



FALSE PROSECUTION IN INDIA: THE WHY AND THE HOW?

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DOI Number: 10.48047/nq.2022.20.22.NQ10487

NeuroQuantology2022;20(22): 4804-4813

4804

INTRODUCTION

In everyday speech, 'False prosecution' is frequently interpreted to refer to the situation where someone is prosecuted for a crime they did not commit. However, when someone is prosecuted, four possibilities arise. The right (i.e., guilty) person could be prosecuted, and through correct procedures (i.e., the right process), the right person could be prosecuted through incorrect procedures (i.e., the false process), the wrong (i.e., innocent) person could be prosecuted through correct procedures, or the wrong person could be prosecuted through incorrect procedures². The 'false prosecution' could therefore refer to the wrong person being prosecuted, or where a prosecution is technically 'false' because it was obtained unfairly, using incorrect procedure.

FALSE PROSECUTION: THE CONCEPT

False here refers to the consequences from which it appears that proper laws do not seem to be followed while "conducting investigation, recording confessions, identification of the accused by the witness and also the right to counsel", and when such prosecution of accused appears to be prejudice, biased and unfair or not in lines with the constitutional provisions. Prosecution here means "the post adjudication stage in which either the 'trial court' or the 'first appellate court' has adjudicated false the case". A prosecution

could also be categorized as false for following more reasons:

1. There have been some errors in procedure that violated the convicted person's rights.
2. The one who is convicted is factually innocent of the charges. According to Duhaime's dictionary, "a false prosecution is a prosecution of a person accused of a crime which, in the result of the subsequent investigation, proves erroneous", the following is also included in the definition is the individual who have committed the act and planning of crimes however whose prosecution were obtained in violation of constitutional or different procedural rights. When such innocent respondent are found guilty in criminal proceedings or once they coerced to confess to the crimes they didn't even committed so as to avoid the death sentence or imprisonment for life, when such innocent defendant spends years in prison or under trial, unfair penalties will result. Various investigations explored that a large proportion of innocent under trial prisoners who endanger their lives in prisons suffers from serious mental health problems, including anxiety disorders and post- traumatic stress, which don't seem to very casual. After spending years of life in



prisons, the life of such victims becomes much more miserable after their release which makes it difficult to rehabilitate them into their normal life. Although many

states still do not have any scheme for providing financial compensation to such victims and to their family. Due to all this the requirement of providing financial compensation becomes much more important because there is no other way to recover money from the police or prosecutors. As it's not only the need of the individual but also of his family in whose absence they suffered both financially and emotionally. The cases of these types are very rare but once such comes into light it cuts the wire of trust between public and criminal justice system.

The term 'false' in common parlance means not true. In the legal sense, it refers to a "false act done intentionally without just cause or excuse." The term prosecution means "a proceeding in a court of law charging a person with a crime "for the offence person has done. 'False Prosecution' means" a prosecution on a charge of crime, which is not true, erroneous, and not correct against the such person where prosecutor's sense of duty and right is been violating the normal rights of the person. It is a common misconception that false prosecution of offence are common, yet the suggestion that survivors frequently claim that they have been falsely prosecuted when they have not done the offence. In particular, the accused of several offences should be entitled to the same anonymity as complainers and are linked with claims and allegations of this kind of false prosecution, and the victim accounts of their experiences of falsely prosecuted should be treated with scepticism.

There is no research basis for these assumptions, though their grip within popular discourse on false prosecution, which is in some quarters considerable, as the resultant damage to survivors and their chances of obtaining justice. It is a cynicism which has no equivalent in any other crime

