sense of moral certainty regarding the accused's guilt must be established by the evidence, rather than mathematical certainty, in order to

⁷ *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) 4 SCC 116 (India).

⁸ *Trimukh Maroti Kirkan v. State of Maharashtra*, (2006) 10 SCC 681 (India).

⁹ *State of U.P. v. Ashok Kumar Srivastava*, (1992) 2 SCC 86.

¹⁰ Merriam-Webster. (n.d.). *Moral certainty*. In *Merriam-Webster Legal Dictionary*. Retrieved June 24, 2026, from <https://www.merriam-webster.com/legal/moral%20certainty>

¹¹ *Padala Veera Reddy v. State of Andhra Pradesh*, 1989 Supp (2) SCC 706



convict someone of a crime. This ruling is significant because it demonstrates that if the case of prosecution is strong and convincing, a conviction may be based on strong circumstantial evidence.

CIRCUMSTANTIAL EVIDENCE IN THE DIGITAL AGE

Circumstantial evidence and digital evidence often intersect in modern legal proceedings because both frequently operate by helping the court draw reasonable inferences from surrounding facts rather than by directly proving the fact in issue. In many cases, digital material such as call records, emails, text messages, social media activity, location data, CCTV footage, browsing history, and metadata becomes extremely important because it create a factual trail that can be examined, connected and interpreted in the light of other evidences.

A single digital record may not prove guilt, liability or intention on its own, but when it is read together with surrounding facts, it can form a strong and coherent chain of circumstances. For example, a phone call made at a particular time, a message sent before an incident, or location data placing a person near the scene may not be individually conclusive, yet these details may collectively support a version of events. This is why digital evidence has become a powerful supporting tool in circumstantial cases, especially where direct eyewitness evidence is absent, unreliable or incomplete. At the same time, courts remain careful about the authenticity, reliability, and integrity of digital records, because electronic material can be altered, deleted, or manipulated if not properly preserved.

As a result, the content of such evidence is not the sole factor that determines its evidentiary value; it also depends on whether it was collected legally, preserved appropriately, and persuasively connected to the pertinent events. Because it aids in reconstructing events, establishing conduct, verifying frameworks, and supporting inferences about intention, presence, or engagement, digital evidence has become a crucial component of circumstantial reasoning in modern litigation.

CONCLUSION

Circumstantial evidence is a vital component of criminal trials. It fills the gap left by the absence of direct evidence and helps courts arrive at the truth through logical inference. However, it's use must always be cautious, ensuring that the chain of circumstances is complete and consistent only with the guilt of the accused, so that justice is both effective and fair.