# IPC Section 195: 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) addresses the offense of giving or fabricating false evidence with the intent to procure the conviction of an individual for an offense punishable with life imprisonment or imprisonment for a specific term. This section recognizes the serious disruption to the justice system caused by perjured testimony and aims to deter individuals from manipulating evidence or providing false statements to secure convictions for serious offenses. While not as severe as Section 194, which deals with capital offences, Section 195 still carries significant penalties, reflecting the gravity of obstructing justice through fabricated or false testimony.  
  
\*\*The Text of Section 195:\*\*  
  
“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 by the law for the time being in force is punishable with imprisonment for life, or imprisonment for a term of seven years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if an innocent person be convicted and imprisoned in consequence of such false evidence, the person who gives or fabricates such false evidence may be imprisoned for a term which may extend to ten years, and shall also be liable to fine.”  
  
\*\*Key Elements of Section 195:\*\*  
  
1. \*\*Giving or Fabricating False Evidence:\*\* This core element mirrors the corresponding element in Section 194. "Giving" false evidence pertains to knowingly making a false statement under oath or affirmation in judicial proceedings. "Fabricating" involves the creation or manipulation of evidence, including forging documents, planting incriminating items, or coercing witnesses to provide false testimony.  
  
2. \*\*Intent to Procure Conviction of an Offence Punishable with Imprisonment for Life or Imprisonment for Seven Years or More:\*\* The prosecution needs to establish that the individual giving or fabricating the false evidence possessed the specific intent or knowledge that their actions were likely to result in the conviction of the accused for an offence carrying a sentence of life imprisonment or imprisonment for seven years or more. It is essential to demonstrate a direct link between the false evidence and the desired outcome of a conviction for such a serious offense. The severity of the potential punishment for the underlying offence highlights the gravity of the perjury.  
  
3. \*\*Punishment prescribed by the "Law for the Time Being in Force":\*\* This clause emphasizes that the offence for which the false evidence is presented must be punishable by life imprisonment or imprisonment for seven years or upwards according to the prevailing law at the time of the trial. Laws can be amended, and this clause ensures that Section 195 remains relevant and adaptable to changes in the legal landscape.  
  
4. \*\*Conviction and Imprisonment of an Innocent Person:\*\* This element triggers the enhanced punishment provision within Section 195. If the false evidence directly results in the conviction and subsequent imprisonment of an innocent individual, the person responsible for the false evidence faces a more severe penalty. Establishing this causal link necessitates a thorough examination of the evidence presented during the trial and a demonstration of the decisive impact the false evidence had on the verdict.  
  
\*\*Punishment Under Section 195:\*\*  
  
The punishment stipulated in Section 195 is structured in two tiers:  
  
\* \*\*For giving or fabricating false evidence:\*\* The punishment is imprisonment for up to seven years and a possible fine. This applies regardless of whether the accused in the original trial is acquitted, convicted of a lesser offence, or the charges are dropped. The mere act of giving or fabricating false evidence with the intent to secure a conviction for a serious offence is punishable in itself.  
  
\* \*\*If an innocent person is convicted and imprisoned:\*\* If the false evidence leads to the conviction and imprisonment of an innocent person, the punishment for the individual who gave or fabricated the false evidence can extend to ten years imprisonment and a fine. This enhanced penalty underscores the serious consequences of such actions resulting in the wrongful deprivation of liberty.  
  
\*\*Evidentiary Challenges and Burden of Proof:\*\*  
  
Similar to Section 194, proving the elements of Section 195, particularly the intent and the causal link between the false evidence and the imprisonment, can be challenging. The prosecution bears the burden of proving beyond a reasonable doubt that:  
  
\* The false evidence was provided with the specific intent to secure a conviction for an offence carrying a sentence of life imprisonment or seven years or more.  
\* But for the false evidence, the innocent individual would not have been convicted and imprisoned.  
  
This requires a meticulous analysis of the evidence presented in the original trial, demonstrating the pivotal role of the false evidence in securing the conviction.  
  
\*\*Relationship with Other Sections:\*\*  
  
Section 195 is part of a cluster of IPC sections dealing with perjury, including Section 191 (giving false evidence), Section 192 (fabricating false evidence), and Section 193 (punishment for perjury). While these sections address different facets of giving false evidence, Section 195 distinguishes itself by focusing on cases where the intended conviction carries a sentence of life imprisonment or a substantial prison term, and by increasing the punishment if an innocent person is actually imprisoned as a consequence.  
  
\*\*Importance of Section 195:\*\*  
  
Section 195 serves as a critical safeguard against the manipulation of the justice system through false evidence. It aims to deter individuals from attempting to secure wrongful convictions for serious offences by providing fabricated testimony or manipulating evidence. By imposing significant penalties, including enhanced punishment if an innocent person is imprisoned, Section 195 protects the integrity of the judicial process and upholds the principle that convictions should be based on truthful and reliable evidence. This contributes to ensuring that justice is served and individuals are not unjustly deprived of their liberty based on falsehoods.