

**Minutes of the Workshop conducted on 02.1.2016 at NIC Building,  
Collectorate of Anantapuramu District.**

This is second Workshop in the series of Workshops being organized under the directions of Hon'ble High Court. This Workshop, unlike any other routine Workshops, was conducted through Video Conference. The Hon'ble **Sri Justice Naveen Rao** garu, Administrative Judge of Anantapuramu District, was the Resource Person. He, along with another Resource Person, Hon'ble **Sri Justice Praveen Kumar** garu interacted with the Judicial Officers through Video Conference.

It is said that this Workshop through Video Conference on 2-1-2016 is the first of its kind, perhaps, in entire country. This could happen only because of the persistent encouragement and effort of Hon'ble Sri Justice P.Naveen Rao garu. Initially everyone was doubtful whether the workshop could be conducted through video conference and its effectiveness. Some officers were sceptical and doubted the virtual interaction between the Hon'ble Judges and judicial officers of the district through Video Conference. However, the Workshop through Video Conference went on well. This can happen only because of continuous encouragement of Hon'ble Sri Justice P.Naveen Rao garu.

The subject for the second Workshop was "**Appreciation of Evidence in Criminal Cases**".

The sub-topics are :

- (1) Basic principles and Types of Evidence.**
- (2) Relevancy and Admissibility of Evidence.**
- (3) Standard of Proof in Criminal Cases.**
- (4) Burden of Proof vis-a-vis Onus of proof, presumptions proved and disproved.**

The First Additional District Judge, Sri P. Subramanya Kumar garu who was holding Full Additional Charge of the Principal District Judge, Anantapuramu over saw the arrangements. He is the Nodal Officer. He had chosen Smt. Leelavathi garu, Junior Civil Judge, Dharmavaram and Sri Kalimulla garu, Junior Civil Judge, Tadipatri to pick up citations on the relevant topics. He had drawn the Secretary, District Legal Services Authority, Anantapuramu Sri S. Kamalakar Reddy garu to assist him. He took all the necessary steps to organize the Workshop as per guidelines issued by the

Hon'ble High Court from time to time and as per the directions of the Hon'ble Administrative Judge.

Sri Justice Ranga Reddy garu, Former Judge, High Court of A.P. and Sri N. Ganesh Babu garu, Retired Principal Judge from Anantapuramu agreed to be Resource Persons and in fact presented the papers and participated in the Workshop. Likewise, Sri Seshaiyah garu, Professor of S.K. University also conceded and participated in the Workshop.

Sri Kalemulla garu, Junior Civil Judge, Tadipatri presented Paper on **"Basic Principles and Types of Evidence."**

Sri S. Kamalakar Reddy garu, Secretary, District Legal Services Authority, Anantapuramu prepared paper on **"Relevancy and Admissibility of Evidence."**

Smt. T. Leelavathi garu, Junior Civil Judge, Dharmavaram presented paper on **"Standard of Proof in Criminal Cases"** and

Sri Devendar Reddy garu, Junior Civil Judge, Madakasira presented paper on **"Burden of Proof vis-a-vis Onus of Proof, Presumptions, proved, disproved and not proved"**.

On 2-1-2016 all the Judicial Officers assembled at NIC Building at 9.30 AM and took a group photo. Thereafter, all the officers assembled at the Workshop Hall. The **District Collector Sri Kona Sasidhar** garu and Superintendent of Police, **Sri S.V.Rajasekhar Babu** garu were also present.

Hon'ble Sri Justice **P.Naveen Rao** garu in his opening remarks addressed the gathering:

*"I am very happy to see you all Officers. We have assembled here on the second occasion for holding the second workshop. Amongst us we have two distinguished persons. I had with me Sri Praveen Kumar who is experienced in this branch (Criminal Law). He not only has his personal experience but also has the experience gained from his legendary father. We have amongst us the distinguished person Justice Sri Ranga Reddy garu who not only had experience as lawyer, also worked in subordinate judiciary as well as in High Court. After retirement also he is very enthusiastic and energetic in sharing his vast experience. I have the privilege of sharing his experience on the last occasion, ie., during first work shop and also have privilege today. We have also Sri Ganesh Babu garu who is practicing lawyer in High Court, having good experience as Judge in subordinate judiciary.*

