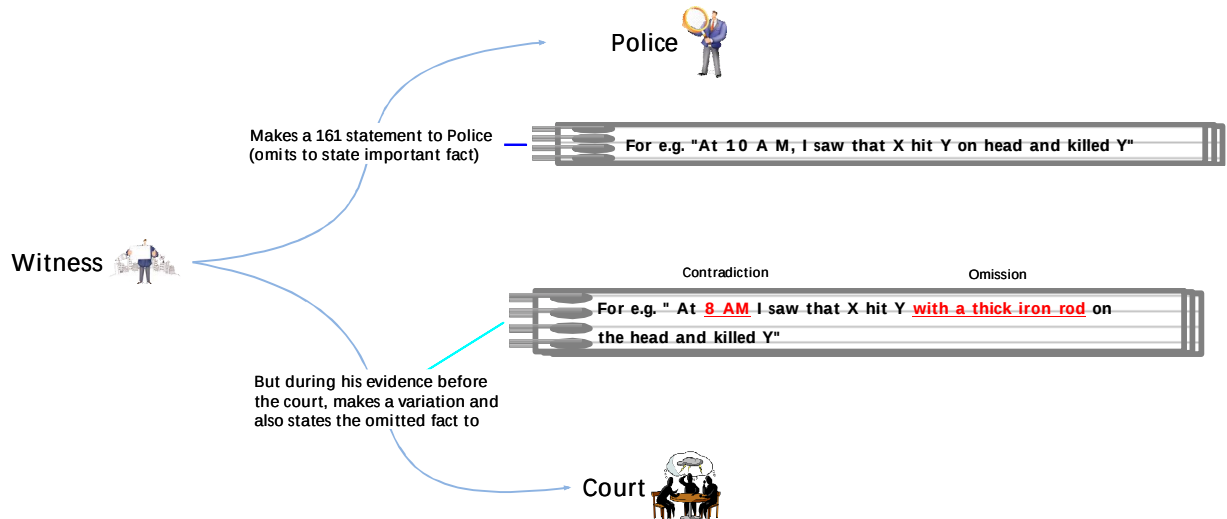


Understanding omissions/contradictions, and the method of their proof



This is a case of contradiction and omission.

Note that as regards timing of incident, there is a variation i.e. contradiction.

And as regards use of iron rod, there is an omission in his previous statement before police. (Such omission is also recognized as "contradiction" in law.

In such a situation, 161 statement of this witness can be used to contradict him before the court

For that purpose, the cross-examiner asks him whether the witness had omitted to state the fact (which he is now telling before the court) to the police?

If the witness admits to have made such omission before the police - in other words, if the witness says that it is true that he did not state such fact before police - then the omission/contradiction stands proved. The witness stands contradicted.

But if he does not admit to have omitted to state the said fact to the police - in other words, if he does not admit his contradiction - then, the witness should be confronted with his previous statement made before the police, and should be asked whether he made that statement before the police previously.

If the witness admits it, - in other words, if after drawing his attention to the previous statement, the witness admits to have made such statement before police, then, the contradiction stands proved.

But if, even after drawing his attention to his previous statement, he denies to have made such statement before police, then the cross-examining party need to prove that the witness had in fact, made such previous statement before police.

This is done by examining the police officer who recorded such previous statement, by asking him whether the witness had made such statements before him.