CHAPTER-IV

Law in Contemporary World:-

The Indian Legal system is by an large based on English Common law. Still we do have some areas of distinction with it. In India the law of evidence is inspired by English law but it stands distinguished when compared to other legal systems of the world. This chapter is an effort to analyse the similarities and distinctions in law related to testimony of accomplice in the contemporary legal systems. By the advancement of time, culture, Civilization, which law has developed in most progressive stages and which law has legged behind. An effort has been made under this chapter to study the law in a contemporary legal systems resembling with our legal system.[1]

(1) Law Related to Accomplice in United Kingdom:-

From early days, the Common law has known as the law of crime in which the criminal tried to save his own neck at the expense of his fellows[2] For example, in cases of treason or felony he was called an appealor because after confessing his crime he was required to bring appeals against his associates when he might be killed in battle. He was also known as an approver. The procedure of improvement was formal and the formalities were strictly enforced; success often depended also on whether the approver was believed, the successful Approver had to abjure the realm

1 Stephen, H.C.L. 250 P.M. . ii 230.
2 Hale, Historta Placitonum Coronae 117 pg. 230

and the unsuccessful approver was hanged.[3] As this prospect naturally did not increase the number of approvers, the practice was modified and the name changed. Accomplices were offered the hope of pardon if they gave evidence for the Crown. They were very clearly interested in the success of the prosecution, and many of them were palpably infamous persons: but unless they were infamous in law as a matter of expedience they were treated as competent witnesses .

In modern law an accomplice is a competent witness for the prosecution even though indicted jointly with the accused then on trial. If he pleads guilty during the trial [4]or is tried separately[5] The position is the same if he is not tried, by reason of a *nolle prosequi* entered by the Attorney- General, or if he has already been tried and acquitted[6] . He is then competent also for the defence[7]. The evidence of an unacquainted accomplice must be corroborated; but that every person concerned in a crime is not necessarily an accomplice. It can also be stated that a statement by one accomplice not made on oath in the course of the trial is not evidence against another accomplice and should be entirely disregarded in considering the latter's case.[8] Further, It can also be said that before we actually examine the Indian law on the subject, we deem it worthwhile to make a comparative study of the English law governing the evidence of accomplices. It may also seem necessary to look for guidance

3 R.v. Radd (1775) 1 Comp. 331
4 R.v. Payne (1949) 34 C.A.R. 43. C.C.A. and Archbold, 487.
5 Winsor v. R. (1866) L.R. 1 Q.B. 289 390.
6 R.v. Rowland (1826) Ry. & M. 401
7 R. v. Sherman (1736) (Cas. Tem p. Hard 303.
8 R.v. Gunewardene [1951] 2 K.B. 600 C.C.A.

to English precedents for it is sometimes assumed that the Indian Evidence Act for the most part incorporates the law prevailing in England at the time of the passing of the Act. It is also stated by Sir James Stephen[9] in his introduction to the report of the Select Committee that "it is little more than an attempt to reduce the English Law of Evidence to the form of express propositions arranged in their natural order, with some modifications rendered necessary by the peculiar circumstances of India."

Nevertheless, we have to bear in mind that the courts in India will not administer the law of England but administer the law as embodied in the Indian enactments. It is also not permissible, therefore, to assume the English Law of Evidence and then to inquire what modifications have been introduced into it. Further when we deal with a statute, there may be no need to go beyond the positive language of the Act, to see the intention of the legislature.[10]

In English law the term "accomplice" includes when they are called for the prosecution-

i) persons who are participates criminal in respect of the actual crime charged, whether as principal or accessories.

ii) on a trial for theft, receivers as regards the thieves from whom they receive the goods.[11]

iii) where a person is charged with a specific offence on a particular occasion, and evidence is admissible and has been admitted, of

9 Who was responsible for the drafting of the Indian Evidence Act 1872.
10 Narendra Nath Sircar vs Kamala Basini Dasi (1896) ILR 23 Cal 563.
11 R vs Blank 1972 Cr LR 176.

his having committed crimes of the identical type on other occasions as proving system or intent or negative accident, parties to such other similar offences.

No further extension of the term "accomplice" should be admitted.[12] Where it is not clear that a witness is an accomplice within the above definition but there is evidence upon which a jury could find that he was the issue of "accomplice velnon" is for the jury to decide. Accomplice when gives no evidence adverse to the accused, there is no need for warning to the jury[13]. Testimony by the wife of an accomplice who has himself given evidence is admissible, it requires a caution similar to that needed in the case of the accomplice; while if the accomplice has not himself given evidence, the testimony of his wife against her husband's co-accused does not require any caution, but is to be treated as that of an independent witness.[14] An accomplice who is separately indicated or who, if jointly indicated, has either pleaded guilty, been acquitted or had his trial postponed, is a competent witness against his fellows; but one who is jointly indicated and jointly tried is altogether incompetent for the prosecution.[15] In the latter case, therefore, it is usual, when the accomplice is to be called for the prosecution, to take his plea of guilty on arraignment or before calling him either to offer no evidence and permit his acquittal or to enter a *nolle prosequi.*[16]

To trace the history of the law as regards accomplice evidence in

12 Davies v. D. P.P. 1954 AC 378; R v Farid (1945) 30 Cr App R 1681.
13 R vs Peach 1974 Cr LR 245
14 R vs Willis (1916) 1 KB 933.
15 R vs Hadwen (1902) 1 KB 882.
16 R. v. Turner 1975 Cr. L.R. 451.

England, one must take into account the judgment of Lord Reading in *R v Baskervilie*[17] Said the great judge:

"There is no doubt that the uncorroborated evidence of an accomplice is admissible in law.....But it has long been a rule of practice at common law for the judge to warn the jury of the danger of convicting a prisoner on the uncorroborated testimony of an accomplice, and, in the discretion of the judge, to advice them not to convict upon such evidence, but the judge should point out to the jury that it is within their legal province to convict upon such unconfirmed evidence....."

In *Stathan v Stathan (1929 P 13),* Lord Hanworth MR upon a review of different authorities deduced the following three propositions:

1) That the evidence of an accomplice is not accepted without corroboration;

2) that a conviction may be questioned in an appeal court where a trial judge had omitted to caution a jury against convicting on the uncorroborated evidence of an accomplice;

3) that the corroboration must be found in some material particular tending to show that the accused had committed the acts charged.

The evidence must also be such as affected that accused by connecting him or tending to connect him with the crime.