¹ 277 Law Commission Report

² Forst, B. (2003) Errors of justice [Preprint]. doi:10.1017/cbo9780511734953

type, and research undertaken in recent years has revealed that false complaints are now more common for false prosecution, than they are for other crimes. The truth is that false allegations of any offence occur with more frequency than they do for other crimes, and in order to gain a full understanding of the facts, we must look at cases in detail and ask the right questions. So statistics purporting to record false prosecution of offence often include cases which were 'no crime' has been done. This conflation pushes up the figure for false prosecution, skewing the picture significantly. The grounds under which a case may be seen that 'no-crime' has been done do include false prosecution, but there are other and complex factors which may also lead to this designation, and it is important that these are applied consistently. In some cases where there is 'no crime' and no evidence was found, often following a period of complete incapacity on the part of the alleged victim, the initial suspicion either having been raised by them or by someone else on their behalf. 'False' is a slightly archaic word which connotes injustice over and above a mere error (which would be described as 'not true', 'incorrect' or 'erroneous')³. Though this makes it fitting for someone prosecution of a crime of which they were innocent, the term 'false prosecution' is a legal term. In criminal law, where a prosecution for a serious offence is appealed, the court's test for whether to allow it (and quash the prosecution) is whether it thinks 'that the prosecution is untrue'⁴. If the prosecution is concluded to be not true, the prosecution must be quashed and a retrial may, however, be ordered⁵. The statute does not define what is 'not true' in IPC. The wording is succinct yet deliberately wide. In R v. Pearson [1999], Lord Bingham C.J. stated, 'In some cases not true will be obvious, as for example here it appears that someone other than the appellant committed the crime and the appellant did not, or where

the appellant has been prosecuted of an act that was not in law a crime, or where a prosecution is shown to be vitiated by serious unfairness in the conduct of the trial or significant legal misdirection, or where the jury verdict, in the context of other verdicts, defies any rational explanation⁶. However, it is also noted the commonality of, 'Cases where the court, although by no means persuaded of an appellant's innocence, is subject to some lurking doubt or uneasiness whether an injustice has been done, If, on consideration of all the facts and circumstances of the case before it, the court entertains real doubts whether the appellant was guilty of the offence of which he has been prosecuted, the court will consider the prosecution not true. In these less obvious cases the ultimate decision of the Court of Appeal will very much depend on its assessment of all the facts and circumstances⁷. From the description, 'not true' applies to both categories of 'false prosecution' which is whether a factually innocent person has been falsely prosecuted, or whether procedural errors occurred before or during trial⁸ has been done. Even though both categories are covered, the Court can also consider a false prosecution and not true, if it has a 'lurking doubt or uneasiness' in the procedural aspects about whether an injustice has been done⁹. This can occur even where the Court is not persuaded of an appellant's innocence¹⁰, and even if there is 'no doubt about guilt'¹¹, which may lead to false prosecution.

It is rarely used. As Roberts's notes, the Court cannot comment on whether it thinks an appellant is innocent, nor can it override the supremacy of the jury at the trial as the fact-finders¹². Therefore, using these principal risks 'trespassing on the function of the jury, despite offering a safety valve in the system'¹³. Unlike 'false prosecution', 'miscarriage of justice' is a legal term, though perhaps the least precise. The Criminal Appeals Act 1968 (prior to replacement by the Criminal Appeals Act 1995) permitted appeals against false prosecution where the Court found them

³ Face prosecution definition and meaning: Collins english dictionary (no date) Face prosecution definition and meaning | Collins English Dictionary. Available at: <https://www.collinsdictionary.com/dictionary/english/face-prosecution> (Accessed: 1 July 2023).

⁴ S2 (1) Criminal Appeal Act 1968, as amended by the Criminal Appeal Act 1995.

⁵ S2(3) S7 Criminal Appeal Act 1968, as amended by the Criminal Appeal Act 1995.

⁶ R v. Criminal Cases Review Commission Ex p. Pearson [1999] 3 All E.R. 498

⁷ R v. Criminal Cases Review Commission Ex p. Pearson [1999] 3 All E.R. 498.

⁸ Roberts, S. and Weathered, L. (2008) 'Assisting the factually innocent: The contradictions and compatibility of Innocence Projects and the Criminal Cases Review Commission', Oxford Journal of Legal Studies, 29(1), pp. 43–70. doi:10.1093/ojls/gqn022.

⁹ Lurking doubt was introduced in R v. Cooper [1969] 1 All ER 32, reaffirmed in R v. B [2005] EWCA Crim 63

¹⁰ R v. Criminal Cases Review Commission Ex p. Pearson [1999] 3 All E.R. 498 at 46

¹¹ R v. Davis, Johnson and Rowe [2001] 1 Cr. App. R. 115, 131-132

- a) 'Unsafe or unsatisfactory'
- b) 'The judgment of the court of trial should be set aside on the ground of a wrong decision of any question of law'
- c) 'There was a material irregularity in the course of the trial'¹⁴

Even where one or more of these criteria were met, though, the Court could dismiss appeals if it concluded that 'no miscarriage of justice had actually occurred'¹⁵.

