



# Principles of Relevancy of Confessional Statement under the Indian Law of Evidence

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*Abstract*—Voluntary Confession plays an important part to prove the commission of an offence. Confession is a psychological state of mind. A person goes through a range of emotional state while making confession. Confessional statements are not stated very categorically the way the prosecution wants them to. For that, the courts adopt various methodology to understand the true spirit of a statement of the accused and reads them as a whole. Through various judicial precedents, the true way to understand and interpret a confessional statement has been settled by the judiciary. The paper analyses three leading case laws the position of law on the interpretation of the confessional statement.

*Index Terms* Confession. Exculpatory Statement, Inculpatory Statement.

## I. INTRODUCTION

Voluntary Confession plays an important part to prove the commission of the offence. Courts read voluntary confession very carefully as the proof of the same shall end in the conviction of the person. However, an accused person when makes confessional statements, his statements are not straight and direct. He tells his whole story with his peculiar mode of the commission of the offence. It needs the experience to see through the actual meaning of his statements and at times confessions are not confessions in a real sense rather facts advanced for his defense. For this, the judiciary has developed some manageable principles to weigh its relevancy and evidentiary value. The examination of the facts by the courts begin from the definition of confession.

## II. CONFESSION: DEFINED

Confession has not been defined in the Indian Law of Evidence. It is for the first time used in Chapter of Admission. The literal meaning of confession is "a: an act of confessing, especially: a disclosure of one's sins in the sacrament of reconciliation, and b: a session for the confessing of sins eg. go to confession, c: a statement of what is confessed, d: a written or oral acknowledgement of guilt by a party accused

of an offence"<sup>1</sup>. Simply understood, a confession is an admission by the accused.

Sir Stephen in his Digest of the Law of Evidence has defined that "a confession is an admission made at any time by a person charged with a crime stating or suggesting the inference that he committed a crime." This definition has two components. One, a confession is an admission of the crime and another, admission of those facts which suggest the inference that a crime has been committed by an accused. In the second part, the accused is not stating as to his commission of offence but he is stating some facts which has some bearings with the crimes and from that facts inference as to his guilt is drawn.

If we analyze the meaning of confession from the definition of Admission as it is arranged under the chapter of Admission by Sir Stephen the same meaning what he proposed for confession emerged. Admission is the statement from where inference as to the acknowledgement of facts which are either in issue or relevant. The fact in issue in a criminal case is the charge heads with those are pressed against the accused in the charge sheet. In short, the facts in the issue are the ingredients of the charging sections. And when the accused admitted the facts of ingredients of the charging sections or offence then he admitted the commission of an offence and confessed to the crime. Whereas if the admitted facts are not the fact in issue but relevant facts, it is also confession, as per Sir Stephen as it satisfies the second part of the definition of confession proposed by him. This second part of the definition was precisely the issue of law in various cases before the courts of law. Ultimately the court settled the meaning of confession as "it must either admit in terms the offence or at any rate substantially all the fact which constitute the offence". Lets takes look into various cases to trace this journey as well as other aspects of the meaning of confession under the Indian Law of Evidence.



### III. PAKLA NARAYAN SWAMI V. EMPEROR<sup>2</sup>

This leading Privy Council case is popularly known as Trunk Murder Case. It emerged from the state of Odisha. A dead body was recovered inside a steel trunk from a train compartment in Puri Railway Station on 23. March. 1937. The deceased was a peon of the father in law of the accused Pakla Narayan. The prosecution story was, the peon had visited the house of the accused on the call of the accused to recover the loan due. However, the accused killed the peon into pieces and putting the parts in a steel trunk left it in a railway compartment. The prosecution also produced a witness to the fact of the presence of the accused in a railway station.

The admission of the accused was, the peon had visited the house of the accused in the evening of 21st. March. 1937. The peon rested in the outhouse of the accused at night and the next day evening he left his house. He also admitted that he happened to visit the railway station to board a train to visit another place.