Later, the House of Lords enunciated the following propositions in *Devices v. D.P.P.*[18]

17 (1916) 2 KB 658: 86 lj kb 28]
18 [1954] AC 378: (1954) All ER 5071

"First proposition : In a criminal trial where a person who is an accomplice gives evidence on behalf of the prosecution, it is the duty of the judge to warn the jury that although they may convict upon his evidence, it is dangerous to do so unless it is corroborated.

Second proposition: This rule, although a rule of practice, now has the force of a rule of law.

Third proposition : Where the judge tends to warn the jury in accordance with this rule, the conviction will be quashed, even if in fact there be ample corroboration of the evidence of the accomplice, unless the appellate court can apply the provision to section 4(1) of the Criminal Appeal Act, 1907."

Regarding the position of accomplice under English law, the rule that a conviction based on the uncorroborated testimony of an accomplice is not illegal though as a matter of practice the courts require corroboration of such evidence, is as old as Atwood's case.[19] decided by twelve judges towards the close of the eighteenth century. Sir Fitzjames Stephen in Article 121 of his Digest of the Law of Evidence, published in 1876, states the rule as follows: "When the only proof against a person charged with a criminal offence is the evidence of an accomplice, uncorroborated in any material particulars, it is the duty of the Judge to warn the jury that it is unsafe to convict any person upon such evidence, though they have a legal right to do so." This rule of guidance is adopted in R. v. Wells"[20], M and M

19 (1787) , Leach C.C. 464
20 (1829) 1

328; Rex v. Webb[21], Rex v. Addis[22]; Rex v. Noakes[23]; Rex v. Neal[24]; Rex v. Moores[25] and Regina v. Farler.[26] In these cases the Judges directed the jury that they ought not to return a verdict of guilt if they would feel that the evidence of an accomplice was not confirmed or corroborated not only as regards the offence generally but as regards the particular accused; but the decision was invariably left to the Jury.[27] Maule-J observed that by asking the jury not to accept the testimony of an accomplice without corroboration. The Judge would only give a direction of guidance to assist the jury in their endeavour to evaluate facts; and hence those directions could not bind them unlike directions on points of law. Then in Reg v. Stubbs[28], the Court of Crown cases reserved held that the omission of the court to warn the jury that they ought not to think that an accused person could be convicted on the testimony of an accomplice without corroboration was only a departure from the usual practice and that it would not involve any question of law on which the Court of Crown cases reserved could review. In Reg v. Boyes[29]. Martin, B makes the following comment on the evidence of an accomplice, in his address to the jury: "Assume for the purpose of the present discussion that this man (witness who was an accomplice) was speaking the truth. Is there any law which prohibits a jury from believing a man who (it must be assumed for the sake

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21 (1834) C and P 595);
22 (1834) 6 C and P 388)
23 [1832, 5 C and P 326)
24 [(1835) C & P 168]
25 [(1836) C and P 270)
26 (1837) 8 C & P 106]
27 In Reg v. Mullins, [1848) 7 St Tr NS 1111 Appex. A]
28 (1855) Dearsly CC 555]
29 21 (1861) 9 Cox CC 32

of argument) spoke the truth simply because he is not corroborated? I know of none. I know of no rule of law myself....." Then Martin, B. adds "but there is a rule of practice which has become so hallowed as to be deserving of respect. I believe these are the very words of Lord Abinger it deserves to have all the reverence of law." Similarly, Cockburn-C.J. in the same case said: "I protest against it being the duty of the judge to direct the jury to acquit the accused because the evidence of an accomplice is uncorroborated." We may take it that this principle is akin to that contained in Section 133 of the Indian Evidence Act, 1872. But the Chief Justice stated both the law and practice while delivering the judgment as under: "It is stated very well in Taylor on Evidence page 796 "the degree of credit which ought to be given to the testimony of an accomplice is a matter exclusively within the province of the jury. It has sometimes been said they ought not to believe him unless his evidence is corroborated by other evidence, and without doubt great caution in weighing such testimony is dictated by prudence and reason. But no positive rule of law exists upon the subject and the jury may, if they please act upon the evidence of an accomplice, even in a capital case, without any confirmation of his statement. It is true that Judges in their discretion will advise a jury not to convict a prisoner upon the testimony of an accomplice alone, and without corroboration and the practice of giving such advice is now so general that its omission would be deemed a neglect of duty on the part of the Judge. Considering too the respect which is always paid by the Jury to this advice from the Bench, it may be regarded as the settled course of practice not to

convict a prisoner, except under very special circumstances, upon the sole and uncorroborated testimony of an accomplice. The Judges do not in such cases, withdraw the case form the jury by positive directions to acquit but only advise them not to give credit to the testimony. I think that is a fair exposition of what the present practice is. We think that he (the Judge) ought not to have told the jury to acquit if the witness was uncorroborated."

Similarly, Lord Colerige, L.C.J. states the law in Reg. v. Gallagher[30] as follows: "There was no doubt, as very many generations of lawyers had always laid down in the same way-whether it was most convenient, it was not for him to say, but he only repeated the language of those who had sat on that seat before him in laying it down again that there was no reason why the evidence of an approver should not be acted upon by a jury if they thought it true, because the jury were to be satisfied of the truth of the matters proved before them and stated in evidence, and if from the evidence of the approver himself they were perfectly satisfied that he was speaking the truth, then there was no reason in point of law why on his evidence they should not act and find the accused guilty." But the Lord Chief Justice goes on to say: "But it had been usual, for judges always to recommend that there should be some corroboration of the evidence given by an informer. The danger of acting upon the uncorroborated statement of an informer was obvious and the wisdom of requiring that some corroborative evidence should be given before such statements are acted upon was perfectly apparent to an intelligent mind. The law was as he (the

30 (1883) Cox's C C 291)

Judge in that case) had stated but the practice was always to require corroboration."

There are the following two cases, which lay down the law prevailing towards the beginning of the Twentieth century. Cave-J. expresses the law to be as under in In re. Meunier[31], "It is not the law that a prisoner must necessarily be acquitted in the absence of corroborative evidence to the testimony of an accomplice for the evidence must be laid before the jury in each case." And again it was stated "No doubt it is the practice to warn the jury that they ought not to convict unless they think that the evidence of the accomplice is corroborated."