As a researcher, 'miscarriages of justice' are interpreted far more widely. Nobles and Schiff define miscarriages of justice as 'a gap between the values claimed by the criminal justice system, and its actual practice' (or malpractice, in the case of a breach of rights)¹⁶. Walker observes that miscarriages of justice can occur 'whenever suspects, defendants or convicts are treated by the State in breach of their rights'¹⁷. As such, even someone who is factually guilty of a crime could suffer a miscarriage of justice if falsely prosecuted by a process that did not respect basic rights. He explains that mistreatment could result from inadequate protection or disproportionate treatment by the State, deficient legal processes, unfair application, or even inherent unjustness of laws. The potential injustice arising from legitimately made rules is a central consideration of the thesis. It is explored in conjunction with whether an organization within the system, operating on legal definitions, can adequately recognize this kind of miscarriage of justice. Savage et al interpret

Court could focus solely on the issue of whether a prosecution is safe.

¹⁵ S2(2) Criminal Appeal Act 1968.

¹⁶ Nobles, R. and Schiff, D. (2000) Understanding miscarriages of JusticeLaw, the media and the inevitability of a crisis [Preprint].

doi:10.1093/acprof:oso/9780198298939.001.0001.

¹⁷ C Walker, 'Miscarriages of Justice in Principle and Practice' in C Walker and K Starmer (eds) Miscarriages of Justice - A Review of Justice in Error (1999, Blackstone) p32.

¹² L Leigh, 'Lurking Doubt and the Safety of Prosecution' Criminal Law Review, 809 (2006)

¹³ S Roberts, 'The Royal Commission on Criminal Justice and Factual Innocence: Remedying false Prosecution in the Court of Appeal' Justice Journal 1(2), 86, (2004)

¹⁴ S2(1) a-c, Criminal Appeal Act 1968. This section was repealed by the Criminal Appeal Act 1995 which simplified it into a 'safety test'. The section now states that the Court '(a) shall allow an appeal against prosecution if they think that the prosecution is unsafe; (b) shall dismiss such an appeal in any other case'. This amendment was intended to simplify the law rather than change it, so the

‘miscarriages of justice’ to apply to situations where State agencies fail to act appropriately in response to victimisation. The State, Crown Prosecution Service (CPS), police or courts could contribute to or create a miscarriage of justice by failing to investigate, prosecute, or convict an offender – or by doing so through improper procedures¹⁸. This may be accidental or deliberate. On this point, Naughton distinguishes miscarriages of justice occurring due to human error, from what he provocatively terms ‘abortions of justice’ – where injustice was deliberately caused¹⁹. There have however been extensive regulations governing criminal justice agencies’ conduct seeking to reduce possibilities of this²⁰. Naughton’s allegory is useful to the extent that it highlights the borrowed terminology from a comparative loss of life situation. The word ‘miscarriage’ refers to the death of a foetus before birth. Its application to justice (and instances of its ‘failed delivery’) communicates a similar life-afflicting unfairness, such as an innocent person suffering a punishment for something they did not do²¹. This phrase (unlike ‘unsafe prosecution’) arguably connotes that the error type it refers to is Forst’s type, wherein an innocent person is erroneously prosecution.

False prosecution is a common law intentional tort that causes damage by means of the abuse of process of the courts of law. According to Black’s Law Dictionary it defines false prosecution as ‘a judicial proceeding instituted against a person out of the prosecutor’s false and ill-will, with the intention of injuring him, without probable cause to sustain it, the process and proceeding being regular and formal, but not justified by the facts. For this injury, an action of the case lies, and is called as an action of False prosecution.’

The liability for False prosecution consists in falsely instituting criminal proceedings that prove unsuccessful. The same is done for an improper purpose and without reasonable and probable cause²². It is no doubt true that all persons have a right to set in motion the judicial machinery for the protection of his own rights or public interest, but such person should not

infringe the corresponding rights of others by instituting improper legal proceedings or unjustified litigation²³. The tort is meant to safeguard individuals from frivolous, vexatious, and false litigations in courts. Being charged with a criminal offence entails judicial/police custody, which may lead to loss of wages, reputation, and even mental stability. Thus, False prosecution exists to ensure the reduction in False prosecution charges and false suits.

