In most legal systems across the world, the accused is presumed innocent until proven guilty. The guilt of the accused can be proven only with strong evidence. This assumes critical importance in an offence like rape where the defence will usually try a number of tactics to discredit the victim - including casting aspersions on the woman’s character and trying to show to the court that she was habituated to sex. In such cases, evidence collected by the prosecution that shows commission of rape can bring speedy justice.

Here, we would like to reiterate that this list is by no means definitive or exhaustive. For comprehensive legal advice, it is best to consult a lawyer.

**Q. What all evidence can be presented in a trial for rape?**

The age of the victim, medical reports that confirm rape, DNA testing, Chemical examination and statement made by the victim are all admissible in court as evidence. This is why sexual offence cases like rape must be brought to the notice of law enforcement authorities at the earliest.

**Q. What is the best determinant of a victim’s age?**

A certificate obtained from the school is one of the best indicators of age. If that is not available, then medical tests (bone marrow tests) can also be conducted to find out the victim’s age.

**Q. What medical evidence is required in cases of rape?**

Medical evidence is one of the most crucial pieces of evidence in a rape case. Medical evidence can be used to certify:

- Injuries to private parts of victim

- Injuries to other parts of the body from resistance

- Semen, hair, nails, blood stains on clothes and other parts of from the victim which may help in positively identifying him

Not only the victim, the accused must also be made to undergo a medical test as soon as possible to ensure that crucial medical evidence is not lost.

**Q. Whose responsibility is it to conduct a medical examination of the accused and the victim?**

The medical examination of the accused must be conducted by the prosecution. However, a medical examination can also be demanded by the accused in case he feels it can disprove his guilt.

**Q. Who should conduct the medical examination?**

The medical examination should be conducted by a registered medical practitioner. It does not matter if the registered medical practitioner is a government doctor.

**Q. Can a doctor refuse to conduct a medical examination citing referral by the police first?**

No. No doctor can refuse a medical examination.

**Q. What is the nature of a doctor’s opinion?**

A doctor’s opinion is only advisory in nature.

**Q. What weightage is given to the victim’s statement?**

Since rape is an offence that holds much embarrassment and shame for the victim, it would be unusual for a rape victim to claim that she was raped. The victim’s statement thus holds great weightage. In fact, if sexual intercourse is proved and the question is of proving that the victim did not consent, then the courts must presume that the victim did not consent to the act.

A dying declaration made by a deceased person is also admissible in court as evidence of rape.

--Ends