

Chapter - 8

* Law relating to Evidence.

* Confession are of two types :-

(i) Judicial Confession → It is made in Court or recorded by Magistrate. The accused is warned that they don't have to Confess and that it could be used against them.

- These Confessions carry significant weight in Court

(ii) Extra-Judicial Confession → It is made to Police or other individual outside of formal Court setting. If voluntary they can still be used as evidence, but need to be proven just like any other fact.

- Their reliability depends on truthfulness of witness to whom Confession was made

CASE LAW

Important

Case * in Privy Council in Pakala Narayana Swami V. King - Emperor

- Observe that Confession must clearly admit to Crime.
- Simple acknowledging possession of weapon is not

enough.

- Statements that deny guilt cannot be considered as Confession.
- All Confession are admission but all admission are not Confession.
- ★ • Confession obtained from inducement, threat or promise are irrelevant. for this to apply:
 - (i) Statement must be a Confession.
 - (ii) It must be made by the accused.
 - (iii) It must be made to person in Authority
 - (iv) It must result from Inducement, threat or Promise.
 - (v) Inducement, threat or promise must relate to charge against the accused.
 - (vi) Inducement must be significant enough for accused to reasonable believe they would gain some advantage or avoid harm by Confessing.
- The prosecution does not need to prove that Confession was voluntary
- Voluntary and truthful Confession is strong evidence of Guilt.

* In Ram khiladi vs. State of Rajasthan.

- Supreme Court held that if an extra judicial Confession is made to a close relative and witness is found to be reliable it can support a Conviction.

* Supreme Court in Other Case held that Corroboration (additional evidence) is not always necessary if Confession is supported by Credible independent witness

* In Vinayak Shivaji Rao Pol V. State of Maharashtra.

- Court held that Small mistakes / minor discrepancies in testimony do not undermine a clear Confession.

* In R. Kuppasamy V. State

- Court held that extra judicial Confession can lead to Conviction but it depends on Situation and reliability of Confession.
- Overall trustworthiness of witness and Context of Confession are key factor in deciding if it can be used in Court.

* Statements made under Special Circumstances :-

- A sue B for ₹ 1000 and show entry in his account book showing B to be indebted to him to this amount these entries are relevant but are not sufficient without other evidence to prove the debt.

Lecture :- 03

27/09/24.

CASE LAW

* In Karamjeet Singh vs State of Punjab.

- Court held that while RTI act promotes transparency by allowing access to information and section 126 of evidence act protects the Confidentiality of lawyer client communication it ruled that Sec. 126 remains effective and not overridden by RTI act.

By Sir's language.

* In Reshma Mojeed V. Shameer Babu

- Kerala H.C held that Section 126 does not prevent lawyer from being summoned as a witness if justified by circumstances.
- This means that despite General prohibition on disclosing client communication there are situations where lawyer can testify in court, Balancing Confidentiality with the need for evidence.

From module.

→ In Reshma Mojeed Vs. Shameer Babu

- HC of Kerala held that Sec. 126 ought not to be mistaken as prohibiting the lawyer of opposite party from being summoned as his own witness, in case where his examination is justified by the circumstances.

Q. Who may testify? (To give evidence)

- All person shall be competent to testify unless Court's considers that they are prevented from understanding the questions put to them or from giving rational answer to those questions.

(i) By Tender years. (young age)

(ii) Extreme old age.

(iii) Disease whether of Body or Mind.

(iv) Any other cause of same kind.

* witness unable to communicate.

- A witness who cannot speak can provide evidence in other ways such as writing or using signs as long as it is done in open court and is intelligible.

- Date _____
Page _____
- This Type of evidence is Considered as Oral evidence.
 - if witness is unable to Communicate Verbally Court may use an interpreter or Special educator to assist and Statement should be video recorded.

Lecture - 04

28/sep/24.

* Secondary evidence of documents may be admissible in specific situation when ;

- (i) Document is lost or destroyed.
- (ii) Original is not easily movable.
- (iii) Document consists of numerous part.
- (iv) it is a public document.
- (v) A Certified copy is allowed by law.

• In these instances the existences, Conditions or Content of document (original doc.) can be established using Secondary evidence.

* Estoppel :-

- Estoppel prevents a person from denying the truth of statement or fact that they have previously asserted through their actions, declarations or omissions specially if someone else has relied on that belief.

most in case of Biju Patnaik University of Technology
imp Vs. Sairam College.

- The university allowed students to take exams and result was declared later university refused to issue degrees saying that they need additional examination.
- The Court held that university was stopped from withholding the degree after declaring the results as students had relied on university representation.

Q6. (from PVQ Book) All facts logically relevant are not legally relevant. Narrate.

ans → A fact is logically relevant if it has causal relationship with another fact meaning it could suggest existence or non-existence of that fact.

e.g → If it's raining ground is likely wet.

- A fact is legally relevant if it meets specific legal criteria defined by Indian evidence act.
- All legally relevant facts are logically relevant but not all logically relevant facts are legally relevant.

- Date _____
Page _____
- Judge may consider some logically relevant facts as too unrelated or not important enough for a legal case.