REASONS FOR FALSE PROSECUTION

False prosecution can have many causes; the most cited being mistaken eyewitness identification²⁴. Other common errors include police misconduct, including faulty line up procedures; false confessions; perjured or false testimony by witnesses, informants, and police; forensic error; prosecutorial misconduct; inadequate assistance of counsel for the defendant; racial disparity; and even issues within the criminal justice system, which include overburdened caseloads and budget issues²⁵.

Eyewitness Evidence data from The Innocence view has indicated that mistaken eyewitness identifications account for over three-quarters of false prosecution²⁶.

¹⁸ Savage, S.P., Grieve, J. and Poyser, S. (2007) ‘Putting wrongs to right’, *Criminology & Criminal Justice*, 7(1), pp. 83–105. doi:10.1177/1748895807072477.

¹⁹ ‘Miscarriage of justice (no date) Cambridge Dictionary.

Available at:

<https://dictionary.cambridge.org/dictionary/english/miscarriage-of-justice> (Accessed: 13 July 2023).

²⁰ M Naughton, *The Innocent and the Criminal Justice System*, 56-57 (2013)

²² Mehrotra’s Commentary, 6th Edition (2011)

²³ Mehrotra’s Commentary, 6th Edition (2011)

²⁴ Clark, 2011; Orenstein, 2011; Webster, 2012

²⁵ Balko, 2011; Davies & Hine, 2007; Gould & Leo, 2010; Penrod & Cutler, 1995; Smith et al., 2011; Zalman et al., 2008

²⁶ Gould and Leo (2010) and Shermer et al. (2011)

Additional research suggests that, of the first 225 false prosecutions documented in that approximately 77 percent were due to mistaken eyewitness identification²⁷. With this said, faulty eyewitness evidence is one of the primary causes of false prosecution in India²⁸. As it is clear that eyewitness evidence is a large issue when discussing the factors of false prosecution, it important to note that there are many potential issues with eyewitness identification. Specifically, there are issues that may happen due to circumstances relating to the witness, such as memory and change blindness issues, as well as issues that stem from the prosecutors and police involved in the investigation, such as suggestive line up procedures groups these factors into non- system variables, which include the limitation of witness memory, and system variables, which include the procedures used by police²⁹. First, in regards to the memory of the witness, a general rule of thumb is that the longer the time period between acquisition, retention, and retrieval, the more difficulty individuals have retrieved a memory³⁰. This is important in regards to eyewitness identification, as it can take days or weeks for the initial identification to take place during the investigation³¹. Additionally, as trials in the India typically do not take place until at least 90 to 120 days have passed, it can be months before the witness is asked to testify at the trial³². These delays can allow for significant decay in memory and even confusion and replacement of memories. In this same regard, the increased length of time can cause the witness to become subject to misinformation and source monitoring errors³³. Specifically, since the eyewitness is likely to have a substantial amount of time to reconstruct his/her memory of the incident, he/she may receive additional

information from other sources, such as other eyewitnesses, the police, the prosecutor, and the media. These sources could change his/her own memory of the crime and potentially alter or impair his/her

ability to identify the perpetrator and explain the incident. In this same manner, the witness may become confused as to where he/she learned information or where he/she saw an individual and either incorporate this into the identification or change the story. This can be highly problematic as there have been situations where an individual could mistakenly identify a

²⁷ Balko, 2011; Clark, 2011

²⁸ Clark, 2011; Orenstein, 2011; Webster, 2012

²⁹ Balko, 2011; Shermer et al., 2011; Vallas, 2011; Wise et al., 2007). Clark (2011

