



Research Paper

## Test Identification Parade. {Indian Evidence Act 1872}

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Test Identification Parade (TIP) is part of investigation stage, a test identification parade of the suspects or stolen articles is held when there is doubt about the identity or the evidence of identification needs assurance. Test identification parade is conducted when accused is not known to the witness. The idea of TIP is that the witness who claim to have seen the culprits at the time of occurrence are to identify them from the midst of other persons without any aid or any other source. The test is done to check upon their veracity. First time identification and that too after a long gap of time is a weak type of evidence. TIP is conducted mainly for 3 purposes namely to know whether investigation is proceeding on correct lines, to ascertain eye witness to occurrence, to collect corroborative piece of evidence.

It is governed by Indian Evidence Act and Code of Criminal Procedure under Section 9 and 54 A respectively. Section 54A was inserted in Cr.P.c and came into operation on 23.06.2006 and now under Section 54A court is empowered to order the accused to take part in TIP on the application of investigating officer. There is no provision in Cr.P.C. enabling the accused to demand that an identification parade should be held before the trial. However, if the accused demands for identification parade and prosecution turns down the accused request then it is an important point in his favour. The same principal was laid down in the case of *Jadunath Singh v. State of UP*<sup>1</sup>.

TIP can be done through photograph in case accused has absconded or declared a proclaimed offender. Photographs of certain classes of criminals are maintained in the District Crime Record Bureau and the Police Stations (History Sheets) Photographs exist also for dossier criminals. Witnesses may be shown the photographs and asked to identify. In cases where criminals are identified through photographs, a regular identification parade should also be held after the apprehension of the accused. When identification is sought to be made through photographs, single and individual photographs should not be shown to witnesses. Photographs of as many persons as possible, among which should be the suspect's photograph, should be shown to the witness, who should be asked to pick out from among them the suspect's photograph, if it is there. It shall be ensured that the photograph of the accused who is to be identified is not published in the print media, nor exhibited in the electronic media before the conduct of the Test Identification Parade.<sup>2</sup>

Identification can also be established from finger impressions left on the scene. Finger impressions found on the scene can be developed and tested to find out whether they tally with those of the suspected persons or not. Foot impressions left on the scene can also be lifted and compared later with foot impressions of the suspects.

The magistrate holding TIP are expected to take precautions to eliminate any suspicion of unfairness and to reduce the chance of testimonial error, because life and liberty of an accused may depend upon their vigilance and caution and justice to be done in the investigation. In the case of *Budhsen v. State of U.P.*<sup>3</sup>, it was held that following precautions are required to be taken:

- TIP should not make it impossible for the identifiers who, after all, have only fleeting glimpses of the person they are supposed to identify.
- The Magistrate should record every objection raised by the accused.
- TIP should not be held after a long time.
- Magistrate should record steps taken by them to ensure fairness to the accused so that value of identification could be judged properly by court.

<sup>1</sup>1971 SCR (2) 917

<sup>2</sup> (Kumari, 2017)

<sup>3</sup>AIR 1970 SC 1321

- The person required to identify the accused should have no opportunity of seeing the accused after commission of crime or before identification.
- The number of persons mixed with the accused should be reasonably similar in general appearance.
- Magistrate should select only non-suspect of the same religion.
- The magistrate should secure privacy from the view at the parade.
- The office in-charge or any other police officer is expunged from the identification parade.

TIP is not a substantive evidence. Substantive evidence is identification made in court during trial. First time identification is a weak type of evidence and therefore conviction cannot be based solely on this ground. The only exception being when court is inspired and comes to conclusion that particular witness is wholly reliable, in such a case no TIP is required. Value of TIP as corroborative evidence will depend upon as to who conducted TIP and what precautions he took. Generally, TIP is done by judicial officer but it can be conducted by police officer also and statement recorded would be statement of witness and covered under Section 161, Cr.P.C and hit by Section 162, Cr.P.C. and would be inadmissible. As a matter of fact identification parades are invariable held by the Magistrates and statements of the witness are recorded by the Magistrate under Section 164 Cr.P.C and same are admissible.

### **Conclusion**

Test Identification Parade might not be substantive evidence but it plays a very vital role in the investigation. It helps the investigating officer to ascertain that the investigation is going in the right direction and help me to tailor the course of further investigation.

Like any other law or test this test also has its disadvantages like some critics say that human memory can be easily manipulated and everyone has their way to analyze the scene. So, witness identifying the accused might not always be accurate and it affects the course of the investigation and also interrupt the process of justice.

This can be improved by implementing strict and clear guidelines for the investigation officers which will be fair for both the accused and the witness. Improved process will help the court in delivering the just judgment.

### **Bibliography**

- [1]. Kumari, L. R. (2017). *Test Identification Parade*. Retrieved 2023, from District Court: <https://districts.ecourts.gov.in/sites/default/files/mct.pdf>
- [2]. Jadunath Singh v. State of U.P., (1971) SCR (2) 917
- [3]. Budhsen v. State of U.P., AIR 1970 SC 1321