*Unfortunately he recently disassociated with this District and he is the best person to talk about this District. He knows each one of you and has direct contact with all of you and knowing each of you. We have also another District Judge by name Ramulu, academician who is distinction of having to teach other. I hope we will also learn something from him.*

*This is an experiment. I hope this will be successful. If, this is successful this may be our future. In Ananthapuramu we experiment paperless conference and workshop on the last occasion. This may be another beginning for both the States. Now I am informed by CPC that Ananthapuramu is leading in the e-courts project system from the beginning i.e. from time of Hon'ble Shiva Prasad garu. So, this will be future of all other courts.*

*Hon'ble Justice Naveen Rao garu informed the District Collector Sri Kona Sasidhar garu that the R & B department had not finalized the application for approval of building at District Court complex, though the necessary infrastructure was available at District Court complex. He directed the District Collector to pursue the matter and instruct the R & B authorities in this regard and finalize the approval expeditiously.*

*Hon'ble Justice Naveen Rao garu further directed the Superintendent of Police that the connectivity between the Court and jail is necessary that lot of NBWs are pending and requested to give instructions to concern stations to execute the NBWs at an early date".*

He then asked the District Judge to take over the programme and start the proceedings.

Thereafter, Sri P. Subramanya Kumar garu, the First Additional District Judge addressed the gathering :

*"My Lord Sri Justice P. Naveen Rao Garu, My Lord Sri Justice Praveen Kumar Garu, My Lord Sri Justice Ranga Reddy garu and my dear officers,*

*This work shop is a unique one, first of its kind in the State, perhaps first of its kind in the entire country. It is said that only thing which doesn't change in the society is the "Change". As we develop, we need to grow both intellectually and technologically. If we fail to catch up with the technology with other wings in the system, we may not serve the litigant public in a better*

way. The aspirations of the public are growing enormously. It is high time for the judiciary to meet all the challenges in all fields.

*This workshop through video conference is a unique one. But without the continuous support from our Hon'ble Administrative Judge Sri P. Naveen Kumar garu, this would not have happened. One day or other, one way or other at some point of time in the future, this kind of workshops should start. With the active support of our Hon'ble Administrative Judge, we have started this workshop through video conference. There may be some technological hiccups in the beginning, but we overcome them slowly one after the other. In this connection, I thank Hon'ble Administrative Judge garu for taking so much of pain to make the workshop, through video conference, viable.*

*My dear officers, we should also feel proud that we are going to be part of history by participating in the workshop. In the future, we can proudly say that we are part of the workshop done through video conference for the first time in the Judicial history of Andhra Pradesh.*

*My dear officers, periodical workshops are essential for enhancing the legal acumen and to know the latest developments in the field of law. Further, these kinds of workshops would enable the officers in the District to interact with each other, shed their inhibitions and exchange views. These kinds of workshops are helpful to all the officers to keep abreast with the latest legal position. The motto of our Honb'e Acting Chief Justice is*

***"equip the judicial officers with sound knowledge in law both substantive as well as procedural to enable them to discharge their functions confidently and effectively, by maintaining high degree of rectitude".***

*As evaluated by our Hon'ble Acting Chief Justice, the workshops are very useful and helpful to the judicial officers in all spheres. Identified officers from each cadre have submitted their papers in advance. Some officers have been notified to read out papers from this podium.*

*I request all the officers to actively participate in this workshop, enhance skills, upgrade intelligence. After conclusion of this workshop I hope all the officers go to their working stations with rich knowledge.*

Then the following officers are invited to read out the Bio-Data of the Dignitaries.

Sri Devender Reddy garu, Junior Civil Judge, Madakasira read out Bio-data of Hon'ble Sri Justice P. Naveen Rao garu.

Smt. T. Leelavathi, Junior Civil Judge, Dharmavaram read out the Bio-data of Hon'ble Justice Sri Praveen Kumar garu.

Smt.Geetha Vani, Addl. Junior Civil Judge, Anantapuramu read out the bio-data of Hon'ble Sri Justice Ranga Reddy garu.

Sri M.Bujjappa garu, Prl. Junior Civil Judge, Anantapuramu read out the bio-data of Hon'ble Sri N.Ganesh Babu garu.