³⁰ Clark, 2011; Shermer et al., 2011

³¹ Clark, 2011; Shermer et al., 2011

³² Shermer et al., 2011

³³ Wise, Fishman, & Safer, 2010

bystander to the crime or an individual they had seen in another situation as the perpetrator³⁴. Lastly, this addition of information after the fact has also been shown to lead to hindsight bias, in which the individual's memory can be altered by specific case-related factors, such as the indictment of a particular suspect. The witness may change his/her opinion of guilt about the suspect or even what he/she was thinking about when the crime occurred³⁵. These issues with poor memory recall can be further compounded by stress, age, gender, stereotype expectancies, and personality factors the witness may have³⁶. Specifically, stressful situations can impair the perception of an event, especially if the witness has observed a violent event. Research has suggested that the negative effects of stress on perception and memory recall can be highly increased in situations involving a weapon due to the fact that the witness will likely spend more time focusing on the weapon than other aspects of the event³⁷. In regards to personality factors of the witness, indicate that, when the witness reconstructs his/her memory of the crime, it is based on the eyewitness's expectations, attitude, beliefs, and knowledge of similar events³⁸. For instance, if the individual has certain stereotypes, he/she may be more likely to have difficulties when participating in cross-racial and cross-ethnic identifications, indicated that this can pose an issue, especially when Caucasian eyewitnesses identify an Indian suspect³⁹. While this eyewitness bias can be thought to cause the eyewitness to generalize or miss evidence, it can also cause them to focus only on specific factors, such as those that relate the most to their own life, provides the example of a hair stylist who may be more inclined to notice a specific hairstyle of the perpetrator, which is likely because he/she is used to paying more attention to this characteristic⁴⁰. In addition to the stressors and factors that can affect a witness's memory of the situation, some research has suggested that these difficulties can be explained by a phenomenon termed change blindness⁴¹. Change blindness refers to the difficulties

observers face in detecting major changes in their perceptual environment. It also indicates that, in most studies, only about one third of participants are able to notice differences in physical appearance, both when viewing media clips as well as in real-life situations. It has been found that, of those participants who are able to notice these changes, they are also more likely to be able to identify the correct people in the experiment when given a line-up of potential individuals⁴². Additionally, this phenomenon can be found within face processing tasks, in which participants were instructed to match a picture with the face of the individual they viewed in a video or met in person. For example, individuals are more likely to recognize someone similar to themselves, especially in face processing tasks, it also focused on change blindness by instructing participants to watch a two-minute video presenting a burglary in progress, which included different

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³⁴ Wise et al., 2010

³⁵ Wise et al., 2010

³⁶ Clark, 2011; Gould & Leo, 2010; Shermer et al., 2011; Vallas, 2011; Wise et al., 2010

³⁷ Shermer et al., 2011; Vallas, 2011

³⁸ Wise et al. (2010)

³⁹ Shermer et al. (2011)

⁴⁰ Wise et al. (2010)

⁴¹ Davies & Hine, 2007

⁴² Davis and Hines (2007)

aspects⁴³. If the individual is introduced through artificial intelligence, then angle halfway through the clip is different while giving the evidence. Only about 39% of individuals reported the change in suspects during the artificial intelligence. When the individual was instructed to pay close attention, more women than men detected the change because of artificial intelligence which has led to false prosecution⁴⁴. This goes along with the research by which indicated that gender of the witness had an effect on the memory of the incident because of artificial intelligence which led to false prosecution⁴⁵. Witness or evidence who detected the change also had a higher recall of events through the artificial intelligence and were more likely to be able to detect both suspects in a line up which lead to false prosecution. The change because of Artificial intelligence founded or seen is a demonstration of the rather poor accuracy that can be exhibited by eyewitnesses through artificial intelligence⁴⁶. It is important to note that features of the incident can exacerbate change blindness, such as familiarity of the target person, exposure time, and race of the target person⁴⁷. Although change blindness is not widely discussed, it points to the great amount of unreliability within eyewitness evidence and how the issues with general memory limitations can be further compounded by situational factors such as quick changes in a fast moving and stressful situation. Although it is clear that there are many biases and factors that can affect the witness's memory, ⁴⁸found that limitations of memory do not cause innocent people to be misidentified. Specifically, although limitations in memory do undermine the evidence, when the witness's memory is less accurate or complete, it is only more likely that an identified suspect is in fact innocent and also found that the risk of false identification was also there⁴⁹ because of better memory conditions and for poorer memory conditions. This research can suggest that there may not be much difference in the probability of identifying the false suspect, regardless of favourable or unfavourable memory conditions⁵⁰.

Overall, this is problematic, as it is almost as likely that someone with good memory conditions could identify the wrong suspect as someone with poor conditions. While it is clear that memory limitations and other non-system variables can negatively affect the identification of the suspect and the recall of events, this issue can be compounded by issues relating to system variables, or the procedures by which police conduct the line up or show up, as well as the investigation⁵¹. Some of the major decisions on the part of the police in regards to eyewitness evidence include the decision of whether to conduct a line up or show up, the decisions involved in the construction of the line up, the decision of how to instruct the witness and how to present the line up to the witness, as well as the decision about what the police officers and detectives say to the witnesses during the identification procedures. As previously mentioned, the witnesses can be highly influenced by outside information, especially information from police officers, as they are more likely to provide information on the target suspect in the case. It is important to note the difference between a line up and a showup, as these two methods may have some influence on the identification process. First, a showup is usually the quickest way in which police can ask the witness for identification⁵².

