BLOGS

Types and Admissibility of Confession under Indian Evidence Act

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Introduction

A confession is one of the most potent pieces of evidence in criminal law. It is essentially an acknowledgment or admission made by an accused person, stating that they committed the offense with which they are charged.

Confessions can be a vital component of criminal trials, often being the proverbial “smoking gun” that proves a defendant’s guilt beyond a reasonable doubt. However, the use of confessions in the legal system must be carefully regulated to ensure fairness and the protection of individual rights.

In this post, we will delve into the key aspects of confessions under the Indian Evidence Act, from definitions to admissibility criteria, safeguards, and the role of confessions in criminal cases.

Confession under Indian Evidence Act

In India, the rules and regulations governing the admissibility and use of confessions are provided by the Indian Evidence Act, 1872. This Act sets the standards for what constitutes a valid confession, the circumstances under which confessions are admissible, and the consequences of a confession.

Section 24 of the Act defines a confession as a statement made by an accused person which, "admits any fact in issue or relevant fact, and that statement will be admissible in evidence against him."

This definition underscores the crucial element of an admission by the accused regarding a fact that is relevant to the case. In other words, a confession is an acknowledgment of the accused's involvement in the alleged criminal activity.

In the case of ***Nandini Satpathy v. P.L. Dani***, the Supreme Court of India addressed the issue of the voluntariness of a confession. The court emphasized the importance of a free and voluntary confession. It ruled that if a confession is found to be involuntary, it cannot be admitted as evidence.

Difference between Admission and Confession

Edit AdmissionConfession An admission is a statement made by a party to a case (either a plaintiff or defendant) that is against their own interest in the case. It can be either oral or in writing.A confession is a specific type of admission, typically related to criminal cases. It is a statement in which a person admits to having committed a crime. Admissions can be used as evidence against the party who made the admission.A confession can be used to establish the guilt of the accused. Admissions may be voluntary or involuntary, and they can be used to establish the truth of certain facts.To be admissible in court, a confession must be made voluntarily, without coercion, duress, or inducement. If a confession is obtained through improper means, it may be considered inadmissible. Admissions are not limited to criminal cases and can occur in civil cases as well.The Indian Evidence Act contains provisions (Sections 24 to 30) that govern the admissibility of confessions in criminal cases.

Admissibility of Confession under Indian Evidence Act

The admissibility of confessions in court is a matter of paramount importance. Confessions, as vital pieces of evidence, can significantly impact the outcome of a case. Therefore, the Indian Evidence Act lays down specific rules concerning the admissibility of confessions.

Section 25: Confessions to Police Officers Not Admissible

Section 25 of the Indian Evidence Act states that confessions made to police officers are not admissible in court. The primary rationale behind this rule is to safeguard against the potential for coercion, duress, or abuse that an accused person might face when dealing with law enforcement.

This rule serves a critical purpose in the Indian criminal justice system. It helps protect the rights of accused individuals by ensuring that they are not compelled to confess to a crime under undue pressure or intimidation from the police.

It is worth noting that Section 25 applies not only to confessions made during police custody but also to any statements given to a police officer during the course of an investigation, irrespective of where they are made.

In the case of ***State of Bombay v. Kathi Kalu Oghad***, the Supreme Court of India examined the admissibility of a confession obtained by the police. The court held that a confession made to the police is inadmissible and explained that confessions made to the police are more likely to be tainted by fear or intimidation.

Section 26 – Confessions to Magistrates Admissible

In contrast to the general inadmissibility of confessions to police officers, Section 26 of the Indian Evidence Act allows confessions made to a magistrate to be admissible in court. However, it sets out specific conditions that must be met for such confessions to be admissible:

i. Confession Must Be Made to a Magistrate

The confession should be made before a magistrate and in the presence of a magistrate. This is a fundamental requirement, as the magistrate’s role is seen as a safeguard against coercion and intimidation.

ii. Adequate Caution and Advisement

The magistrate must also exercise caution and advisement. This involves making the accused aware of their legal rights and the consequences of making a confession. The accused person should be fully cognizant of the implications of their confession. This advisement process further contributes to ensuring the voluntariness of the confession.

c. Voluntariness of Confession

The core criterion for the admissibility of any confession, whether made to a magistrate or not, is its voluntariness. This means that a confession must be given freely and without any undue influence, inducement, threat, or promise.

Section 24 of the Indian Evidence Act clearly specifies that a confession is admissible if it is voluntary. It is essential to determine whether the confession was made by the accused of their own free will or if it was extracted through pressure or improper influence. If a confession is found to be coerced or made under duress, it is inadmissible.

The onus of proving the voluntariness of a confession rests on the prosecution. In other words, it is the prosecution's responsibility to demonstrate that the confession was made voluntarily.

Confessions Affecting Co-accused

Section 30 of the Indian Evidence Act deals with confessions that affect both the accused and a co-accused. It states that if a confession is made by one accused that incriminates not only themself but also a co-accused, it is admissible in evidence against the co-accused as well.

This provision is grounded in the principle of fairness and consistency. If one accused makes a confession that implicates another, it is considered relevant to both parties, and therefore it can be admitted as evidence against both.

However, the court must be satisfied about the authenticity and voluntariness of the confession. The admissibility of such confessions often hinges on the overall facts and circumstances of the case.

Retracted Confession under Indian Evidence Act

In many criminal cases, the accused may initially make a confession but later retract it during the course of the trial. This presents a complex legal issue regarding the use of retracted confessions as evidence.

The key question that arises in such situations is whether a retracted confession is admissible in court. The general principle is that a retracted confession is admissible if it is found to be voluntary at the time it was made. This is consistent with the principle that the admissibility of a confession depends on its voluntariness, irrespective of subsequent disavowals by the accused.

However, courts must carefully consider the circumstances under which the confession was retracted. It is not uncommon for accused individuals to retract confessions due to external pressures, fear, or coercion. In such cases, the court should critically evaluate the retraction and assess whether the initial confession was indeed voluntary.

Conclusion

Confessions are highly relevant in criminal cases because they can provide direct evidence of an accused person’s guilt. When a confession is considered voluntary and admissible, it can be a compelling piece of evidence that supports the prosecution’s case.

However, it’s crucial to recognize that confessions are not infallible, and they should not be the sole basis for a conviction. Courts often require corroborative evidence to strengthen the case. Corroboration provides a layer of protection against wrongful convictions and helps ensure that the legal system adheres to the principles of fairness and justice.