In a later case, *Rex. v. Tate*[32], Lord Alverstone L.C.J. quotes with approval the statement of law contained in "Taylor on Evidence."[33] The Lord Chief Justice also quotes "Russell on Crimes[34] wherein it is said that although the practice in strictness rests only upon the discretion of the judge at the trial, "it may be observed that the practice in question has obtained so much sanction from legal authority that it deserves all the reverence of law, and a deviation from it in any particular case would be justly considered of questionable propriety."

After that Lord Alverstone, L.C.J. goes on to say, "In the present case, the judge did not direct the Jury in accordance with the settled practice, but told them that the question for them was which of the two witnesses they believed the boy or the prisoner thereby leading them to

31 (1894) 2 Q B 415)
32 (1908) 2 K N 680)
33 10th Edn. Page 882.
34 6th Edn. Vol. III Page 646.

suppose that if they believed the accomplice's story they might properly convict although his evidence was entirely without corroboration. Under these circumstances, we are of opinion that there has been a miscarriage of justice, and that the conviction should be set aside." So the learned Chief Justice seems to think that the attention of the jury must be first drawn to the presumption of the unreliability of an accomplice's evidence and it is only if they find that, even without corroboration the testimony of an accomplice is reliable, they are entitled to hold the accused guilty. It was also well settled by that time that failure to instruct the jury with regard to the initial untrustworthiness of an accomplice's evidence of accomplice is to be regarded, as being sufficient to vitiate trial. This principle, viz., the failure to comply with the well- established practice of directing Juries as to how the evidence of accomplices is to be regarded, as being sufficient to vitiate trial, has received statutory recognition by the Parliament in 1907.

2- Law related to Accomplice in India:-

The meaning and concept of accomplice in Indian legal scenario has been discussed in earlier chapter. In this chapter this is being discussed in brief to provide a comparison.

The principle regarding accomplice evidence is incorporated in section 133 of Indian Evidence Act. 1872, which makes him a competent witness. Section 133 of the evidence Act declares "an accomplice shall be a competent witness against an accused person, and a conviction is not illegal merely because it proceeds on the uncorroborated testimony of an accomplice." This may be called the substantive rule of law as regards the

evidence of an accomplice. But in the presumptions of fact contained in illustrations to section 114 Indian Evidence Act, Illustration (b) provides than " an accomplice is unworthy of credit. Unless he is corroborated in material particulars." This is a rule of guidance, to which also the court should have regard.

Formerly an accused person was statutorily prevented from being examined as a witness. But according to the present Criminal Procedure Code an accused person can give evidence on his behalf upon his written request. But with regard to an accomplice there is no such prohibition. So the competence of an accomplice to figure as a witness is doubly confirmed. But the credibility of his testimony depends on the rule of guidance contained in Illustration (b) to Section 114.[35]

In enacting section 133, the Legislature has adopted phraseology, which is peculiar. The mode of its expression is not unintentional but has been deliberately adopted as the legislature can well be supposed to have known the English and Indian decisions on the subject particularly the Full Bench cases of *Elaheebuksh. v. R*[36], which was decided a few years before and from which it is clear that illustration to explanation of Section 114 (b) at all, particularly after repealing Act II 1885. The practice of the rule of Courts of requiring corroborative evidence in support of the testimony of an accomplice was not unknown to the Legislature. The credit of an accomplice's evidence was too important a matter to be left without notice. Accordingly we find which something is specifically said about the weight

35 1. Emperor vs khandiabin pandu (1890) 15 B 665; Emperor v. Anant kumar AIR 1920 Cal 663 (2).
36 (1866) 5 WR 80

of evidence, which ordinarily ought to be a matter for the court to decide in each case. The section merely says that it is not illegal to do. It says nothing about the propriety of the conviction. It looks as if the section was intended to settle legislatively questions, which at the time of its enactment were thought to be disputed. The negative form of the section on the face of it indicates as if the contrary was supposed to be the rule. At any rate the section does not go to the length of saying that though it is not illegal to convict an accused person on uncorroborated testimony of accomplice a conviction based upon it is proper. It does not bar a rule of caution, if any in treating such evidence. The section only says that if in spite of such rule for appreciating the evidence the Court relies on the evidence in a particular case, the conviction under such circumstances would be legal. Thus the rule expresses the bare existence of a principle to meet requirements of very exceptional cases e.g., where there are special circumstances to destroy or diminish the reasons for which accomplice evidence is held unreliable or in other words where the taint is removed. The exceptional application of the rule rather proves the existence of a general rule that it is not at all safe to rely upon the evidence of the accomplice unless it is materially corroborated. It may be remarked in passing that the enactment is entirely at one with the English Common Law except that by Section 30 of the Act, the Common Law rule has been widened in India to that extent only that in joint trial the confession of a co-accused may be taken into consideration by the Court as against his co-accused as well as against himself.

As regards competency of a person to be a witness, Section 118 lays down that the intellectual capacity to understand question is the test of competency of a witness. All persons are declared to be competent witnesses unless they are, in the opinion of the court, prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease whether of mind or body, or another cause of the same kind. Mark by, has while expressing his views, observed.

"I do quite know why this section was inserted. It was not necessary as S.118 makes all persons competent to testify except those there enumerated. Nor is there any rule, which requires that evidence of an accomplice should be corroborated. But the emphatic statement in this section might lead persons to suppose that the legislature desired to encourage convictions on the uncorroborated evidence of an accomplice. This however, cannot have been the case because in S. 114 we find given as one of the presumptions based on the common course of human conduct, the presumption that an accomplice is unworthy of credit unless he is corroborated in material particulars. It would therefore have been better to omit this section. The law on the subject would then have been the same as it is now, and the awkwardness of appearing to sanction a practice as universally condemned would be avoided.[37]

So, it was prime facie unnecessary to enact the first part of section 133 saying that an accomplice is a competent witness; the second part of

37 [Markby p 98]

section 133 is corollary to the first part and is equally superfluous; for, to declare that an accomplice is a competent witness but is never to be believed is meaningless. This also is covered by S. 134 which does not require any particular number of witnesses for the proof of any fact.

