# IPC Section 194: Giving or fabricating false evidence with intent to procure conviction of capital offence. if innocent person be thereby convicted and executed

Section 194 of the Indian Penal Code (IPC) deals with the gravest form of perjury: giving or fabricating false evidence with the intent to procure the conviction of an innocent person in a trial where the punishment is death, and that innocent person is subsequently convicted and executed as a result of that false evidence. This section highlights the extreme repercussions of malicious and fabricated testimony that leads to the ultimate, irreversible miscarriage of justice. It recognizes the sanctity of human life and the irreparable damage caused by a wrongful execution.  
  
\*\*The Text of Section 194:\*\*  
  
The section states: “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 capital by the law for the time being in force, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives or fabricates such false evidence shall be punished with death.”  
  
\*\*Key Elements of Section 194:\*\*  
  
1. \*\*Giving or Fabricating False Evidence:\*\* This element encompasses both oral testimony and documentary evidence. "Giving" false evidence refers to knowingly making a false statement under oath or affirmation in a judicial proceeding. "Fabricating" false evidence involves creating or manipulating evidence, such as forging documents, planting evidence, or influencing witnesses to give false testimony.  
  
2. \*\*Intent to Procure Conviction of a Capital Offence:\*\* The prosecution must establish that the person giving or fabricating the false evidence had the specific intention or knowledge that their actions were likely to lead to the conviction of the accused for an offence punishable by death under the law prevailing at that time. This requires proving a direct link between the false evidence and the desired outcome of conviction for a capital offence. It's not sufficient that the false evidence was given in a trial where the death penalty is a possible sentence; the intent must be specifically directed toward securing a conviction leading to execution.  
  
3. \*\*Capital Offence by the Law for the Time Being in Force:\*\* The offence for which the false evidence is given must be punishable by death at the time of the trial. The definition of capital offences can change over time through legislative amendments. This clause ensures that the section remains relevant to the current legal landscape.  
  
4. \*\*Conviction and Execution of an Innocent Person:\*\* This is the most critical element of the enhanced punishment under this section. The false evidence must be the direct cause of the conviction and subsequent execution of a person who was, in fact, innocent of the capital crime. Establishing this causal link is a complex legal challenge requiring rigorous examination of the evidence presented at trial and the impact of the false evidence on the verdict.  
  
\*\*Punishment Under Section 194:\*\*  
  
The punishment prescribed under Section 194 is structured in two parts:  
  
\* \*\*For giving or fabricating false evidence:\*\* The punishment is life imprisonment or rigorous imprisonment up to ten years, along with a fine. This applies even if the accused is ultimately acquitted or convicted of a lesser offence.  
  
\* \*\*If an innocent person is convicted and executed:\*\* If the false evidence results in the conviction and execution of an innocent person, the punishment for the person who gave or fabricated the false evidence is death. This reflects the gravity of the crime, recognizing that an innocent life has been unjustly taken due to the malicious actions of the perjurer.  
  
\*\*Evidentiary Challenges and Burden of Proof:\*\*  
  
Proving the elements of Section 194, particularly the intent and the causal link between the false evidence and the execution, can be extremely difficult. The prosecution must demonstrate beyond reasonable doubt that the false evidence was given with the specific intent to procure a conviction leading to execution and that, but for the false evidence, the innocent person would not have been convicted and executed. This requires a thorough examination of all the evidence presented at the original trial and a demonstration that the false evidence was decisive in securing the conviction.  
  
\*\*Relationship with other sections:\*\*  
  
Section 194 is closely related to other sections of the IPC dealing with perjury, such as Section 191 (giving false evidence), Section 192 (fabricating false evidence), and Section 193 (punishment for perjury). However, Section 194 stands apart due to the severity of the punishment, specifically the death penalty if an innocent person is executed as a result of the false evidence. This emphasizes the legislature's intent to deter such egregious acts of perjury that have potentially fatal consequences.  
  
  
\*\*Importance of Section 194:\*\*  
  
Section 194 underscores the vital importance of truthful testimony in the administration of justice. It acts as a strong deterrent against fabricating or giving false evidence, particularly in capital cases where the stakes are highest. By imposing the ultimate punishment for such acts that lead to the execution of an innocent person, the section upholds the sanctity of human life and protects against the irreversible consequences of wrongful convictions. It recognizes that the integrity of the justice system depends on the truthfulness of the evidence presented before it. The very foundation of the rule of law is threatened when false evidence leads to the conviction and execution of an innocent person. Section 194 serves as a stark reminder of this fundamental principle and strives to prevent such grave miscarriages of justice.