

rediff.com

News

Business

Movies

Sports

Get Ahead

rediff NewsApp

Sign in | Create a Rediffmail account

 Rediff News All News

Search Realtime

Rediff.com » News » Supreme Court sets guidelines for extra-judicial confessions

Supreme Court sets guidelines for extra-judicial confessions

June 14, 2012 18:09 IST

A person can be convicted on the basis of extra-judicial confession only if such evidence inspires confidence and is corroborated by other materials, the Supreme Court has ruled, acquitting three life convicts in a murder case. A bench of justices AK Patnaik and Swatanter Kumar, while laying down guidelines on extra-judicial confession, also held that the apex court can acquit a convict even if he/she has not filed any appeal against the conviction.

"Wherever the court, upon due appreciation of the entire prosecution evidence, intends to base a conviction on an extra-judicial confession, it must ensure that the same inspires confidence and is corroborated by other prosecution evidence.

"If, however, the extra-judicial confession suffers from material discrepancies or inherent improbabilities and does not appear to be cogent as per the prosecution version, it may be difficult for the court to base a conviction on such a confession," Justice Kumar, writing the judgment, said.

According to the prosecution, Chandran, Sahadevan and Arul Murugan murdered the former's brother-in-law Yoganandan alias Loganathan, between July 9 and 10, 2002, as the deceased allegedly used to ill treat his wife Kamalal.

The prosecution claimed that on July 14, when Muthurathinam, president of Kanakampalayam panchayat was in his office along with one Shanmugasundaram, the accused came to his office and confessed to their crime of strangulating the deceased and setting his body on fire.

Muthurathinam is said to have recorded their statement and handed over the same to the police, which formed one of the basis for their conviction.

ALSO
READMOST
RECENTMOST
EMAILEDMOST
COMMENTED

- [Dying declaration recorded by police is valid: SC](#)
- [Is Pakistan's chief justice on his way out?](#)
- [HC issues notice to CBI on Yeddyurappa's anticipatory bail](#)
- [Ramlila crackdown: SC dismisses Ramdev's petition](#)
- [SC for BSY's response before ordering CBI probe](#)

Though there were no eye-witnesses to the murder, the trial court, relying on certain circumstantial evidence and purported extra-judicial confession, awarded them the life term.

The Madras high court upheld the sentence upon which Sahadevan and Murugan appealed in the apex court, although Chandran did not appeal.

Acquitting the trio, the apex court said the statement of the witnesses was at variance with the extra-judicial confession and hardly finds corroboration from other prosecution evidence and also suffers from discrepancies.

"Thus, the contents of exhibit P4 are belied by the prosecution evidences itself and, therefore, it is not safe for the court to rely upon such extra judicial confession.

"In our opinion, the prosecution has failed to prove its case beyond reasonable doubt," the bench said, laying down the following guidelines:

- The extra-judicial confession is weak evidence by itself. It has to be examined by the court with greater care and caution.
- It should be made voluntarily and should be truthful.
- It should inspire confidence.
- An extra-judicial confession attains greater credibility and evidentiary value, if it is supported by a chain of cogent circumstances and is further corroborated by other prosecution evidence.
- For an extra-judicial confession to be the basis of conviction, it should not suffer from any material discrepancies and inherent improbabilities.
- Such statement essentially has to be proved like any other fact and in accordance with law.

Referring to Chandran not filing an appeal, the bench said, "If, for compelling and inevitable reasons, like lack of finances, absence of any person to pursue his remedy and lack of proper assistance in the jail, an accused is unable to file appeal, then it would amount to denial of access to justice to such accused.

"The concept of fair trial would take within its ambit the right to be heard by the appellate court," it said.

© Copyright 2013 PTI. All rights reserved. Republication or redistribution of PTI content, including by framing or similar means, is expressly prohibited without the prior written consent.

Tags: [Chandran](#), [Swatanter Kumar](#), [Supreme Court](#), [Arul Murugan](#), [Muthurathinam](#)

Sponsored Content You May Like

Sponsored Content by Taboola



Stars spotted! [What's this?](#)



Spotted: [Urmila Matondkar in Mumbai](#)

Reader Jeevan Tipke sends us a photograph.

[More stars spotted](#)

Met a celebrity?

[Email us](#) photos & videos