Sri Audinarayana, Addl. Junior Civil Judge, Kadiri read out the bio-data of Sri Sessaiah garu.

Thereafter, the work shop was commenced.

Sri Kalemulla garu, Junior Civil Judge, Tadipatri read out his paper on the topic of "**Basic Principles and Types of Evidence.**"

Thereafter, Hon'ble Sri Justice Praveen Kumar garu interacted with the officers. He put searching questions to the judicial officers and invited answers. Some of the officers answered. Finally His Lordship answered the queries with relevant citations. They are as follows:

**If the SHO receives an information on telephone or wireless, can that information may be treated as FIR?**

The case law:

Anand Mohan Vs State of Bihar 2012 (7) SCC 225.  
Alimireddy Venktareddy Vs P.P 2008 (5) SCC 368.  
Naveen Sharma Vs State 2010 (6) SCC I

The Hon'ble Supreme Court stated it cannot be registered as FIR whether it relates to cognizable or non cognizable offence.

**Can a Superintendent of Police be an S.H.O?**

The answer is that the Superintendent of Police can be S.H.O in his district.

**If Magistrate receives a complaint under section 156 (3), can he refer the same to CBI or SP?**

The Addl., Judicial Magistrate of Ananthapuramu said that "No. The complaint can be referred to SHO concerned not to the SP or to CBI.

The case law:

CBI Reptd., Superintendent of Police Jaipur  
Vs  
State of Rajasthan 2001 (3) SCC 333.

The FIR should be referred to the SHO only at the initial stage and thereafter, it can be sent to CBI or SP for investigation.

The accused after committing an offence, comes to the police station and discloses the commission of offence, produces the blood stained knife used in the commission of offence and shows the place where he concealed the dead body.

**Can the said information be treated as FIR.**

**If so to what extent?**

Only to an extent of discovery of fact U/sec.27 of Evidence Act.

To know the conduct of accused U/sec.8 of Evidence Act.

**Can an investigation be initiated or commenced even before registration of FIR?**

Yes, under special circumstances. It is not an universal principle.

1960 (2) AWR 73

AIR 1956 AP 103.

**FIR can be used for corroboration or contradiction. It is not a substantive piece of evidence. But there is one circumstance when it can be used as substantive piece of evidence. What is it?**

When it is used as Dying declaration, it will be treated as substantive piece of evidence.

AIR 1975 SCC 757

AIR 1976 SCC 2199

**Can anyone make use of FIR when the informant dies after lodging the FIR?**

The answer is Yes.

2004 (2) Crimes 329 Suresh Vs State of Maharashtra.

**Delay in lodging FIR or FIR reaches the Magistrate with abnormal delay?**

The Hon'ble Supreme Court held that such FIRs can be thrown out.

The relevant case law as to the delay of FIR are

Rajan Vs State of Kerala 2003 (3) SCC 355

Arjun Malik Vs State of Bihar 1994 SCC CrI. 1551.

State of Rajasthan Vs Shieosingh AIR 2003 SC 1783.

Anu.... Vs State of Madhya Pradesh AIR 1988 SC 1158.

**Where two FIRs are given, giving two different versions of the same incident. Can the same Police Officer be permitted to investigate the case?**

The answer is **No**.

The relevant case law are

AIR 1999 SC 3596

1999 CrL. L.J. 4556

**In case where number of reports are given in different police stations with regard to one incident. What should the police officer do?**

Refer Sri Justice Sri Ramesh Ranganathan's recent Judgment.

**Can Inquest report be treated as a substantive piece of evidence?**

The Hon'ble Supreme Court held – Inquest cannot be a substantial evidence.

Kuldeep Singh Vs State of Punjab 1992 CrL. Law Journal 3592

It says:

Inquest report cannot be treated as substantial evidence, but it can be looked into to test the veracity of the witness.

**Suppose if inquest report does not contain the crime number, what is the value and effect of that Inquest report?**

**Before registration of case, can inquest be conducted?**

**Can you accept such inquest?**

The Hon'ble Supreme court held in a decision in 2005 (1) SCC 399 wherein it held that it gives rise to great deal of doubt and the inquest report be returned.

**Can a statement under section 161 Cr.P.C be used for corroboration?**

It is only meant for contradiction U/sec.145 of Indian Evidence Act.

