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Corpus Delicti: The Body of the Crime

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ABSTRACT

Corpus delicti means the body of the crime. The suspect over any crime is made on two-element actus reus and mens rea. The intention and the commission of crime successfully make the charges and punishment valid. These elements are basic to prove any crime. The guilty mind and act, both are essential components for proving corpus delicti. The principle of corpus delicti applied to prove the occurrence before conviction for commission of crime. For suspect and charges, evidence is must. The charges cannot filed without proper evidence and body. The absence of evidence goes with confession. The confession need fulfillment of components, lack of component, weaken the confession. The relevance and connection of corpus, crime, evidences admissibility of confession, fair trial, component of corpus delicti and related case laws will further discussed under this topic.

Keywords: *crime, corpus, evidences, confession, fair trial.*

I. INTRODUCTION

Every variety of crime has its own corpus delicti. The proof establishing the crime has happened. The corpus delicti means the body of the crime. The absence of corpus or body does not eliminate the crime or the accused from investigation or conviction. The visible situation and circumstances never ignore the compelling circumstantial evidences from raising in a case. There are other circumstances and last seen substances, proves the body of evidence beside evidences and admissible confessions. The component of actus reus and mens rea as guilty mind and act remains constant in commission on any such crime contrary to law.

The confession is inadmissible unless there is independent evidence to prove for a corpus delicti. There is responsibility of state to present all-reasonable evidences as proof, about the act committed before the admissible confession made as an evidence. The evidences and corpus is not the only ingredient to focus but there should be relation between literal and figurative association.

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In general, all corpus delicti requires at a minimum:

1. The occurrence of the specific injury; and
2. Some intentional, knowing act as the source of injury.²

The basic element of crime under corpus delicti are:

1. Mens rea
2. Actus reus
3. Concurrence
4. Causation
5. Legality and punishment
6. Necessary attendant circumstances

In absence of body in murder, the circumstantial evidences that generate must be beyond reasonable doubt to prove it before the court. In criminal law, in case of absence of corpus or direct evidences, the substantive evidences presented must be so clear and convincing that it prove and confirm the charges over the individual.

II. CORPUS DELICTI AND CONFESSION

Corpus delicti is important part in criminal cases or in its investigation. The evidences in any form plays a vital role for charging any individual under the crime. The independent evidence is important than confession for proving the corpus delicti. Contrary, if the confession is considerable, trustworthiness is established.

The proof of commission of crime well divided into three elements, proved beyond reasonable doubt:

1. The basic injury
2. The fact that the basic injury, committed by criminal rather than natural or accidental
3. The identification of the defendant as the perpetrator of the crime.³

The above first two element is about the crime and for its evidence. The confession alone without any considerable evidence would not be sufficient. There must be proof, independent

²Smt. ShaikFaizunnisa, Corpus Delicti, (July 02, 2020, 1:08 AM), <https://districts.ecourts.gov.in/sites/default/files/4-Corpus%20Delicti-by%20Smt%20Shaik%20Faizunnisa.pdf>.

³7 WIGMORE, EVIDENCE § 2072 (3d ed. 1940); see also 2 WHARTON, CRIMINALEVIDENCE § 640 (11th ed. 1935).

of confession, that a crime was committed.⁴ When confession made directly without any independent evidence, create the case trickier. The admissibility of any such confession is based on certain relevance evidence on basic of with confession is considered. The confession must relate the crime that occurred and its link with the circumstances and evidence of suspect.

The absence of body and absence of evidence does not mean without certain proof, blindly trust upon the random confession made by the individual. The basis of disrupt of confession is the possibility that the defendant may be mistaken in what he confess, either as to fact or as to the law.⁵ The sole confession without any independent evidence is not much into consideration and worthless. The admissible confession and circumstantial evidence guilty of fact make the case strong even in absence of body of crime.

In *Jones v. State*⁶, when there is absence of body, confession works as strong proof. The proof of corpus delicti and defendant confession helps to work as direct admission. This afforded as strong evidence of guilt.

III. CORROBORATION RULE

Section 134 of the Indian Evidence Act, 1872 states that ‘no particular number of witnesses shall in any case be required for the proof of any act’.⁷ The section clearly specify that, “evidence has to be weighted and not counted”.⁸

The corpus delicti does not entirely deal with dead body but about the body of the crime. Every offence has its corpus delicti. The defendant’s extra judicial statement could not use for evidence. The corpus delicti prohibit the prosecutor from proving any offence without reasonable evidence. The prosecution must establish the corpus delicti with corroborative evidence to secure a conviction.⁹

When any evidences collected and testified, its quality and worth matters. The evidence must justify the facts and circumstances to the case or crime. Any irrelevant or unwanted evidences will just create confusion to the case. The confession made must be admissible, false or threatened confession is inadmissible and weaken the case. If any person is incompetent

⁴PROOF OF THE CORPUS DELICTI ALIUNDE THE DEFENDANT'S CONFESSION, (July 2, 2020, 3:42 AM),

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=7720&context=penn_law_review.

