BLOGS

Perumal vs. State: Admissibility of Statements under Section 27 of the Indian Evidence Act

Indrasish Majumder · 15 Apr 2025

Introduction

The Supreme Court of India's decision in Perumal Raja @ Perumal vs. State Rep. by the Inspector of Police is a landmark case that goes into detail about the different types of circumstantial evidence, confessions that are allowed under Section 27 of the Indian Evidence Act, 1872 (Section 33 of the Bharatiya Sakshya Adhiniyam), and how convictions are made based on such evidence.

The appellant, Perumal Raja, was convicted for the murder of his cousin, Rajini @ Rajinikanth, under Section 302 of the Indian Penal Code (IPC) and for causing the disappearance of evidence under Section 201 IPC.

Facts of the Case

Rajini @ Rajinikanth resided in Puducherry, while his father, Rajaram, had settled in France. In late 2007, Rajini went missing, prompting Rajaram to return to India on April 20, 2008. Upon arrival, Rajaram discovered his house in disarray, with several items, including a motorcycle, missing.

The following day, Rajaram was murdered, leading to the registration of FIR No. 204 of 2008 at PS Grand Bazaar, Puducherry. Subsequently, on April 24, 2008, Arumugam, Rajaram's father, filed a missing person report for his grandson, Rajini.

The investigation led to the detention of the appellant, Perumal Raja, who is Rajaram's nephew. On April 25, 2008, he made a disclosure statement leading to the recovery of Rajini's decomposed body parts from a canal and a sump tank in Rajaram's house.

The motive was identified as familial property disputes, with the appellant desiring ownership of Rajaram's property.

Issues Identified

1. Section 27 of the Indian Evidence Act, 1872 says that confessional statements must be allowed. The main legal question was whether the appellant's confession, which he made while being detained by the police before being officially arrested and which led to the recovery of the body parts of the deceased, was allowed.
2. The case relied heavily on circumstantial evidence. The court needed to determine if the prosecution had established an unbroken chain of events pointing unequivocally to the appellant's guilt.

Arguments by the Plaintiff

The prosecution contended the following:

- The prosecution relied on the appellant's disclosure statement and subsequent recovery of the body parts to argue that the accused had exclusive knowledge of the crime scene, proving his involvement beyond doubt.
- The prosecution emphasized the ongoing property disputes between the accused and the deceased's family. They presented evidence showing that Perumal Raja had a vested interest in eliminating Rajini and taking over the property.
- The prosecution said that the appellant's confession led to the discovery of new and important evidence, such as body parts of the deceased, that the police did not know about before he confessed. The prosecution did not violate Section 27 because they only used the confession that led to the discovery.
- The prosecution pointed out that the accused could not provide a reasonable explanation as to how he knew where Rajini's body was disposed of, thereby reinforcing his guilt.

Arguments by the Respondents

The defense presented the following counterarguments:

- The defence said that the appellant's confession was made under pressure and while being held against his will, which means it could not be used in court because it violated Articles 20(3) and 21 of the Indian Constitution, which protect people from self-incrimination and torture while in custody.

- The defence argued that there was no direct eyewitness linking the accused to the murder and that the entire case was based on circumstantial evidence, which, they claimed, did not form a complete and unbroken chain leading solely to the guilt of the accused.
- The defence attempted to introduce alternative explanations, suggesting that other members of the family or third parties could have been responsible for the crime, given the history of familial disputes.

Judicial Reasoning

1. Admissibility of the Disclosure Statement:

The court looked at Section 27 of the Evidence Act, which says that information that leads to the discovery of a fact can be used in court as long as it comes from a person who is being held by police.

The court emphasized that “custody” under Section 27 does not necessarily mean formal arrest but includes any form of police control, restraint, or surveillance. In this case, the appellant’s statement led to the recovery of Rajini’s body parts, a fact previously unknown to the police, making this portion of the statement admissible.

2. Evaluation of Circumstantial Evidence:

The court reiterated the five golden principles for conviction based on circumstantial evidence, as established in *Sharad Birdhichand Sarda v. State of Maharashtra* (1984):

- You should fully establish the circumstances.
- The facts should be consistent only with the hypothesis of the accused’s guilt.
- The circumstances should be conclusive.
- They should rule out all other hypotheses, save the one that needs proof.
- There must be a complete chain of evidence pointing to the accused’s guilt.

Applying these principles, the court noted that

- The appellant’s disclosure led to the recovery of the deceased’s body parts.
- The deceased had been missing for months, and the appellant had knowledge of the body’s location.

- Evidence of property disputes established the motive.
- The appellant failed to provide any explanation for his knowledge of the body's location.

The court concluded that the prosecution had established a complete chain of circumstances leading to the appellant's guilt.

Conclusion

The Supreme Court upheld the appellant's conviction, emphasizing the admissibility of his disclosure statement under Section 27 of the Evidence Act and the unbroken chain of circumstantial evidence pointing to his guilt. The decision shows how important it is to carefully follow the rules about confessions and circumstantial evidence. This ensures that the court can use strong evidence to support convictions.