**If the prosecution wants to contradict, what to be done?**

Witness has to be treated hostile and then the prosecution can contradict the witness with the permission of the court.

**What is the significance of "duly proved" found in sec 161 Cr.P.C?**

When the 161 statement is put to the Investigating Officer, it can be said **"Duly Proved"**.

V.K.Mishra Vs State of Uttarakhand 2015 (2) CrL. ALD 533.

### **How do you appreciate the Evidence on Postmortem Report?**

In *Madhu Vs State of Karnataka* 2014 (12) SCC 419, the Hon'ble Supreme court held that neither inquest nor PM can be termed as substantive evidence and the discrepancy occurring therein cannot be termed as fatal or suspicion and give benefit of doubt to the accused.

In *Anjappa Vs State of Karnataka* 2014 (2) SCC 776 wherein the Hon'ble Supreme Court held that "Evidence on record establish that the deceased was set on fire by pouring kerosene. It is absurd to argue that the prosecution case can be disbelieved because the inquest report and PM report does not refer to kerosene smell emanating from the body of the deceased and the accused is entitled for acquittal.

In ***Heralal Pand Vs State of U.P. SCC 216*** – A chance witness saw the incident of shooting the deceased by two assailants on public road – doctor opined that the injuries were caused by one gun shot. However, the High Court gave conviction to one accused.

The II Addl. District Judge, Hindupur Sri Ramulu garu said that in a decision reported in ***AIR 2001 SCC 3021*** it was held that the Inquest and PM report are not substantive evidence.

#### **In *Aanand Pujari Vs State of Karnataka* 2015 (1) SCC 535 -**

Accused was convicted under section 302 and 201 IPC by trial court and the Hon'ble High Court.

In this case the doctor who examined the deceased immediately after the incident issued a certificate stating that the death was due to cardiac arrest. P.M. which was done later disclose that the cause of death was due to asphyxia as a result of smothering.

The Hon'ble Supreme Court acquitted the accused on the ground that there were inconsistent reports.

In ***Umesh Kumar Vs State of Bihar* 2013 (4) SCC 360** – The Hon'ble Supreme Court held that the contents of the stomach and viscera and rigorous mortis of the dead body be taken into consideration for fixing the time of the incident.

In ***Rajpal Vs State of Haryana* 2013 (2) SCC 349** - the prosecution case was that the deceased took food at 9-00 P.M. in the night and the death occurred at 5-15 a.m in the morning. The defense is that the undigested food present in the stomach would falsify the timing of the incident.



The Hon'ble Apex Court held that it was not a universal application that stomach of every individual would be empty in two or three hours after taking food and confirmed the conviction. So, this is a different judgment of Hon'ble Supreme Court on death of postmortem reports. There is a similar view taken in another judgment reported in **Muthaiah Vs State 2013 (2) SCC 89**.

Dying Declaration is exception to the rule of hear say evidence. A dying man cannot say lie. It is based on the principle that "Truth sits on the lips of dying man".

In a decision reported in **2015 Cr.Law Journal 604 Sailesh Bai Vs State of Gujarath** there were three dying declarations and all the three were not consistent. The Hon'ble Supreme Court took one Dying Declaration and convicted. Please look at that judgment.

In a case registered for the offences U/secs.304-B, 498-A IPC the deceased made a statement about the harassment meted out by the accused and also about the circumstances which lead to her death to her parents. The trial court acquitted the accused for the offence U/sec.304-B IPC and convicted U/sec.498-A IPC.

**Can that conviction be sustained? Or can the statement of deceased, which is used as statement u/sec.32 of Evidence Act be used to convict the accused for the offence u/sec.304-B IPC?**

The relevant case law:

Indrapal Vs State of Madhya Pradesh – 2002 CrL. Law Journal 926.

Our Hon'ble High Court's decision - 2003 (1) CrL. 210 –  
Wherein it was held that such statement cannot be used for convicting the accused for the offence u/sec.498-A IPC.

**If a statement of a person was recorded by Magistrate as DD and if the man survives what will be its evidentiary value? Can it be a statement recorded u/sec.161 Cr.P.C?**

Cannot be treated as 161 Cr.P.C statement and it can be used only for corroboration u/sec.157 Cr.P.C.