⁵See generally BEST, EVIDENCE §§ 560-62 (3d Am. ed. 1908).

⁶*Jones v. State*, 701 N.E.2d 863 (Ind. App. 1998).

⁷Chapter IX, Section 134 of the Indian Evidence Act, 1872.

⁸*Aziz Bin Mohammad Din v. Public Prosecutor* (1999) 3 MLJ582.

⁹Black’s law Dictionary, 7th edition, 1999.

under the rules, court will not permit to testify.

In *State of Goa vs. Sanjay Thakran and Anr.*¹⁰, the court held that in absence of any corroborative piece of evidence to complete the chain of circumstances. The court cannot fasten the guilt on accused based on solitary evidences or circumstances.

IV. ISSUE OF NO CORPUS

Criminal law counsel, Amit Desai said, “If there is compelling evidence of murder, absence of dead body can’t prevent conviction”.¹¹

It is the sound principle of criminal jurisdiction that investigation and inquiry could not start against the person unless crime has established to be committed. In murder cases, the corpus delicti consists of proof of death of the person alleged to have been murdered and commission of crime has caused that such death¹². It has presumed that in case of no corpus, there is no crime. The absence of evidence, eliminate the crime and charges. While the principle of corpus delicti guides the integrity of the investigation and prosecution process, modern investigation techniques and evidence interpretation are enough to gain conviction in absence of a corpus.¹³ To charge some person for criminal act, the required elements must prove, the victim was murdered and the death was result of any criminal act.

The issue of no corpus is an important issue. The case can be proceeded without corpus even. The presence of evidence as of bloodstain, fingerprints, digital evidence, history of the victim etc. If investigation made and facts link, it create a conclusive circumstantial evidence that should be beyond reasonable doubt.

In *Karnataka v. M.V. Mahesh*¹⁴, the Supreme Court held that, even in the absence of corpus delicti, it is possible to establish an appropriate case about commission of murder with appropriate fact and evidences available to court beyond reasonable doubt.

In *Pirithi v. State Of Haryana*¹⁵, the court held the appellant guilty. The fact generated from the evidences establishes the commission of crime but there was absence of dead body. The prosecution witnessed the circumstances that the guilty party has taken it in a jeep due to which the body was untraceable thereafter.

¹⁰State of Goa vs. Sanjay Thakran and Anr. (2007) 3 SCC 755.

¹¹Swati Deshpande, Courts have ruled, if there is proof, body of victim not essential to prove murder, (July 02, 2020, 4:24 AM), <https://timesofindia.indiatimes.com/india/Courts-have-ruled-if-there-is-proof-body-of-victim-not-essential-to-prove-murder/articleshow/48737960.cms>.

¹²Jyoti Dogra Sood, Criminal Law, (July 3, 2020, (9:45 AM), http://14.139.60.114:8080/jspui/bitstream/123456789/4141/1/010_2010_Criminal%20Law.pdf.

¹³Content team, Corpus Delicti, (July 3, 2020, 10:38 AM), <https://legaldictionary.net/corpus-delicti/>.

¹⁴ Karnataka v. M.V. Mahesh, A.I.R. (2003) 3 S.C.C. 353.

¹⁵Pirithi v. State Of Haryana, (2010) 8 SCC 536.

In *Sevakaperumul v. State of Maharashtra*¹⁶, it held that, in trial of murder, the establishment of corpus delicti is not always necessary. The fact of death of the deceased must be present beyond reasonable doubt and like any other fact.