This piece of admission was considered as a confession in the Trial Court. If we closely analyze the admission here made by the accused is not on the fact in the issue of murder rather the relevant fact of the murder. The facts admitted here though not categorical admission of guilt but are facts from where inference as to the acknowledgement of relevant facts of murder can be drawn. If these facts can amount to confession if those are read in the light of the definition of confession as analysed above through the prism of section 17 of the Evidence Act, of Sir Stephen. The statement has selfculpatory facts of the visit of the deceased to the house of the accused. This admission also has an in-built exculpatory statement of defense as to the absence of the deceased on the next day evening, the day before his body recovered from the train compartment.

However, the Privy Council laid down two propositions on the appreciation of the confessional statement. Firstly, the confessional statement should be read in totality to find whether the seeming confession is ultimately an exculpatory statement, in which case it shall not be a confession. Secondly, confession is " the admission in terms the offence or at any rate, substantially all the fact which constitute the offence" but not the admission of facts from where inference as to the guilt of the person is drawn however gravely incriminating it may be.

### IV. PALVINDER KOUR V. STATE OF PUNJAB<sup>3</sup>

In this case, the accused was charged with the murder of her husband and was assisted by an absconded aid to dispose of the dead body. The dead body was recovered from a well

inside a trunk after two months of incident in a decomposed state. The post mortem report could not ascertain the cause of death. The only star evidence of the prosecution was the confessional statement of the accused before the magistrate u/s 164 of crpc.

The accused stated before the magistrate that, her husband was a hobbit photographer. He had in the home the chemical for developing the films which was quick poison. On one occasion he fell ill and she administers the prescribed medicine, however, the phial of the medicine was happened to keep beside the ready developers. On an ill-fated day, her husband accidentally lay his hands on the chemical and swallowed it believing it the medicine. He died instantaneously. She could not understand what to do in the state of confusion and with the help of her friend disposed of the dead body in the well. This seemingly confessional statement was an in-built profound defense and was ultimately exculpatory.

The Trial Court convicted the woman believing upon the inculpatory part and discrediting the exculpatory part of the statement. In this case, there was no other incriminating evidence on record than that of the statement of the accused. The Supreme Court discouraged the approach of the court of segregating the inculpatory and exculpatory part and to give more weight on one part to that of other unless there is other material on record to disbelieve the exculpatory part. The confessional statement should be read as a whole. Here the solitary evidence was the statement of the accused moreover the post mortem report could not illuminate much on the actus reus of the offence, and there was no contradiction from any other source.

### V. NISIKANT JHA V. STATE OF BIHAR<sup>4</sup>

In this case, the court took a different seemingly approach. In this case, the conviction of the accused was sustained by segregating the exculpatory part to that of inculpatory part believing upon the later. However, this case did not depart from the ratio of the court that the confessional statement should be read as a whole. In this case, the accused was charged with the murder of his friend in a train compartment while travelling with him. The accused was seen by the village witnesses washing his blood-stained clothes at a riverbank near to the satiation where the murder took place. When the news float in the nearby villages that a man was murder in the train compartment, the villagers chased the accused and arrested him. When they handed over him to the police, the police recovered from him the blood-stained clothes, a bloody knife wrapped in a bloody new paper. He admitted washing his clothes but explained the presence of the blood with two contradictory statements.



In one statement he stated that two persons were fighting each other. During the process, one killed another and blood spilt over his clothes when he tried to rescue the deceased. On another occasion, he stated that he got waylaid and assaulted by a herd of village boys on way and thereby his clothes got bloodstained. High Court discredited the exculpatory part and relying on the inculpatory part convicted him. Supreme Court also sustained the conviction and laid the correct position of law that, unless there is an inherent inconsistency in the confessional statement or inconsistency from other evidence on record, the confession is to read as a whole to understand if the confession is inculpatory in nature or ultimately exculpatory with an inbuilt defence or explanation. Here, in this case, the statement of the accused was inherently contradictory and rightly rejecting the exculpatory part convicted him.

#### VI. CONCLUSION

A confession is to read in totality. Recourse to splitting the culpatory part to the non-culpatory can be taken if there is other evidence on record or inconsistency in the confession. Believing only on the culpatory part to render conviction need corroboration from other evidence on record.

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