



## 276. In court, which stage of witness examination allows a party to clarify doubts arising from cross-examination?

In a court trial, the process of examining a witness follows a structured sequence to ensure fairness and transparency. The Bharatiya Sakshya Adhiniyam, 2023, provides a clear framework under Section 142 for the examination of witnesses.

The different stages of witness examination are:

- Examination-in-Chief (Section 142(1)) – The party that calls the witness examines them first to present their testimony.
- Cross-Examination (Section 142(2)) – The opposing party questions the witness to challenge their statements and test their credibility.
- Re-examination (Section 142(3)) – The party that originally called the witness has an opportunity to clarify doubts that may have arisen during cross-examination.

### Clarifying Doubts Through Re-Examination

The re-examination stage is crucial because it allows a witness to explain ambiguities or contradictions that emerged during cross-examination. However, re-examination must be limited to matters raised in the cross-examination and cannot introduce new facts unless permitted by the court.

### Example Scenario

Suppose in a criminal trial, a witness (Mr. A) testifies in the examination-in-chief that he saw the accused (Mr. X) at the crime scene at 9:00 PM.

During cross-examination, the opposing lawyer questions Mr. A and suggests that it was too dark at that time and he might have mistaken the identity of the person. Mr. A, under pressure, gives a hesitant response that creates doubt about his initial statement.

Now, in re-examination, the lawyer who called Mr. A can ask clarifying questions such as:

- "Mr. A, can you clarify how you were able to recognize the accused despite the darkness?"
- "Was there sufficient lighting in the area that allowed you to clearly see Mr. X?"

This allows the witness to reaffirm their testimony and remove ambiguities caused during cross-examination.

### Conclusion

The re-examination stage, as defined under Section 142(3) of the Bharatiya Sakshya Adhiniyam, 2023, is essential for ensuring that a witness's testimony is not misunderstood or misrepresented due to cross-examination. It helps clarify doubts and ensures that the court receives a fair and complete version of the witness's knowledge.