

ABSTRACT

Dishamoni Gogoi¹**“EXAMINATION OF WITNESS BY POLICE: A STUDY ON SONITPUR DISTRICT OF ASSAM”**

As per Jeremy Bentham Witness are the eyes and ears of the justice system. They play a very important role in the criminal justice administration. With the help of the statements given by the witness, the guilt or innocence can be decided. The Code of Criminal Procedure, in its section 161, lays down the procedure for examination of witness by police. In this section, the code has laid down the whole procedure through which the police examine the witness. This section gives discretionary power to the police and by means of using this power they record the statements of the witnesses. Because of this, although the investigation of a series of act starts from this section, the said section does not have evidentiary value. The statements which are recorded under this section can only be used for the purpose of contradiction during cross-examination. Hence, this section has only contradictory value. Due to less evidentiary value, this section has also aided in the problem of hostile witness, which is one of the most important reasons for the decrease in the conviction rate of the country. It is well aware to all that if the fast and foremost step of criminal justice administration becomes wrong then the true essence of justice would not be achieved. Hence, through this dissertation, the author has tried to discuss the process of examination of witness by police with special reference to Sonitpur District of Assam and has tried to aid in curbing the problem inherited therein. For this purpose the author has analyzed the procedure, the problems and at last provided some recommendations in order to curb the problems which may arise during the process of examination. This dissertation will be a modest step which will help to scrutinize the criminal justice administration process and also to bring the faith of the people in our justice delivery system.

KEYWORDS: Witness, Examination, Police, Evidence, Contradiction, Statement.

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