

News

The confession in the accused's FIR renders it inadmissible as evidence: Highest Judgement Level



Accused persons' confessional FIRs cannot be used as evidence, according to the top court.
FIR

In the case of Narayan Yadav vs. State of Chattisgarh, the Supreme Court ruled on Tuesday that a confession included in an accused person's first information report (FIR) cannot be used as evidence against them during their trial.

Section 25 of the Indian Evidence Act (confession to police officer) prohibits the use of such FIRs for any purpose, including corroboration, according to a bench of Justices JB Pardiwala and R Mahadevan.

Narayan Yadav, who was found guilty of murdering his boss under Section 302 of the Indian Penal Code (IPC), had appealed his conviction to the Court.

The conviction was eventually amended by the Chhattisgarh High Court to Section 304 Part I (culpable homicide not amounting to murder).

The High Court had mistakenly relied on Yadav's own FIR, which the Supreme Court ruled was confessional and so constitutionally inadmissible, because the Court had erred in its assessment.

R. Mahadevan and Justice J.B. Pardiwala

"The FIR lodged by the appellant amounts to a confession, and any confession made by an accused before the police is hit by Section 25 of the Act of 1872," according to the Court.

The bench took particular objection to the High Court having matched the medical findings in the post-mortem report with the contents of Yadav's FIR.

"There was no question at all for the High Court to seek corroboration of the medical evidence on record with the confessional part of the FIR lodged by the appellant," the Court stated.

The Bench made it plain that a statement in a FIR can only be utilized to refute or corroborate its creator if they go into the witness box. When the FIR is filed by an accused and it contains confessional material, it is fully banned under Section 25.

"an FIR of a confessional nature made by an accused person is inadmissible in evidence against him, except to the extent that it shows he made a statement soon after the offence, thereby identifying him as the maker of the report, which is admissible as evidence of his conduct under Section 8 of the Act of 1872," the judgment stated.

Additionally, any information that leads to the discovery of a fact may be accepted under Section 27 but only to that limited extent.

"However, a non-confessional FIR is admissible against the accused as an admission under Section 21 of the Act of 1872 and is relevant," the Court stated.

The Bench rejected the State's argument that the FIR could still be utilized under Section 8 due to the appellant's behavior in taking police to the scene of the incident.

The concluded that the prosecution had failed to prove any legally admissible discovery statement under Section 27 and highlighted that even the specific statement made by the accused leading to recovery, had not been attested to by any witness.

“None of them have specifically deposed to the exact statement allegedly made by the appellant, which purportedly led to the discovery of a fact relevant under Section 27 of the Act of 1872,” the Court stated.

The Court also expressed concern that the conviction had been allowed to stand largely on the basis of the post-mortem report despite the absence of admissible supporting evidence.

“An accused cannot be held guilty of the offence of murder solely on the basis of medical evidence on record,” the verdict read.

It highlighted that the testimony of a medical expert “is of an advisory character” and cannot be the sole basis for conviction.

In this case, most of the panch witnesses had become hostile and the investigating officer had not established the panchnamas in line with law. The Court held that there was no discovery of fact that could be legitimately relied upon and therefore, no evidence left to sustain the conviction.

Finding that the High Court had erroneously relied on a prohibited confessional FIR, and that no other legally admissible evidence existed to link the accused to the offence, the Court struck aside the conviction totally.

“In the overall view of the matter, we are convinced that the impugned judgment passed by the High Court of Chhattisgarh... is not sustainable in law,” the Court ruled, acquitting the appellant of all counts.

The court registrar was asked to circulate copies of the judgment to all High Courts.

Advocate Manjeet Chawla appeared for the appellant-accused while advocate Sugandha Jain stood for the State.