

## Hostile witnesses spell low conviction rate

More and more criminal cases in recent times have seen witnesses turning hostile. In the trial relating to the murder of journalist Shivani Bhatnagar in [New Delhi](#) nine years ago, of the 209 witnesses examined 51 turned hostile.

The prosecution had initially submitted to the court a list of 250 witnesses but during the course of the hearings over the past nine years it dropped 41 witnesses.

'This has become a trend now. Witnesses, especially in high-profile cases, turn silent when they appear in court for their final statements,' said advocate K.K. Sood, a lawyer specialising in criminal cases.

He added that when the accused is a high-profile person, the pressure exerted on witnesses to retract their statements confirming the crime is higher.

The trend, seen earlier in the Best Bakery case in Vadodara relating to the 2002 communal violence in Gujarat and the BMW car hit-and-run case in New Delhi, has undermined public confidence in the criminal justice system and contributed to the abysmally low rate of convictions in India, advocates note.

Last year, the Delhi High Court pulled up 29 witnesses who turned hostile in the Jessica Lall murder case and asked them to file in writing why they retracted their stance during the proceedings of the case.

'Mental trauma, pressure and the power of money force witnesses to take the other way,' said K.K. Manan, another lawyer specialising in criminal cases.

He added that in the absence of witnesses, the prosecution's case becomes very weak and sometimes the accused go scot-free.

Veena Suneja, wife of late Lalit Suneja, a small businessman in Delhi, turned hostile and retracted her earlier statements, leading to the acquittal of underworld don Babloo Srivastava.

But with the high court taking strict measures against hostile witnesses, this trend may finally end.

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