# IPC Section 196: Using evidence known to be false.

Section 196 of the Indian Penal Code (IPC) addresses the offense of using evidence known to be false. This section recognizes that the use of fabricated or knowingly false evidence undermines the integrity of the judicial process and obstructs the pursuit of justice. It criminalizes not just the creation of false evidence (covered under Section 192), but also the subsequent use of such evidence in court, even if the person using it did not fabricate it themselves.  
  
\*\*The Text of Section 196:\*\*  
  
“Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.”  
  
\*\*Key Elements of Section 196:\*\*  
  
1. \*\*Corruptly Uses or Attempts to Use:\*\* This element highlights the intentional and dishonest nature of the act. "Corruptly" implies an improper motive or purpose, specifically the intent to deceive the court and pervert the course of justice. The section covers both the actual use of false evidence and the attempt to use it. Even if the attempt is unsuccessful, the individual can still be held liable under this section. This underscores the importance of deterring any effort to introduce false evidence into legal proceedings.  
  
2. \*\*As True or Genuine Evidence:\*\* This emphasizes that the false evidence must be presented as if it were authentic and reliable. The individual must represent the evidence as being truthful and accurate, knowing full well that it is not. This deceptive presentation is central to the offense.  
  
3. \*\*Evidence Which He Knows to Be False or Fabricated:\*\* This element highlights the knowledge requirement. The individual must be aware that the evidence they are using is false or fabricated. This knowledge can be acquired through direct involvement in the fabrication process or through other means, such as being informed by someone else. It's important to note that mere suspicion or doubt about the authenticity of the evidence is insufficient; the individual must have actual knowledge of its falsity.  
  
4. \*\*Punishment as if he gave or fabricated false evidence:\*\* This clause links the punishment under Section 196 to the penalties prescribed for giving or fabricating false evidence under other relevant sections of the IPC, such as Sections 191, 192, 193, 194, and 195. This ensures that the punishment is proportionate to the severity of the underlying offense for which the false evidence is being used. For example, if the false evidence is used in a trial for an offense punishable with life imprisonment, the punishment under Section 196 would be the same as the punishment for giving or fabricating false evidence in such a trial, as outlined in Section 195.  
  
\*\*Punishment Under Section 196:\*\*  
  
The punishment under Section 196 is not explicitly stated within the section itself. Instead, it refers to the punishment prescribed for giving or fabricating false evidence. This means the penalty will vary depending on the nature of the proceedings and the potential punishment for the offense for which the false evidence is being used. This ensures a graded scale of punishment, with more severe penalties for using false evidence in cases involving more serious offenses.  
  
\*\*Evidentiary Challenges and Burden of Proof:\*\*  
  
Proving the elements of Section 196, especially the knowledge of the falsity of the evidence, can be challenging. The prosecution must demonstrate beyond reasonable doubt that the individual knew the evidence was false or fabricated when they used or attempted to use it. This often requires circumstantial evidence, such as prior inconsistent statements, evidence of motive to lie, or demonstrably false information within the evidence itself.  
  
\*\*Relationship with Other Sections:\*\*  
  
Section 196 is closely interconnected with other sections of the IPC dealing with false evidence:  
  
\* \*\*Section 191 (Giving False Evidence):\*\* Section 196 goes beyond simply giving false evidence; it focuses on using already existing false evidence.  
\* \*\*Section 192 (Fabricating False Evidence):\*\* While Section 192 deals with the creation of false evidence, Section 196 deals with its subsequent use. An individual can be charged under both sections if they fabricate and subsequently use the false evidence.  
\* \*\*Sections 193, 194, and 195:\*\* These sections prescribe the punishment for perjury in different contexts. Section 196 draws upon these sections to determine the appropriate punishment based on the severity of the underlying offence for which the false evidence is used.  
  
\*\*Importance of Section 196:\*\*  
  
Section 196 plays a vital role in upholding the integrity of the judicial system. It recognizes that the use of false evidence, even if not fabricated by the user, can significantly distort the truth-finding process and lead to wrongful convictions or acquittals. By criminalizing such conduct, the section aims to deter the use of fabricated evidence and ensure that judicial decisions are based on reliable and truthful information. This reinforces public trust in the justice system and protects individuals from being unjustly affected by manipulated evidence. The section effectively closes a loophole that would otherwise allow individuals to escape accountability for using false evidence simply because they did not personally create it. This strengthens the overall framework of laws against perjury and promotes the pursuit of justice based on truth and fairness.