AIR 1983 SC 126.

**A person was admitted in the hospital for his injuries, taken treatment then left the hospital and died after two months of taking treatment. While he was taking treatment in the hospital, his statement was recorded,**

**Can that statement be used as Dying declaration?**

It has no evidentiary value.

Refer the Mothi Singh's case. 1964 SC 900

A Magistrate records the statement of the accused in the hospital while he was undergoing treatment for the injuries received by him in the incident. Magistrate was not examined as a witness since the accused survived. The statement was marked through Investigating Officer though he was not present at the time of recording the statement. What is the value of the statement.

It has no value at all, even if he (I.O) admits, it should be ignored.

### **State of Karnataka Vs Suvarnamma 2015 SCC 323**

It was a case where as against DD of Deceased-7 produced by prosecution, there were four oral D.Ds made by the deceased to family members. In the DD recorded by the Magistrate, it was mentioned that injured sustained injuries accidentally.

But in oral D.D she stated she was killed?

The Hon'ble Supreme Court relied on oral D.Ds excluded the D.D recorded by the Magistrate and convicted the accused.

### **Tejaram Patel Vs State of Maharashtra 2015 (8) SCC 494.**

It was a case where appellant/husband in a drunken condition poured kerosene on his wife and sets her on fire. Mother-in-law of the husband and husband tried to rescue her, both of them sustained injuries in the process. Mother-in-law and wife of the appellant succumbed to the injuries. D.D of mother-in-law was recorded, wherein she mentioned how she sustained injuries and how her daughter sustained injuries. Can the DD of mother-in-law be used to convict the accused for the death of her daughter.

The Hon'ble Apex Court considered the DD of mother-in-law and convicted the accused.

Admissions and Confessions:

Judicial confession and Extra judicial confession.

Confession is not defined anywhere and it cannot be defined also.

**FIR given by the accused contains an admission as defined u/sec.17 of Evidence Act. Whether such admission can be used against the maker as permitted u/sec.21 of the Act?**

Provided such statement is not inculpatory in nature.

AIR 1964 SC 1840

Balvindar Singh 1952 SC

**When an accused after killing an inmate of the house, with whom he used to quarrel, comes out of the house and says I finished her.**

**Can his statement be treated as confession?**

Relevant case law:

Saha Vs State of U.P. AIR 1970 SC 1098.

**A confession of accused leading to discovery was made before an Investigating Officer and recovery was made by his successor.**

**Can that recovery be admissible u/sec.27 of Evidence Act?**

The Answer is Not admissible

Refer the decision held between Siddaiah Vs State of A.P., 2004 (3) Crimes 309.

**Immediately after the arrest at his house, the accused picks up a knife and handed it over to IO. Can it be a recovery U/sec.27 of I.E.Act?**

It has no relevancy at all. It is not at all recovery u/sec.27 of Indian Evidence Act.

**More than one accused made statements, which lead to recovery of a particular weapon.**

**Will it come under sec.27 of Indian Evidence Act?**

AIR 1983 SC 357 – It cannot be recovery at all.

Hon'ble Sri Justice Praveen Kumar garu further analyzed the types of witnesses. As per the decision reported in AIR 1957 Madras 615 the **Witnesses are three types** – Wholly reliable, wholly unreliable, neither wholly reliable nor wholly unreliable i.e., partly reliable and partly unreliable.

Case law as to the appreciation of evidence of witnesses:

The evidence of child witness can be used if it inspire confidence – 2008 (1) SCC.

**Deaf and Dumb Witnesses** – AIR 2012 SC 1973 State of Rajasthan Vs Darshan Singh.

**Chance Witness** – AIR 1983 SC 680 Rana Prathap Vs State of Haryana.

**313 Examination:** If the accused remains silent and the prosecution is not establish the case, adverse inference cannot be drawn.

If a statement of one of the accused given in 313 Examination can it be used against other accused?

The answer is No – refer to 2012 (12) SCC 284.

Discovery of a fact by use of **Sniffer dogs** –It has no evidentiary value refer to – 2008 (5) SCC 697.

What is the **evidentiary value of Video conference.**

Digital Evidence – it is permissible so long as the accused or his pleader present when the said evidence is recorded through video conference.