V. CULPABLE HOMICIDE AND CORPUS DELICTI

There is thin line difference between culpable homicide and murder that is intention. In homicide case, to prove the cause and charges is the tough act. In case of absence of body for medical examination and investigation make, it more complicated. The homicide accused is punishable for murder with the reason of destroying the body of the victim in order to avoid conviction and punishment. In cases where causation is straightforward, the case directly conclude. In case of damaging and manipulating the bead body, that is hard to discover the accused. Therefore, the court always observe the causation as question of fact, it is not always that straightforward. It is not always possible to leave the casual questions to common sense and logic.¹⁷

The common law and modern codes make certain concept clear that a person's deliberate blindness to the fact does not protect from being treated, as "knowing the facts".¹⁸ The person must discover the evidence beyond reasonable doubt except the admissible confession.¹⁹

In *Rishi Pal v. State Of Uttarkhand*²⁰, the court held that if the prosecution is successful in providing cogent and satisfactory proof of the victim having a homicidal death, the absence of corpus delicti will not by itself be fatal to charge of murder.²¹ In connection of circumstantial evidence, leaving the chain incomplete resulted in acquittal of accused.

In *Rama Nand and Ors. v. State of Himachal Pradesh*²², the Supreme Court held that the discovery of dead body as an evidence is never considered as a sufficient or the only evidence for proving corpus delicti.

VI. IMPORTANCE OF CIRCUMSTANTIAL EVIDENCE

The fact of crime having been actually committed.²³ Circumstantial evidence is the chain of

¹⁶*Sevakaperumul v. State of Maharashtra*, (1991)3 SCC 471.

¹⁷*Empress Carco. Ltd. v. National Rivers Authority* (1998)1 ALL ER 481 See also Paggett (1983)76 Cr. App. Rep. 279.

¹⁸Mens Rea, Modern culpability levels, (July 3, 2020, 1:52PM), [https://law.jrank.org/pages/1585/Mens-Rea-Modern-culpability-levels.html#:~:text=In%20place%20of%20the%20plethora,\(from%20highest%20to%20lowest\).](https://law.jrank.org/pages/1585/Mens-Rea-Modern-culpability-levels.html#:~:text=In%20place%20of%20the%20plethora,(from%20highest%20to%20lowest).)

¹⁹ *People v. Ochoa*, 966 P.2d 442 (1998).

²⁰ *Rishi Pal v. State of Uttarkhand*, A.I.R. 2013 S.C. 3641.

²¹ *AnmolVerma, Corpus Delicti – Legal Maxim*, (July 3, 2020, 2:03 PM), http://lawtimesjournal.in/corpus-delicti/#_ftn3.

²² *Rama Nand and Ors. v. State of Himachal Pradesh*, A.I.R. 1981 1 S.C.C. 511.

²³ *Blacks' Law Dictionary*, 6th ed. p.

facts that co-relates the circumstances to reach the conclusion with no escape point for accused. The circumstantial evidences are strong to carry the case without direct evidence or in absence of murder. There are cases, when there neither corpus, evidence, witness nor confession relating the fact. The circumstantial evidence play a major role above this beyond all reasonable doubt. There are chances of miscarriage of justice due to break of link or connection in the evidences for reaching facts.

To sustain a conviction for crime, it develop upon state to prove the corpus delicti – the fact that the crime charged has been actually perpetrated – as a material element of the offence.²⁴ While referring the facts and evidences in the case, the issue corned before the court is not whether the corpus delicti is established or not, but whether the jury could have found, with full assurance of moral certainty, that get proved by the evidences presented.²⁵

In *State v. Nicely*²⁶, the circumstantial evidence of guilt was enough to justify and resolve the case. Even there was no evidence, eyewitnesses or a confession made. The murderer convicted based on circumstantial evidence proved.

In *Prithipal Singh etc. v. State of Punjab and another*²⁷, the Supreme Court held that the direct proof of one, other lead to the circumstantial evidences simultaneously.

In *Sharad Birdhichand Sarda v. State of Maharashtra*²⁸, the court held that in case where the offences has established through evidences that are in form of circumstantial evidence. Without missing any link, the chain of evidences must be complete.

In *Shivaji Sahabrao Bobade v. State of Maharashtra*²⁹, the court held that, where circumstances get involved, ‘must or should’ and not ‘may be’ established. There is grammatical and legal differences between ‘may be proved’ and ‘must be or should be proved’. The differences should be observe minutely in cases where circumstantial evidences are more concerned.

In *Bharat v. State of M.P*³⁰, the court held that mere non-explanation could not lead to the proof of guilt against the appellant.³¹ The case against the appellant has to be prove beyond all

²⁴Michie's Jurisprudence, Criminal Procedure §54 (1949); see also Note, 103 IJ.Pa.L. Rev. 638 (1955).

²⁵W. Charles Poland, Criminal Procedure - Proof of Corpus Delicti by Circumstantial Evidence, (July 3, 2020, 2:42 PM), <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1079&context=wmrval>.

²⁶State v. Nicely, 529 N.E.2d 1236 (Ohio 1988).