⁴³ Davies and Hines (2007)

⁴⁴ Davies and Hines (2007)

⁴⁵ Shermer et al. (2011).

⁴⁶ Davies and Hines (2007)

⁴⁷ Davies & Hines, 2007

⁴⁸ Clark (2011)

The show up consists only of the suspect and contains no fillers or other individuals who resemble the characteristics described by the witnesses. On the other hand, a line up may take longer to arrange and consists of more steps, as the selection of fillers is not always simple. The fillers selected for a line up must resemble the characteristics of the described perpetrator without specifically drawing the witness to the suspect based on non-case specific factors. The initial decision between a showup and a line up is important as the showup consists of a one-on-one identification, whereas the line up requires the witness to pick the suspect out a line of similar individuals. Showups are often used when the police find a suspect very soon after the commission of the crime. Although psychological research on eyewitness line up methods is somewhat inclusive and highly debated, indicates that there is a slight advantage for showups that are conducted immediately versus a line up conducted one to three days later. This is likely due to the fact that the witness's memory typically weakens and he/she may become subject to additional and/or outside confusing information as time passes. The issues surrounding the procedures put in place extend far beyond the decision of a showup or a line up; the police must also choose the fillers to put in the lineup, if it is the selected method of identification and the way in which to conduct the line up. The police must choose between a sequential line up, in which each individual is presented one after another, and a simultaneous line up in which all of the individuals are presented at the same time⁵³. It also indicates that most police officers and departments prefer sequential line ups so that the witnesses cannot make comparisons between line up member and relative judgment⁵⁴. Additionally, in order to make sure comparative judgments are not made and there is not a direct indication of who the suspect is, it is important to make sure the correct fillers are chosen. According to the, meeting the standards for lineup, which include having similar fillers in order to make sure the suspect does not stand out,

comes with a trade-off⁵⁵. Specifically, increasing the similarity of the fillers does reduce the false identification rate, as hoped, but it also reduces the correct identification rate. Overall, it has been found that sequential line ups reduce the risk of false identification, but they also reduce the rate of correct identification⁵⁶. With this said, it has been shown that the most commonly advocated method is the sequential line up procedure, due to the fact that there is not a direct suggestion of the suspect, and there is a decrease in the risk of false identification, although some departments may still use outdated simultaneous line up procedures.

It indicates that, if the police convey their expectations, the witness may conform to this to aid the investigation or to match the story with the police, but this can be a large problem for false prosecution, as it is known that the police do not always have the right person. This matching of the story is also likely to provide the witness with increased confidence in his/her identification, as well as in the testimony given at the trial⁵⁷.

The eyewitness confidence has been shown to account for nearly 50 percent of the jurors' decisions of whether or not to believe the witness⁵⁸.

⁵¹ Clark, 2011

⁵² Clark, 2011

⁵³ Clark (2011)

⁵⁴ Gould and Leo (2010)

⁵⁵ Clark (2011)

⁵⁶ Clark (2011)

⁵⁷ Clark, 2011; Gould & Leo, 2010

⁵⁸ Clark (2011) and Shermer et al. (2011)

This can be highly problematic, as the witness could exhibit false confidence if he/she has been subject to suggestions and outside information from either police or prosecutors during the course of the investigation. As it is obvious that there is a culmination of factors that affect and hinder eyewitness identification, it is surprising that eyewitness identifications remain among the most commonly used and compelling evidence against criminal defendants. This is extremely problematic, as eyewitness identifications are subject to the highest rate of human error when compared to other factors of false prosecution, due to the participation of many different parties in the process. The faulty eyewitness identification can be further compounded by other case issues, especially those that do not allow for the discovery of the true suspect, such as police and prosecutorial misconduct and forensic error in cases involving DNA also leads false prosecution.

The struggle of returning in the society is very difficult for these wrongfully convicted persons and not providing compensation to them is worsening their condition. State should have the responsibility to set this right by providing them compensation is not the just a solution.

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