Accordingly this apparently unnecessary section would be redundant except for clarifying these matters, which might have been regarded as questioned. But without any specific section relating to accomplice evidence there was a chance of the law being misunderstood or misapplied if the only thing left in the Act were illustration (b) to S. 114 (a general section dealing with all kinds of presumptions) which says that "an accomplice is unworthy of credit, unless he is corroborated in material particulars." It would seem therefore that it was considered necessary to place the law of accomplice evidence on a sounder basis by saying in clear terms by way of caution that a conviction is "not illegal (ie, not unlawful) merely because" it is based on the uncorroborated testimony of an accomplice while declaring that an accomplice is a competent witness. The intention was to draw pointed attention to illus (b) to S. 114 and to emphasise that the rule there and in S. 133 are parts of one and the same subject and neither can be ignored in the exercise of judicial discretion except in cases of a very exceptional nature.

3. Law Related to accomplice in U.S. of America:-

In federal law the accomplice is treated as a competent witness. In America the federal procedure of Evidence[38], section 56 deal with the

38 "Popular Law Library Vol. 11 Common Law Pleading, Code Pleading, Federal Procedure, Evidence," by Albert H. Putney. Also available from Amazon: Popular Law Dictionary.

accomplice and accessories as - accomplices and accessories are competent witnesses against the accused, and though a conviction may be had upon the uncorroborated testimony of such accessory or accomplice, the testimony should be received with great caution.[39] A promise of immunity to an accomplice may be shown to impair the credibility of the witness, though it was not made by the prosecuting attorney, if it was made in his presence and the witness was a person of weak mind. But a conviction upon the uncorroborated evidence of a witness who admits that he has been promised immunity, insufficient to sustain a conviction.

A recent tendency has appeared in this Court to expand this elastic offense and to facilitate its proof. In *Pinkerton v. United States*..... it sustained a conviction of a substantive crime where there was no proof of participation in or knowledge of it, upon the novel and dubious theory that conspiracy is equivalent in law to aiding and abetting.

Courts often refer to aiding and abetting as an alternate theory of liability under than a separate crime. Under 18 U.S.C. S. 2, aiding and abetting liability is available in all federal criminal prosecutions; however, the availability and extent of civil aiding and abetting liability varies from statue to statute. Where available, aiding and abetting liability generally requires three elements:

1) An underlying violation by a principal;

2) Knowledge of that violation and/or the intent to facilitate the violation; and

39 Cohn vs. People, 197 111., 482; Kelly vs. People, 192 III, 119.

3) Assistance to the principal in the violation.

In 1982, the United States Supreme Court held that accomplices may not be executed for the capital crimes of other criminals, if there is no evidence that the accomplice knew or even suspected that the primary wrongdoer might commit murder. In *Enmund v. Florida,*[40] the accomplice was sitting in a car outside a house where a robbery was committed, and had no inkling that his partner in crime was going to kill the robbery victim.

Some states, including the state of California, have a system that distinguishes between an accessory, an accomplice, and a principal (or co-principal) in a different way. In this system, the difference between an accessory and an accomplice is not as listed above. An accessory would only be someone who aids and abets the principal (the person who committed (there is no more accessory "before" and "after" the fact.... what was once "accessory before the fact" is now just "co-principal", and what was once "accessory after the fact" is now just "accessory"). An accomplice is not a formal legal term in many states, it is legal slang", and denotes only "an accessory or co-principal that agrees to testify against another principal in a court of law."

Accomplice Liability - Actual assistance required and principal must know of Accomplice's actions.

- Defendant must intend to commit or to assist another in committing (requires specific intent)

40 458 U.S. 782 (1982)

- In some situations (the mental state might be that the accessory might think that the principal will commit the crime).
- In some states the required mental state, or culpability, is the knowledge the principal's mental state.

Thus the conspiracy doctrine will incriminate persons on the fringe of offending who would not be guilty of aiding and abetting or of becoming an accessory, for those charges only lie when an act which is a crime has actually been committed.

4. Law Related to accomplice in State of California:-

This part examines the accomplice liability doctrine in California criminal law, specifically in relation to murder. This is a difficult area of criminal law, which consists of islands of light in a sea of darkness. This part explains the statutory requirements of accomplice liability and examines the current state of the law in California criminal law. Section A turns to a close examination of the nature of both the aiding and abetting requirements as well as the "natural and probable consequences" doctrine within California. Section C consist of an examination of the relationship required between an accomplice and a primary perpetrator in order to find liability.

Section 31 of the California Penal Code states that "A11 persons, who aid and abet in the commission of a crime are principals in any crime so committed.[41] Prior to the enactment of this statute, common law made

41 Cal Penal Code $ 31 (West 2001)

an aider abettor a principal to the crime in the second degree.[42] Further more the common law both prohibited the aider or abettor from being brought to trial until the principal, who committed the crime, had been convicted and required a separate charge of complicity.[43] California Penal Code Section 31 has effectively done away with the common law rule, thereby simplifying California Criminal Law by combining all principals into one category without reference to degrees.[44] As the California Supreme Court recently stated. "The aider and abettor doctrine merely makes aidors and abettors liable for their accomplices' actions as well as their own. It obviates the necessity to decide who was the aider and abettor and who the direct perpetrator or to what extent each played which role."[45]

The doctrine of accomplice liability makes those who aid and abet in the commission of a crime liable as a principal for the actions of their accomplices.[46] This is a form of derivative liability - a method of deriving criminal liability based upon the commission of a criminal offense by another person.[47] Because it is derivative, criminal liability depends entirely upon the crime that the actual perpetrator commits.[48] Accomplice liability is therefore, not considered a separate criminal offense. It is an alternate form of finding liability for the charged offense.[49]

42 People, v. Coffey, 161 Cal. 433, 119 P. 901, 903 (1911); see also People v. Butts, 236 Cal. App. 2d 817, 46 Cal. Rptr. 362 (1965); People v. Collum, 122 Cal, 186, 54 P. 589 (1998) (rejecting from the category of accomplices the accessory after the fact).

43 Coffey, 161 Cal. at 437-40, 119 P. at 903-04.

44 See CAL PENAL CODE $ 31.

45 People Vs McCoy 25 Cal. 4th 1111, 1120, 24 P. 3d. 1210, 1216, 108 Cal Reptr. 2d 188, 195 (2001).

46 Id.; People v. Francisco, 22 Cal. App. 4th 1180, 27 Cal. Rptr. 2d 695 (1994).

47 See Francisco, 22 Cal. App. 4th at 1190, 27 Cal. Rptr. 2d at 700-01; see also People v. Brigham, 216 Cal. Rptr. 486 (1989) (holding that the appellant's derivative criminal liability as an aider and abettor for his partner's crime existed even though the crime was unintended by the appellant.

