Evidence Collection

Evidence collection

The implementation of the law is never simple. It is a complex process where different mechanisms are amalgamated to observe the clear picture of the social situation. The proceedings of both civil and criminal are multifaceted which consider many elements in detail. However, it is criminal law which is even more intricate in nature as it takes different conflicting pieces of evidence into account. Besides, it would not be wrong to say that evidence collection holds prime importance in the dispensation of criminal justice. Evidence collection is the phenomenon which is regulated under some preconditions and post conditions. It is mandatory for the law regulatory authorities and law enforcement agencies to effectively collect evidence as this is the premise on which the future verdict of the court depends. The process of evidence collection is much vital for prudent judgments; however, it is observed many times that designated authorities often collect evidence inattentively or subjectively. Annals of history reveal that there have been several court decisions, which had poor evidence collection in the background, and this led to the ineffectiveness of judicial verdict. Moreover, the dual nature of law in the US such as Federal law and the State law often makes some of the evidence inadmissible. This paper will provide details of a recent case in which the evidence collection has not been lawful.

Singh v Singh [2016] EWHC case is a reminder of the fact that there is the least prohibition about the use of illegal or clandestinely obtained evidence. The courts also allow such evidence to be presented, if it even talks about the case precisely (Singh & Ramjohn, 2016). It happens because the evidence presentation mechanism throughout the world remains based over old-fashioned and out mooted conditions. However, the solicitors must take into account, that presenting illegal document might impact negatively over the case. In this regard, the solicitors should keep in mind various criminological aspect before presenting evidence in front of the court.

##  Singh v Singh [2016] EWHC

In the case referred above, the claimant declared the joint ownership of two different companies. Both companies supplied and manufactured the windows related products. The claimant declared that the share in his custody would be assumed by the first defendant in a constructive trust. However, different from his claims, the documents did not support the facts. This situation became clear when the resignation letter and evidence of his prior remission from his shares were presented in front of the court (Singh & Ramjohn, 2016). However, the claimant opined that for commercial reason, he and the first defendant orally agreed to conceal their joint business from the world. It made the first defendant the sole owner of both companies. Therefore, the evidence, later on, presented that the claimant willingly surrendered from both companies.

## Issues surrounding evidence collection

Booster writes that in most of the criminal cases there appears a certain factor, which distorts the process of evidence collection (Boister, 2018). In the case mentioned above Boister claims that evidence collection remained thoroughly neglected. The investigating authorities based their claim on the evidence put forward by the first defendant. It remains of prime importance that audio recordings were paid little attention since it constituted an important part of total evidence.

## How evidence collection impacted the criminal trial proceedings?

In light of secretly obtained evidence and recorded conversations, this all can be very powerful in this kind of dispute. As the Court noted ‘it could have been of great value as to what is said in such conditions, where parties knew the truth and what they are discussing and are talking freely about (Boister, 2018)’. The first defendant forthright admission and confirm reassurances, in his words, were important for the outcome of the case. This kind of evidence creates a risky environment for court proceedings.

## Why Proper evidence collection is so vital?

The proper evidence collection is so vital in many ways. First and foremost, it is the strength of evidence which becomes a reason for effective judgment in law. If evidence collection is done with a lack of attention or even with a half-hearted approach, this will be counter-productive to the due process of law. Secondly, judicial verdicts are changed when evidence is changed (Singh & Ramjohn, 2016). Evidence unveil the real nature of crime and the criminal and when they are manipulated, adulterate the whole process of criminal law. This is the underlying reason that proper evidence collection is much necessitated in the implementation of criminal law.

# References:

Boister, N. (2018). *An introduction to transnational criminal law*. Oxford University Press.

Singh, C., & Ramjohn, M. (2016). *Unlocking evidence*. Routledge.