



## **Res Gestae: Essence of law**

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### **Abstract**

As in Criminal Procedure Code, 1973, that was on information given to the police. If the offence is cognizable, the police will rush to scene of the crime. The chowkidar of the village rushed to the police station. After 3 hrs the police came and saw the scene. To make a res gestae, the question should not arise in one's minds while reading the facts. It should be like a pearl band with every part after the other and making it a complete. When B and C were sleeping he killed the B and C were not in a position to offer any resistance but when D Wake up She saw and fell unconscious, A should have killed D as D was more dangerous to him because he had seen him and was unconscious but was not dead. Police took unconscious D to the hospital as she was unconscious D to the hospital as she was unconscious for the last 10 hours.

**Keywords:** res gestae, evidence, law

### **Introduction**

Res Gestae as understand in sec 6 of Indian evidence Act 1872 is the totality of the facts. Facts which are the physical acts which actually took place. 'A killed B and C is a very small description of the facts. Why is the question, who are A, B and C' are the question which come to the mind simultaneously. A was a soldier in the army and B was also a friend of A but lived in the village married and farmer by profession and C was the mother of B. The question which again comes to the mind that what was the motive with A why he thought to kill B and C and if B was married where was his wife where A killed them. A killed B and C in the night but D the wife of B was saved. She was sleeping in her bed.

As in Criminal Procedure Code, 1973, that was on information given to the police. If the offence is cognizable, the police will rush to scene of the crime. The chowkidar of the village rushed to the police station. After 3 hrs the police came and saw the scene. The Front door was opened and there was a window near the door which was broke opened by the so called accused 'A' to killed both of them. C the mother of B was sleeping near the door. If A broke open the door that C should wake up or she was deaf but nothing was given in evidence that she was deaf. So she was normal. That also means that so the window was already open and so that was easy for A to come inside the house.

The window was opened by somebody or it was not international. But no evidence of this sort was there. The window was opened by A because the door was locked from inside A entered and saw C sleeping. He took axe, which he brought with force he attached on C who was sleeping and C succumbed to the only injury which was fatal. No resistance was offered by C as she was sleeping. He went inside and went straight to the room where B was sleeping with his wife. We all have a habit of sleeping on the same bed every day. This is a habit which is involuntary. He went on the side of the B and exactly the same manner also give him a fatal blow

with the are and because of that D the wife of B wake up but on seeing the act of A fell unconscious and because of which A panicked and saw away. This is the actual version of the facts where A killed B and C.

To make a res gestae, the question should not arise in one's minds while reading the facts. It should be like a pearl band with every part after the other and making it a complete. When B and C were sleeping he killed the B and C were not in a position to offer any resistance but when D Wake up She saw and fell unconscious, A should have killed D as D was more dangerous to him because he had seen him and was unconscious but was not dead. Police took unconscious D to the hospital as she was unconscious D to the hospital as she was unconscious for the last 10 hours. She was kept under Doctor's observation in the government hospital. She regained consciousness time and again after 5 days the doctor's gave the report that she is fit to give the statement.

The statement which she gave was somewhat changing after some time when asked again and again. The police was reaching. As seen in this case there was no balance of injuries for all. The only three persons present in the house. Two were killed and one was left untouched. This was quite questionable situation. But now when police was taking statement of the neighbours, the relatives etc came with a conclusion that D was friends with A the soldier and most of the time used to call him. Although A was friend of B but B did not like the idea of D befriending A. This was the basis of the regular argument between B and D.

When probed in this story it was found that A was in his army base at that time and on demand A produced the attendance register and the alibi form his friend soldiers. The alibi was accepted by the police but in no case gave a clean chit to A D did not fall unconscious now and moved on started doing her household chores and her parents came to take her to her maternal home which was denied by d. After listening to double mussel and demise of his fast friend A visited the

village and went to B's house. On seeing D behaved very consciously and police was also present in multi she call him inside and gave him a small chitin his hand very attentively. A took it and went home after some time. After 2 hrs D started to go to the fields to batch something and A was also in the fields. They met and she asked him about the arc and how to move according to the plan. A said her to wait and he will tell accordingly.

Police was not able to hear but they met was enough evidence that there in something fishy going on between A and D. A was called B his friends and foes. In each and every case there has to be motive and a criminal object and criminal are the key ingredient which create an intention in the mind of the person to commit a crime. Criminal object is the thing which makes an intention and forms a motive. We all are very emotional and sensitive persons and we all have emotion as love, hatred, jealousy, compassion, friendship in us. When any of this emotion is overwhelming present when you yourself are not able to control the emotion then to rotten it creates a motive and an intention follows.

A was friends with B but was in passionately in love with D. They wanted to stay together and started thinking that it is only B and C which are the great huddles in their living together. Emotions are very hard to explain but the overt out which is performed makes the emotions very clear and the way how the performance was done makes the motive and intention very clear. It the present case, A were to finish B and C and wanted to stay with D. A had no intention to marry D and D also had no intention to marry A. A was engaged. This act was performed after his engagement so these was no proposed of marriage between A and D. D was having difficulty in talking on phone with A and was not able to meet him as in the fields B used to be there and in the house C was there.

The weapon used, the act performed, the place of injury. The all the things required management and in particular case they are used as a weapon and A only strike C and B once in this neck and neck was chopped off. He was a well- built man and the time was at night when everyone was sleeping and where a person is sleeping he is as good as dead

The problem lies about occasion. The occasion is when a person says that B slapped me then B must be present in such a distance with A that when B can actually slap him. In the present case the presence of A is in question. Police was surprised to find A in the village at 5am in the morning after three days. When asked he explained that because his army base n near the village he marks his attendance and comes to the village in the night and again goes to the army base in the early morning to mark his attendance.

This was the answer to the actual question which could have made the story null and void. Every question needs a reply ad now every question, which is replied comes to form a question which is replied comes to form a past of fact in insure or so close to the fact in issue that it can explain the fact of properly.

The whole incident is answered. The mystery solved this is her. Another aspect is that when the other person can become the part of res-gestae or not, a person was seen by some people with a dagger in his hand reining in one due direction. People have the tendency to move in the opposite direction

and when they went there A was lying in the pool of blood. On being people approaching he claimed "Catch A he has attacked me with a dagger". People become the part of the res gestae, and on the other hand, if A did not say anything to the people and people asked 'what happened'. The series was broken and does not form the part of the same transaction which does not come in res gestae.

Res Gestae is the essence of the case, the series and the transaction.

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