48 People v. McCoy 79 Cal. App. 4th, 67, 82 93 Cal Rptr. 2nd. 827, 838.

49 Francisco, 22 Cal. App. 4th at 1190, 27 Cal. Rptr. 2d at 700-01; Brigham, 216 Cal. App. 3d at 1039, 265 Cal. Rptr. at 486.

The statutory term "aid and abet" is a legal term of art not commonly used, nor even understood by lay persons. It represents a legal theory under which one may be held derivatively liable as a principal for the criminal acts of another if two elements are met. Each element, aiding and abetting, performs a function necessary to justify the imposition of criminal liability.

The "aiding" element requires some conduct by the accomplice that results in the accomplice becoming involved in the commission of a crime.[50] The typical way in which a party becomes involved in the commission of a crime is through the assistance, promotion, encouragement, or instigation of criminal action.[51] Once a party becomes involved in the commission of a crime, the aiding element has been met, no matter how slight the assistance. The law establishes no degree requirement to the amount of involvement required to fix liability as a principal.[52]

The second element, "abetting." serves to supply the mental state necessary to justify the imposition of criminal liability.[53] This requirement looks for a criminal state of mind- specifically, it requires that the accomplice has both knowledge of the perpetrator's unlawful purpose to commit a crime, and the intent to facilitate the perpetrator's unlawful purpose.[54]

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50 People v. croy, 41 Cal. 3d 11, 710 P. 2d 392, 397-98, 221 Cal. Rptr. 592, 597-98 (1985); see also People v. Nguyen, 21 Cal. App. 4th 518, 530, 26 Cal. Rptr. 2d 323, 330-31 (1993) (holding that sexual offenses could be reasonably foreseeable consequences of robbery for purposes of aiding and abetting).

51 Cal Penal Code $ 31 (West 2011)

52 CAL PENAL CODE S. 31; Ngyuen, 21 Cal. App. 4th at 529, 26 Cal. Rptr. 2d at 329-30.

53 CAL PENAL CODE S.31.

54 People v. Campbell, 25 Cal. App. 4th 402, 413-14, 30 Cal. Rptr. 2d 525, 532 (1994).

Thus, as in most criminal conduct, accomplice liability involves both an act us reuse (the actual aiding) and a mensrea (the intent to facilitate the criminal purpose of the perpetrator).[55]

In order to have the proper mensrea or intent to abet, a person must have knowledge of the criminal purpose of the perpetrator and intend to aid in that purpose.[56] In *People v. Croy,* the defendant was convicted of robbery under an aiding and abetting theory when he drove the primary perpetrators of a robbery away from the scene of the crime.[57] However, this conviction was overturned by the California Supreme Court because the trial court failed to instruct the jury that not only must it find that the defendant had knowledge of the criminal purpose of the primary perpetrator, but also that the defendant had knowledge of the criminal purpose of the primary perpetrator, but also that the defendant acted with the intent to aid in the criminal activity.[58] The California Supreme Court stated that the "erroneous aiding and abetting instructions made it irrelevant whether appellant had driven away from the scene for the purpose of facilitating the robbery or for some other purpose."[59]

For proving knowledge and intent, it is often difficult to get into the mind of the accused to determine if the accused actually had knowledge of the primary perpetrator's criminal intent. Although the defendant does not have the burden of proof, statements by the accused accomplice that he was not aware of a plan to commit a crime is not sufficient to constitute

55 People v. Fredoni, 12 Cal. App. 685, 108 P. 663 (1910).
56 People Vs Beeman. id- 556.
57 41 Cal. 3d 1, 710 P. 2d 392, 221 Cal. Rptr. 592 (1985).
58 Id. at 11-12, 710 P. 2d at 398, 400-01, 221 Cal. Rptr. at 597-600.
59 49, Id at 16, 710 P. 2d at 401, 221 Cal. Rptr. at 600.

proof, that he did not know about the primary perpetrator's criminal intent[60] Therefore, California courts allow circumstantial evidence to prove that the accused accomplice had knowledge of the crime[61]

Presence alone does not establish knowledge and intent mere presence at the scene of a crime is not enough to establish that one is abettor[62] In Hill, the appellant, Hill, met the perpetrators of the crime for the first time shortly before the crime took place.[63] After inducing him to drive around and look for girls, the perpetrators asked Hill to park on the street and await their return. He sat in the car, turned off the lights, and went to sleep. When the primary perpetrators returned, Hill drove them away. He was found guilty of aiding abetting armed robbery. The appellate court overturned Hill' s conviction because there was insufficient evidence to convict him of accomplice liability. The court stated that" the mere presence of the accused at the scene of the crime does not essentially establish his guilt as an abettor... evidence of his mere presence without showing his preconcert with the actors is insufficient as proof of guilt." There had been no testimony that contradicted the appellant's version of the facts- that he did not see a gun, he was not aware why the principal perpetrators asked him to stop the car, nor was he aware that when they returned that they had committed a robbery. Furthermore, there had been no evidence that the applicant acted in any way as a look-out for the robbery. Although it is true that there was a gun in his car, the gun was

60 People v. Martin, 12 Cal. 2d 466, 85 P. 2d 880 (1938).
61 Martin, 12 Cal. 2d at 466, 85 P. 2d at 880.
62 Hill, 77 Cal, App, 2d ast 287, 175 P. 2d at 45.
63 Id. at 290-91 175 P. 2d at 47.

trucked under the seat, and Hill claimed to have never seen it before.[64]

However, the California courts have narrowed their definition of "mere presence" by allowing the jury to consider action taken both before and after the crime when imposing liability. Compare the Hill case with *People v. Moore.*[65] Moore was accused of aiding and abetting an armed robbery of seven dollars, stolen at knifepoint.[66] As in Hill, there was no testimony that he actually physically assisted in the robbery. Indeed, the victim testified that Moore "just stood at the steps. He did not do nothing. He did not say nothing; he just stood there."[67] However, when the police arrested Moore, they found the knife and the money in his pocket. Moore argued that he could not be found liable as an aider and abettor for simply being present at the time the crime was committed.[68] However, the court rejected this argument because Moore was in the "company of the other defendants before the crime was committed, remained with them during the robbery, fled with them from the hotel, and when arrested with the others he had the knife and stolen bills in his possession."[69] This was sufficient evidence for the jury to infer that he had enough knowledge to have abetted in the commission of the crime.[70] Although mere presence as the crime scene is not enough to establish accomplice liability, it is evidence that the jury can consider in determining whether or not the defendant is guilty of aiding and abetting. The presence, companionship,

64 Id. at 289, 175 P. 2d at 46.
65 120 Cal. App. 2d, 303, 260 P. 2d 1011 (1953).
66 Id. at 304, 260 P. 2d at 1012.
67 Id at 305, 260 P. 2d at 1012.
68 See id. at 306, 260 P. 2d at 1013.
69 Ibid.
70 See id. at 306-07, 260 P. 2d at 1013-14.

and conduct of the defendant with the primary perpetrators before and after the offence are circumstances from which his criminal intent may be inferred. The fact that Moore had the money and knife when he was arrested indicates an agreement between the defendant and the primary perpetrator, that is relevant to establish an intent to aid and abet.

