# IPC Section 195

## Section 195 of the Indian Penal Code: Giving or Fabricating False Evidence with Intent to Procure Conviction of Offence Punishable with Imprisonment for Life or Imprisonment  
  
Section 195 of the Indian Penal Code (IPC) deals with the offence of giving or fabricating false evidence with the intent to procure the conviction of an individual for an offence punishable with imprisonment for life or imprisonment for a term of seven years or more. This comprehensive analysis will delve into the nuances of Section 195, examining its components, exploring judicial interpretations, and discussing its significance in safeguarding the integrity of the Indian judicial system.  
  
  
\*\*I. Text of Section 195:\*\*  
  
The text of Section 195 is as follows:  
  
“Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is punishable with [imprisonment for life] or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be punishable.”  
  
  
\*\*II. Essential Ingredients of the Offence:\*\*  
  
To secure a conviction under Section 195, the prosecution must establish the following elements beyond a reasonable doubt:  
  
1. \*\*Giving or fabricating false evidence:\*\* The accused must have either given false evidence (as defined in Section 191) or fabricated false evidence (as defined in Section 192). This involves demonstrating a deliberate act of presenting false information or creating false evidence.  
  
  
2. \*\*Intention or knowledge of likelihood of causing conviction:\*\* The accused must have acted with the specific intention to procure a conviction for an offence punishable with life imprisonment or imprisonment for seven years or more, \*or\* they must have known that their actions were likely to lead to such a conviction. This requires establishing a clear nexus between the false evidence and the potential conviction.  
  
  
3. \*\*The offence for which conviction is sought is punishable with imprisonment for life or imprisonment for seven years or more:\*\* This element defines the scope of Section 195 and distinguishes it from other provisions related to false evidence. The false evidence must pertain to an offence that carries a substantial term of imprisonment, highlighting the gravity of the potential consequences.  
  
  
\*\*III. Punishment under Section 195:\*\*  
  
Section 195 prescribes a unique punishment structure. The person giving or fabricating false evidence is punished with the same penalty that would be applicable to a person convicted of the offence for which the false evidence was presented. This signifies that the punishment for giving or fabricating false evidence under Section 195 is not fixed but depends on the potential punishment for the principal offence. This can range from seven years' imprisonment to life imprisonment, depending on the nature of the principal offence.  
  
  
\*\*IV. Distinction from related offences:\*\*  
  
Section 195 needs to be differentiated from related provisions in the IPC:  
  
\* \*\*Section 191 (Giving false evidence):\*\* Section 191 is a general provision covering all instances of giving false evidence, regardless of the punishment for the principal offence. Section 195 specifically targets cases where the false evidence is intended to procure a conviction for an offence punishable with life imprisonment or a minimum of seven years’ imprisonment.  
  
  
\* \*\*Section 192 (Fabricating false evidence):\*\* Section 192 is a general provision dealing with all instances of fabricating false evidence. Section 195 specifically deals with situations where the fabricated evidence is intended to secure a conviction for an offence punishable with life imprisonment or a minimum of seven years’ imprisonment.  
  
  
\* \*\*Section 193 (Punishment for false evidence):\*\* Section 193 prescribes a fixed punishment for giving or fabricating false evidence, while the punishment under Section 195 varies depending on the punishment prescribed for the principal offence.  
  
  
\* \*\*Section 194 (Giving or fabricating false evidence with intent to procure conviction of capital offence):\*\* Section 194 deals with the more serious offence of giving or fabricating false evidence with the intent to procure a conviction for a capital offence (punishable by death), while Section 195 covers offences punishable with life imprisonment or imprisonment for seven years or more.  
  
  
\*\*V. Judicial Interpretations:\*\*  
  
Several judicial pronouncements have shaped the understanding and application of Section 195. Key principles include:  
  
\* \*\*Proof of intention:\*\* The prosecution bears the burden of proving the accused's intention to procure a conviction or the knowledge that their actions were likely to result in a conviction. This can be inferred from the circumstances surrounding the giving or fabrication of the false evidence.  
  
\* \*\*Nexus between false evidence and conviction:\*\* The prosecution must demonstrate a clear link between the false evidence and the potential conviction for the principal offence. The false evidence must be shown to be a significant factor in securing the conviction.  
  
\* \*\*Determination of punishment:\*\* The punishment under Section 195 is determined based on the punishment prescribed for the principal offence. The court must consider the potential sentence for the principal offence to determine the appropriate punishment for giving or fabricating false evidence.  
  
  
  
\*\*VI. Significance and Contemporary Relevance:\*\*  
  
Section 195 plays a vital role in maintaining the integrity of the justice system. False evidence can lead to wrongful convictions, undermining public trust in the judiciary and causing irreparable harm to innocent individuals. By imposing a punishment commensurate with the gravity of the principal offence, Section 195 serves as a strong deterrent against giving or fabricating false evidence. In the contemporary context, with growing awareness about the importance of due process and fair trials, Section 195 remains crucial in ensuring that judicial decisions are based on truthful and reliable evidence.  
  
  
  
\*\*VII. Conclusion:\*\*  
  
Section 195 of the IPC is a crucial provision for addressing the problem of false evidence used to procure convictions for serious offences. By linking the punishment to the gravity of the principal offence, the section provides a flexible and effective mechanism for deterring such misconduct. Judicial interpretations have further clarified the scope and application of Section 195, ensuring that it is used appropriately to safeguard the integrity of the justice system and protect the rights of the accused. As the legal landscape continues to evolve, Section 195 remains a critical safeguard against wrongful convictions and upholds the principles of fairness and justice in criminal proceedings.