

- Partly oral and Partly in writing
- Signs and gestures.

A clear and corroborated dying declaration cannot be rejected just only because it was recorded by a police officer. Section 32(1) also applies to homicide and suicide. In this connection it may be stated that the declaration must be in a fit state of mind.

In England

- Dying declaration is not admissible in civil cases
- Dying declaration is admissible in the single instance of homicide (Murder or Manslaughter)
- Deponent must be in actual danger of death
- Deponent must be aware of the danger and have abundant hope of recovery.

In a landmark case of *England R v. Jenkins, (1869) ILR CCQ 187*

- "No hope" – Admissible in England
- "At present" – Not admissible in England
- Both are acceptable in India.

FIR as a dying declaration will be relevant under section 32(1). Statement under section 161 CrPC- Dying Declaration under section 32(1) of the Evidence Act is relevant. This is an exception to the requirement of section 162 (Statement to the police not to be signed).

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