Refer to - 2003 (4) SCC 601

**Electronic Evidence:** The ingredients of Sec 65 of Evidence Act are to be satisfied then only the electronic evidence can be admissible in evidence.

Refer to– 2014 (10) SCC 473.

**Face book entries** have no evidentiary value. See Smt Justice Bhanumathi's recent Judgment.

**C.C T.V Footage:** CC TV footage can be taken into consideration.

Refer to Bruno and others Vs State of U.P 2015 (7) SCC 178. Accused is acquitted as I.O failed to collect the C.C tv footage.

**Distinguish entry wound and exit wound?**

Entry wound – Will be small in size, blackening at the entry wound due to elasticity of the wound.

Exit Wound – Large in size.

**Narco analysis tests like brain mapping. Can those tests be relied upon?**

It cannot be taken into consideration. It amounts to testimonial compulsion  
Suhi Vs State of Karnataka 2010 (7) SCC 673.

**Precedents are Boon or Bane?**

Article written by Hon'ble Justice Ravindra, Supreme Court Judge (retired)  
reported in SCCs - Read.

Thereafter Sri S.Kamalakar Reddy garu, Secretary, District Legal Services Authority, Anantapuramu read out his paper on the topic of "Relevancy and Admissibility of Evidence".

Hon'ble Sri Justice Ranga Reddy garu, interacted with the officers and put forth the following points:

**1. 10 persons formed into an unlawful assembly with the common object of murdering X. Few of them i.e., 1 to 5 attacked the deceased. How would you frame the charge?**

Ans: A1 to A5 302, A6 to A10 302 r/w 149 and 302 r/w 109 IPC.

**2. Magistrate convicted the accused for an offence. Immediately after the conviction, the advocate for the accused filed a petition for suspension of the sentence. What do you do?**

Ans: You have to release him on bail to enable him to prefer an appeal. The appellate court has power to suspend the sentence.

**3. When there are three crimes, but recovery is made at one time U/sec.411 IPC, single charge sheet has to be filed,(Sec 219 Cr.P.C) though there are three crimes.**

**4. Two complaints are given on same day. One at 12-00 PM another at 4-00 PM. The complaint given at 12-00 PM was registered as Cr.No.31/2010 and complaint given at 4-00 PM was registered as Cr.No.30/2010. Which Cr.No. is to be taken into consideration?**

Ans: The one which was registered first has to be taken into consideration. There will not be two FIRs for the same crime. The subsequent FIR merges into the first one.

**5. Sri D. Ramulu garu, II Addl. Dist. Judge, Hindupur posed a question – Whether a child witness can be cross-examined or not?**

Sri D. Ramulu garu, II Addl. Dist. Judge, Hindupur expressed his opinion that the child witness cannot be cross-examined.

Answering to it Sri P. Subramanya Kumar garu, I Addl. Dist. Judge, Ananthapuramu has stated that a child witness can be cross-examined. It is expressed by him that in the event the child witness is not allowed to cross-examine by the defence counsel, all the accused in the POCSO Act cases have necessarily be convicted and as such he has stated that the child witness can be cross-examined on satisfying the Court by putting formal questions about the capacity of the child witness in giving evidence.

Refer to 2011 (4) SCC 486 Madhya Pradesh Vs Ramesh and others.

**Chance Witness:** is a witness who is not expected to be present at the scene of offence.

**The session was closed at 1:15 PM for Lunch Break.**

All the Officers once again assembled at the NIC Hall at 2:10 PM.

In the III Session Smt.T.Leelavathi garu, Junior Civil Judge, Dharmavaram read out paper on **“Standard of Proof in Criminal Cases.”** Thereafter, the resource Person Sri Sessaiah garu interacted with the Judicial Officers. He addressed the gathering that the Investigating Agency shall undertake scientific Investigation to nab the accused, conduct prosecution case meticulously and see that convictions are awarded to the criminal.

In the IV Session Sri Devendar Reddy garu, Junior Civil Judge, Madakasira presented his paper on **“Burden of Proof.”**

The Resource Person **Sri N.Ganesh Babu garu** addressed the gathering and differentiated the burden of proof and onus of proof. He explained Sec 101 to 103 of Indian Evidence Act. He further explained that the burden of proof would be constant and fixed but the onus of proof would be shifted from one party to the other party.

