

# Audi Alteram Partem

Audi Alteram Partem, a fundamental principle of natural justice, literally means "let the other side be heard as well." This crucial legal axiom insists that no individual should face judgement without a fair hearing where each party can respond to the evidence against them. This principle is pivotal across both common law and civil law systems, ensuring that courts and other adjudicative bodies conduct themselves with fairness and impartiality.

## Section 313 of CrPC

In Indian law, Audi Alteram Partem is closely integrated with various procedural safeguards, most notably Section 313 of the Code of Criminal Procedure, 1973 (CrPC). This section is instrumental in providing the accused a voice within the courtroom, allowing them to personally address and explain any evidence presented against them. This ability to respond is not only a right but also a strategic component of the trial that can influence its outcome.

- Clarification of Evidence: This section aids the court in understanding the perspective of the accused, which might lead to a different interpretation of the facts, or even exonerate the accused.
- Upholding Principles of Justice: It underscores the need for a balanced and equitable hearing, compelling the court to weigh both sides of the argument comprehensively.

## Procedure and Importance of Section 313

The procedure involves the court posing questions to the accused after the prosecution's witnesses have been examined. These questions are designed to probe any incriminating evidence that has come up, ensuring the accused can address and clarify these points. Importantly, these responses are not under oath, meaning they cannot be used directly against the accused but can support their defence or challenge the prosecution's claims.

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## Purposes of Section 313 CrPC

- Facilitation of Fair Defense: Section 313 ensures that the accused can present their narrative, especially useful when the prosecution's presentation might lack context or be biased.

The questioning can occur at any stage of the trial, allowing for timely responses to new evidence. The answers are recorded and become a vital part of the trial record, with the Supreme Court of India recognizing that

failure to properly execute this section can lead to a miscarriage of justice.



### Indrakunwar v. The State of Chhattisgarh

The Supreme Court's ruling in Indrakunwar v. The State of Chhattisgarh is a pivotal example of Section 313's application and its broader implications. The court emphasised that the process is not merely procedural but a crucial aspect of ensuring justice. Each

incriminating piece of evidence must be explicitly presented to the accused to allow a fair opportunity for explanation.

### Key Highlights from the Case

- The appellant, accused of murdering her newborn, was initially convicted largely on her admission of pregnancy. However, the Supreme Court noted the trial court's overreach in making unwarranted inferences from this admission, thus violating her right to privacy.
- The Supreme Court criticised the lower courts for not allowing the accused adequate opportunity to explain her circumstances, leading to her acquittal and underscoring the importance of adhering to procedural safeguards.