Natural and Probable Consequences -

An accomplice is liable for the commission of any acts that the accomplice has knowledge of and actually intends to aid.[71] But what happens when the principal actor does something that the accomplice was not intending to assist, or the accomplice did not have knowledge of. In such situations, an accomplice could still be found liable for acts the accomplice had no knowledge of, so long as the acts were within the natural and reasonable consequences acts the accomplice did have knowledge of.[72]

The court has found that in order to determine what is a natural and reasonable consequence, it must first make several factual determinations.[73] First, the court must determine what crimes were actually committed. Then, the court must determine what offenses were reasonably foreseeable consequence of those crimes.[74] As a result, the accomplice is not automatically liable for the actions of the primary perpetrator. "Accordingly, an aider and abettor may be found guilty of crimes... which

71 See People v. Beltran, 94 Cal. App. 2d 197, 210 P. 2d 238 (1949).
72 Id. at 206, 210 P. 2d at 24 3
73 People v. Woods, 8 Cal. App. 4th 1570, 1587, 11 Cal. Rptr. 2d 231, 240 (1992).
74 Id. at 1586, 11 Cal. Rptr. 2d at 239-40..

are less serious than the gravest offence the perpetrator commits."[75] The accomplice's guilt is directly relate to the foreseeability of the perpetrator's criminal acts.

In *People v. Brigham,* the court explained that when determining whether the actions of the primary perpetrator were reasonably foreseeable by the accomplice, liability is based on an objective analysis of causation, not the subjective view of what the accomplice believed might occur.[76] Under an objective analysis, the jury must determine whether a reasonable person, under similar circumstances as the defendant, would recognize that the crime committed by the primary perpetrator was a reasonably foreseeable consequence of the act that the defendant was aiding and abetting. This finding will depend on the circumstances surrounding the conduct of both the perpetrator and the aider and abettor. The jury can consider "not [only] the circumstances prevailing prior to or at the commencement of the [criminal] endeavor, but must include all of the circumstances leading up to the last act by which the participant directly or indirectly aided or encouraged the principal actor in the commission of the crime.[77]

No conviction of principal perpetrator required while the jury cannot convict an accomplice of a greater offense when both the accomplice and primary perpetrator are tried at the same time on the same evidence, it is possible to convict an accomplice of a greater crime when the two are tried at separate times, even if the accomplice is tried before the primary

75 Id. at 1586-87, 11 Cal. Rptr. 2d at 240.
76 216 Cal. App. 3d 1039, 1051, 265 Cal. Rptr. 486, 493 (1989).
77 Nguyen, 21 Cal. App. 4th at 532, 26 Cal. Rptr. 2d at 332.

perpetrator.[78] In the recent California Supreme Court decision of People v. Garcia, the court reversed the court of appeal by holding that conviction of the principal agent is not required before imposing derivative liability on an accomplice.[79] In that case, the victim was killed in a drive-by-shooting.[80] At the time of his arrest, the defendant admitted to his involvement as an accomplice, stating that he was the driver of the car. He was charged and convicted of murder. The trial judge also found him guilty of a sentencing enhancement for discharging a firearm in the commission of a murder. The defendant appealed this conviction, arguing that the prosecutor had not proven all the elements necessary for the sentencing enhancement to apply. "Defendant argued that although he was an aider and abettor and not the shooter, the firearm enhancement could apply to him only if allegations under sections 12022.53, subdivision (d) ... were 'pled and proved."[81] The court rejected this argument because the prosecution would face too much of a burden if it were required to convict the primary perpetrator before it could convict an aider and abettor. The court's concern in adopting such an approach to aiding and abetting liability was that the primary perpetrators would use procedural devices to ensure that they were tried after the accomplice, thereby allowing the accomplice to escape liability. The court noted that although some defendants may escape conviction, the state should be able to prosecute defendants when there is substantial evidence introduced that would sustain a conviction. An accomplice should not be able to escape

78 See People v. Garcia, 28 Cal. 4th 1166, 52 P.3d 648
79 See id, at 1177, 52 P. 3d 655, 124 Cl. Rptr. 2d at 472.
80 See id. at 1169-70, 52 P. 3d at 649-50, 124 Cal. Rptr. 2d at 466.
81 Id. Cal. PENAL CODE $ 12022.53 (d) (Deering 2001) States:

conviction simply because the State failed to meet its burden against another defendant.[82]

5. Law related to Accomplice in Nigeria:-

Nigeria being an Islamic Nation followers law based on sharia. In Evidence Act of Nigeria, section 178 deal with the accomplice as a competent witness and the conviction on the testimony of accomplice is not illegal, even if the testimony is uncorroborated.

This section reads as-

(1) An accomplice shall be a competent witness against an accused person, and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice:

Provided that in cases tried with a jury when the only proof against a person charged with a criminal offence is the evidence of an accomplice, uncorroborated in any material particular implicating the accused, the judge shall warn the jury that it is unsafe to convict any person upon such evidence, though they have a legal right to do so and in all other cases the court shall so direct itself.

(2) Where accused are tried jointly and any of them gives evidence on his own behalf, which incriminates the co-accused, the accused who gives such evidence shall not be considered to be an accomplice.