²⁷Prithipal Singh etc. v. State of Punjab and another, (2012) 1 SCC 10.

²⁸SharadBirdhichandSarda v. State of Maharashtra AIR 1984 SC 1622.

²⁹ShivajiSahabraoBobade v. State of Maharashtra 1973 2 SCC 793.

³⁰ Bharat v. State of M.P (2003) 3 SCC 106.

³¹*Supra I.*

reasonable doubt. The chain of evidence must be complete to sustain and prove the charges against the appellant.

VII. CORPUS DELICTI AND FAIR TRIAL

The corpus delicti is all about circumstantial evidence, confession and material facts. The absence of direct evidence, body of the crime, eventually weakens the case and facts. The chain of evidences framed to reach the accused. The fair trial comes under picture because of improper, negligence and lack of proper investigations. With the aid power, evidence and witnesses, manipulated, threatened and forced to give false evidences. The failure to provide justice or unwanted conviction certainly denial of fair trial.

The Code of Criminal Procedure, 1973, guarantees fair trial to the accused. The Article 22(1) of the Indian Constitution, against arbitrary arrest or detention without prior information and right to consult and claim for legal practitioner. The article 39A of the directive principle of State Policy, ensure operation of legal system to promote justice and provide proper opportunity and legal aid to the parties to the case.

In a murder case, it is not always necessary, dead body of the victim should be found. It is matter of recovery of corpus delicti. The denial of fair trial and conviction to any such innocent will lead to violation of human rights and directive principle of state policy. There is denial of fair trial, if the confession or evidences made or created are false or manipulated. There are cases where the false confession made by threat of power under police custody. The manipulation of evidences or incorrect attachment of link, lead to improper and wrong circumstantial evidence. In total, conclusion will not be fair.

In *Mani Kumar Thapa v. State of Sikkim*³², the Supreme Court held that, it is not always necessary; all ingredient of corpus delicti must be present in a case. The facts and circumstances must be established to make the case valid like any other facts. The recovery of corpus delicti is not always possible. The facts and circumstantial evidences must be carefully followed to charge the accused.

In *Ranjeet Kumar Ram @ Ranjeet Kumar vs State of Bihar*³³, it observed that, when dead body not recovered, destroyed or lost in the case and links are incomplete for circumstantial evidence. The accused escape from conviction because recovery was the absolute necessity to convict an accused.

³²Mani Kumar Thapa v. State of Sikkim, AIR 2002 page 2920.

³³Ranjeet Kumar Ram @ Ranjeet Kumar vs State Of Bihar, CRIMINAL APPEAL NO.1831 OF 2011 on 15 May, 2015.

In *R. Balakishana Pillai v. State of Kerala*³⁴, the Supreme Court observed that the witnesses are in court for examination and advocate withdraws his appearance just for getting the case adjourned. The court condemned this practice and strongly discouraged the same. It further held that in such a situation, for seeking the appearance of the accused, who released on bail, there is no alternative for the court but issuedailable warrant.³⁵

VIII. CONCLUSION

The 'corpus delicti' is an important principle in murder investigation. In criminal law, the kind of evidences produced, must have quality rather than irrelevant quantity. The evidence in form of direct or indirect, it must have reasonable worth. Corpus delicti is the principle in which crime must be proved to be occurred before the person convicted or charged for the committing such crime. The body of the crime must be discovered before imposition of certain crime. When there is no body found, but crime is committed, in such cases the circumstantial evidences and confession play a major role. In any case, the facts and evidences decide the status. There are cases and convictions, obtained even in absence of body of the victim. The troublesome, complicated and less common, the murder prosecution where there is no body, no evidence, no confession and no witness to the crime. In such cases, the evidences collected or generated based on the suspected facts and circumstantial evidences. With the lack of evidences, sources and relevant connection to the case, miscarriage of justice is quite evident.

The commission of any crime needs motive or intention that turn into commission of crime. The fear of conviction and punishment, lead to destroy or damage the dead body. In case any evidence left on crime scene or any link found to connect circumstantial evidence in connection to fact, the charges can be processed. In case of no body and no witness is found, then confession can help with some independent evidences. In corpus delicti, without body of the crime and without confirmation of crime that occurred, the charges and conviction could not be framed.

³⁴R. Balakishana Pillai v. State of Kerala (2000) 7 S.C.C. 129.

³⁵Alok Kumar Verma, Fair Trial and Corpus Delicti, (July 3, 2020, 4:42 PM), <https://ujala.uk.gov.in/files/issue%202/2Ch-3.pdf>