Hon’ble Sri Justice P.Naveen Rao garu, further interacted with the Officers and explained about Fazi logic system. He stated that such Fazi logic system cannot be adopted to Indian conditions. One of the officers stated that Fazi logic, by any stretch of imagination, be adopted to the Indian System,

that the Indian Evidence Act is the only enactment applicable to Indian conditions and covers all the situations.

His Lordship further asked as to what is the difference/distinction between Burden of Proof, Burden of going forward with the evidence. One of the Officers stated that the person who approaches the court with a grievance has to prove his case. If the opposite party takes up diametrically opposite stand, the burden is again on the person who approached the court to go forward with his evidence to prove his stand.

The Hon'ble Registrar General (Retired) /OSD Sri Siva Prasad garu addressed the officers.

He stated that to find out the distinction between burden of proof and onus of proof, one has to refer to the decisions reported in

1975(2) SCC Page 326,  
1988 SC Page 2154 and  
1985 (1) SCC 505.

Sri P.Subramanya Kumar garu, I Additional District Judge, Anantapuramu addressed the gathering

*"My Lord Sri Justice Naveen Kumar Garu, Sri Ganesh Babu Garu, District Judge (Retired), my dear officers,*

*Till now we have heard the paper presentation on various topics, interacted with Hon'ble High Court Justices, so also among ourselves. The papers presented by the officers are good, but still they require some more accuracy. However, all the officers have come forward to actively participate in this workshop.*

*On the topic of Basic Principles and Types of evidence, Sri Kaleemulla garu, Junior Civil Judge, Tadipatri, presented his paper. The interaction with the Hon'ble Sri Justice Praveen Kumar garu is exhilarating. I hope all our officers richly benefited with the interaction of Sri Justice PraveenKumar Garu.*

*In the second session, Sri K. Kamalakar Reddy garu, Secretary, District Legal Services Authority, Ananthapuramu, presented paper on the topic of Relevancy and admissibility of evidence. On the topic of Standard of Proof in criminal cases, Smt. Leelavathi garu, Junior Civil Judge, Dharmavaram presented paper. On the topic of Burden of proof, Sri Devendar Reddy garu, Junior Civil Judge, Madakasira presented his paper. Over all, the four papers went well.*

*As I told earlier, this workshop is first of its kind. I believe that this workshop through Video Conference is undertaken on experimental basis. I believe, My Lord, we lived up to the expectations of the Hon'ble High Court.*

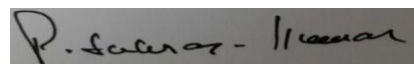
*Now I request the Hon'ble Sri Justice Naveen Kumar garu to address the participants."*

Hon'ble Sri Justice P.Naveen Rao garu then interacted further with the officers and stated as follows:

*"I am very happy to be present and participate in this workshop. It is a good experience to me. All of you have done very good job. The workshops are initiated to enlighten ourselves and learn more. It is a fact that law is a very vast one. Nobody can say that he knows the entire law. Therefore, interaction will always help us in understanding and knowing certain things which we never come across or had our attention. It is atmosphere which is more convenient. It is not a case of somebody supervising. It is a case of interaction. Everybody should participate in the debate. More involvement of officers will make the workshop lively and very educative. I hope next time the workshop will be more enthusiastic by participation of more officers. I would also suggest that brief presentation of the topics so that we can have more time for discussion on various topics. In our daily proceedings we will come across several doubts. There will be no person to whom we can trust to ask any doubt. Otherwise, you have to ask a person who is far away from the place. So this is a medium through which you can clear your doubts and do our proceedings effectively. I hope the interaction with Justice Praveen Kumar garu is very educative. It will help us to increase our input. He has covered lot of topics within a short period. The participation of Justice Ranga Reddy garu was also very educative with his vast experience. The participation of retired District Judge (Sri Ganesh Babu garu) is also added some glamour. We will meet in the next workshop as well as conference. Thank you for giving me this opportunity to have interaction with you."*

Thereafter, Smt. Rajyalakshmi garu, Senior Civil Judge, Dharmavaram proposed Vote of thanks.

The Session concluded that 5:30 PM.



Nodal Officer-cum-  
FAC Prl. District Judge,  
Ananthapuramu