

- The inducement, threat or promise must in the opinion of the Court be sufficient to give the accused ground, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him
- Confession recorded on oath becomes non-voluntary, therefore, is not a confession

Ingredients of Section 24 of the Indian Evidence Act

- Confession caused by inducement, threat or promise
- Inducement must have reference to the charge
- Threat, inducement and promise from a person in authority –
 - Accused induced by his own belief
 - Person in authority
- Sufficiency of the inducement, threat or promise
- Confession must be voluntary and true [Section 164 CrPC]
- Confession must be read as a whole

Evidentiary value of a Confession

- Judicial Confession (Good evidence)
- Extra Judicial Confession (Weak evidence)

Settled Law

- Conviction can be based on confession only if it is proved to be voluntary and true. If corroboration is needed, general corroboration is enough.

Retracted Confession

- Valid confession made under Section 164 of CrPC before trial. Subsequently, accused denies to be guilty
- Value – Unsafe to base conviction on a retracted confession (even when it is inculpatory) unless it is corroborated by trustworthy evidence
- Judicial confession admissible under Section 80 [Presumption as to document produced as record of evidence]

Section 25 - Confession to police officer not to be proved *

- *Aghnu Nagesia v. State of Bihar*, AIR 1966 SC 119 – FIR given by the accused to a police officer amounts to confession statement, proof of the confession is prohibited by Section 25
- Statement made to a police officer by one accused is inadmissible against the co-accused
- Confession to police officer cannot be utilized by the prosecution but it can be used by the accused for his defense
- Statement made before a police officer can be proved as an admission in a civil case

Section 26 - Confession by accused while in police custody

- Not to be proved against him
- Presence of Magistrate [Section 164 CrPC]
- Article 20(3) – Prohibition of Self incrimination

Section 27 is proviso to Sections 25 and 26

Elements

- Discovered in **consequence** of information received
- Accused in the custody of a police officer
- Immaterial whether it is confession or not

Basic idea **embodied** in Section 27, the doctrine of confirmation by **subsequent** event and discovery is guarantee for reliability. Moreover, the recovery must be legal and must be proved beyond reasonable doubt. Section 27 ought to be strictly construed and discovery by the accused is not admissible in evidence, if the police already know where they were hidden. It may also be added that seizer of weapon not material when there is direct evidence.

Judgments on Section 27 of the Indian Evidence Act

Mohmed Inayatullah v. State of Maharashtra, AIR 1976 Cr LJ 481- has held that Section 27 is an exception to Section 24 to Section 26.

State of U.P v. Deoman, AIR 1960 SC 1125 – held that Section 27 did not offend Article 14 of the Constitution (unjustifiably discriminating, between persons in custody and persons out of custody).

Other relevant provisions

Interestingly, confession made after removal of impression caused by inducement, threat or promise, relevant by virtue of Section 28. Section 29 provides that confession otherwise relevant not to become irrelevant – because of promise of secrecy. Section 30 provides that **Admission** not conclusive proof, but may estop.

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