6. Law related to accomplice in India and England are identical to a great extend -

"The law in this country as expressed in ss 133 and 144 illust. (b) of the

82 Id. at 1177, 52 P. 3d at 655, 124 Cal. Rptr. 2d at 472.

Evidence Act is in no respect different from the law of England. It simply reproduces a rule of practice which the English courts have recognized, time out of mind and which, rule is this: A conviction based on the uncorroborated testimony of an accomplice is not illegal i.e, it is not unlawful. But Experience teaches us that it is not safe to rely upon the evidence of an accomplice unless it is corroborated and hence it is the practice of the judges both in England and in India, when sitting alone to guard their mind carefully against acting upon such evidence when uncorroborated and when trying a case with a jury to warn a jury that such a course is unsafe.[83] "

"It is satisfactory to find that in a matter of this sort, the law and practice in England and India runs upon precisely the same lines.[84]

The Law in England is that corroboration of accomplices is not required in strict law; but it is the general practice to require corroboration, and for the prosecution to give other evidence confirmatory of at least some of the leading circumstances of his story. (from which the jury may be able to presume that he told the truth as to the rest,) and for the judge to tell the jury not to act upon the uncorroborated testimony of an accomplice. In England it was formerly held that, if an accomplice be confirmed as to the persons charged, but this doctrine has been rejected in later cases, The law practically the same in this country.

An accomplice is a competent witness against an accused person, and a conviction is not illegal merely because it proceeds on the

83 Per STRAIGHT , J, in R v Rasaran 8A 306, 310 R v Maganlal 14 B 115
84 [Per RICHARDSON J in Jamaldi V R, 28 CWN 536: Nag Aung v R 1937 Rang 110]

uncorroborated testimony of an accomplice. This is a rule of law embodied in Section 133. There is, however, a rule of prudence contained in illustration (b) to Section 114 of the Evidence Act. The necessity of corroboration is stressed therein. The credit of an accomplice who is first convicted and thereafter examined as a witness against a co-accused is affected because of such conviction as between his statements on oath and the statement of a co-accused from the dock. There is no good reason to prefer the former, unless it is corroborated in material particular by some untainted evidence.[85] In *Sarwan Singh v. State of punjab*[86], the Supreme Court observed that- "an accomplice is undoubtedly a competent witness. Courts are naturally reluctant to act on such tainted evidence unless it is corroborated in material particulars by other independent evidence."

The rule about the nature and extent of corroboration was considered at some length in the off-cited case in *King v. Baskerville.*[87] This case has been quoted with approval by their lordships of the Supreme Court in more than one decision;[88] it has also been cited in what is commonly known as the *Goa Bom case*[89] decided by Goa High Court on 13th Nov. 1967 (Goa). In *Haroon Haji v. State of Maharashtra*[90], the question of accomplice evidence is discussed. The material passage reads thus:

"The effect of the provision is that the court trying an accused may legally convict him on the single evidence of an accomplice. To this there

85 IBRAHIM Husen v, State AIR 1969 Goa 68 at p.70
86 AIR 1957 SC 637
87 (1916) 2 K.B. 658
88 Janendra Nath v. West Bengal AIR 1959 S.C. 1190 at p. 1201.
89 State v. Olavo Perpetuo Noronha Fernandes & State v. Richardo de Lima e Melo Criminal Revn. Appln No. 333 of 1965 & Criminal Appeal No. 325 of 1965.
90 AIR 1968 S.C. 832.

is a rider in illustration (b) to Section 114 of the Act. This cautionary provision incorporated a rule of prudence. The rule of caution and prudence has become so ingrained in the consideration of accomplice evidence as to have almost the standing of a rule of law."

In *Bhuboni Sahu v. King,*[91], Sir Johan Beaumont said:

"The law in India relating to the evidence of accomplice stands thus.....It had been held in *Queen v. ElaheeBuksh.*[92]

"Reading these two enactments (sec 133 and illustration (b) to sec 114) together, the courts in India have held that whilst it in not illegal to act upon the uncorroborated evidence of an accomplished it is a rule of prudence... that it is unsafe to act upon evidence of an accomplice unless it is corroborated in material respects so as to implicate the accused; and further, that the evidence of one accomplice cannot be used to corroborate the evidence of another accomplice, the law in India therefore is substantially the same as the law in England."

After considering all the decision on the point - English and Indian- Boss, J., observed that though a women who has been raped, is not an accomplice, but in all these cases a large volume of case law has grown up which treats the evidence of the complainant some what along the same lines as accomplice evidence." His lordship then said:

"this branch of law is the same as in England.. the lucid exposition of it given by Lord Reading... in *King v. Baskerville* cannot be bettered

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91 AIR 1949 P.C. 257.

92 S. Suth, W.R. (Cr.) 80 that the law relating to accomplice evidence was the same in India as in England. Then came the Indian evidence act."

and the rule which according to the cases has hardened into one of law, is not that corroboration is essential before there can be a conviction but that the necessity of corroboration, as a matter of prudence, except where the circumstances make it safe to dispense with it, must be present to the mind of judge."

Mr. Roscoe says: As the law now stands, it is universally agreed by all the authorities that if, the accomplice were uncorroborated, a judge would be wrong who did not advice the jury not to convict; whereas the court of Criminal Appeal would be bound to pronounce an opinion that a judge who did not so advise them was right. "The law in India relating to the evidence of accomplice stands thus: Even before passing of the Indian Evidence Act, 1872, it has been held by a Full Bench of the High Court of Calcutta in *R. v. Elahee Buksh,*[93] that the law relating to accomplice evidence was the same in India as in England. Then came the Indian Evidence Act.

The nature and extent of the corroboration that is required when it is not considered as safe to dispense with it, and also according to the particular circumstances of the offence charged.

It is, however, clear

i) that all that is required is that there must be "some additional evidence rendering it probable that the story of the accomplice (or the complainant) is true and that is reasonably safe to act upon it":

93 Shamsher Bahadur Saxena v. State of Bihar AIR 1956 Pat. 404 at pp. 411-12.

ii) the independent evidence must been some way reasonably connect the accused with crime:

iii) the corroboration must come from independent source;

iv) the corroboration need not be direct evidence that the accused committed the crime; it is sufficient if it is merely circumstantial evidence of his connection with the crime.

"Independent" merely means independent of sources, which are likely to be tainted.

If several accomplices simultaneously give a constant account of the crime implicating the accused, the court may accept the several statements as corroborating each other.[94] But it must be established that the several statements of accomplices were given independently and without any previous concert.[95]

The source of Illustration (b) is supposed to be the following passage in the book Taylor on Evidence.[96]

"Some few general propositions in matters of fact and the weight of testimony are now universally taken for granted in the administration of justice and are sanctioned by the usage of the Bench. Such, for instance is the caution given to juries to regard with distrust the testimony of an accomplice unless it be materially confirmed by other evidence. There is no rigid presumption of the common law against such testimony, yet experience has shown that it is little worthy of credit and on this

94 Haroon Haji Abdulla v. State of Maharashtra AIR 1968 S.C. 832 at p. 837.
95 Bhuboni Sahu v. King 76 Ind App. 147 at pp. 156-157 AIR 1949 P. C. 257.
96 Section 171

experience the usage is found."

Just as there is no rigid presumption in the common law against such testimony, similarly in the Indian Evidence Act, the presumption is not directed to be made in every case.

In the Indian Evidence Act the proposition regarding the trustworthiness of an accomplice's evidence is stated in connection with and as part of Section 114 which gives the Court the discretion to draw certain presumptions as to facts, having regard to the common course of human conduct and the business of public bodies not generally but in their relations to the fact of the particular case.

In England, it has long been a rule of practice at common law for the judge to warm the jury of the danger of convicting a person on the uncorroborated testimony of an accomplice, and in the discretion of the judge he may recommend them not to do so. The rule in India is exactly the same. In Emperor v. Jamaldi Fakir, the dictum of Reading, C.J., in R. v. Baskerville[97] has been quoted with approval by the learned bench that-

In India in practice the courts have invariably started with the presumption against the trustworthiness of the accomplice unless corroborated in material particulars. The considered opinion in this country is also in England is that a conviction based upon the uncorroborated testimony of an accomplice is not illegal tough it is highly dangerous to base a conviction upon his uncorroborated evidence.

97 RVS Baskerville, 1916 (2) K.B. 658.

It would thus appear that the law in India as expressed in ss 133 and 114 illus (b) is in no respect from the English Law. But the difficulty in understanding the combined effect of the above two sections proceeds largely on account of their different position in the Act. Illus (b) is attached to s 114 in Chapter VII and s 133 is inserted in Chapter IX of the Act. The English text- writers, however, have stated the whole law on the subject in one place. It would seem that the insertion of an explanation to s 133 in terms of illus (b) to s 114 would have been of more help in understanding the true meaning of s 133. In India the magistrates are recruited from inexperienced youths without any previous legal training and judges on the civil side called upon to do criminal work, as sessions judges, rather late in life; it is therefore not at all surprising that difficulty is felt in grasping the true meaning and scope of S.133 and it is not infrequently misapplied or misunderstood.

The emphatic statement in s 133 that conviction is not illegal (ie not unlawful) merely because it proceeds upon the uncorroborated testimony of an accomplice may at first sight lead inexperienced and untrained persons 'to suppose (in the words of Markby) that the legislature desired to encourage convictions on the uncorroborated evidence of accomplice. 'That can never be so, and we find that the law in S. 133 is qualified by the rule of caution and prudence in illus (b) to S. 114 where it is declared that an accomplice is unworthy of credit unless he is corroborated in material particulars. This rule of caution has now almost acquired the force of law.

The rule in S. 114 illus (b) and that in s 133 are parts of one subject and neither section can be ignored in the exercise of judicial discretion.[98] The legislature did not intend to say more than that in certain circumstances of a wholly exceptional character; a court might sometimes be justified in convicting on the uncorroborated testimony of several accomplices.[99] In the absence of the special circumstances of the nature indicated in the two further illustrations to illus (b), an accomplice is to be presumed unworthy of credit. It has been pointed out that two further illustrations given to illus (b) of 114 are not exhaustive. They are given by way of guidance only and in order that a court may test the fact of a particular case to see whether anything has emerged to show that the evidence of an accomplice need not be corroborated in material particulars.[100] As to the principles that are to be applied when a question has to be decided under ss 133 and 114, illus (b)[101]. The combined effect of section 133 and illustration (b) to Section 114, Indian Evidence Act is that, though a conviction based upon accomplice evidence is legal, the Court will not accept such evidence unless it is corroborated in material particulars. The corroboration must connect the accused with the crime. It may be direct or circumstantial. It is not necessary that the corroboration should confirm all the circumstances of the crime. It is sufficient if the corroboration is in material particulars. The corroboration must be from an

98 R v Chagan 14 B 331, 344.
99 Nawal Kishore v R 22 P 27.
100 R v Nag Myo A 1933 R 177 FB.
101 R v Nga Myo supl.

independent source. One accomplice cannot corroborate another.[102]

As is well known the evidence of an approver has to meet, the twin tests of reliability and corroboration. In a like manner the accomplice whose evidence has to be examined with caution than that of an approver has to satisfy the Court both about his credibility in general and the corroboration of his evidence on material particulars from independent sources.[103]

It is no doubt true that a conviction of an accused on the testimony of an accomplice is not illegal, but as a matter of practice, the Court should not accept the evidence of an accomplice without corroboration in material particulars.[104] The court may accept the testimony of an accomplice, if he is found to be reliable and his version receives sufficient corroboration from independent sources. The corroboration, while it need not cover the entire story or all its material particulars, should be of such a nature as to afford the assistance that the main story disclosed by him can safely be accepted.[105]

There must be independent evidence connecting the accused with the crime. This is a rule of caution and prudence that the testimony of an accomplice should be corroborated in material particulars. Therefore some additional evidence should be forthcoming rendering it probable that the

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102 Mohd. Hussain Umar Kochra v. K.S. Dalip Singhji 1970 Cri LJ 9: Bhiva Doubu Patil V. State of Maharastra (1963) 3 SCR 830; R v. Baskerville (1916) 2 K.B. 658.
103 Sarbjit Singh v. State of Punjab 1970 Cr. LJ 944.
104 Kilimani Abu v. State of Kerala (1965) 2 Cr. LJ 557.
105 A.P. Kattan Panicker v. State of Kerala, (1963) I Cr. LJ 669.

story of the accomplice is true and it is reasonable safe to act upon it and also it reasonably connects or tends to connect the accused with the offence charged.[106]

Thus after the detailed study of law related to accomplice as witness as prevailing in the various developed and underdeveloped legal systems, it is quite clear that the testimony of accomplice has almost same credibility in a criminal trial. However there are a few different views as far as conviction is concerned on the sole testimony of accomplice. In India and England though competency is beyond doubt but corroboration gives the weight to the testimony of an accomplice, while that in United states even uncorroborated evidence of accomplice has credit to lead to the conviction.

Thus the law related to accomplice in India is quite as per with that of contemporary world with the slight distinction as to the weightage added to the corroboration.

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106 Sohan Singh Kesar Singh v. State (1964) I Cr. LJ 353.