

**CAUTIONED STATEMENTS:
A LEGAL STUDY UNDER
SECTION 113 CRIMINAL PROCEDURE CODE**

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ABSTRACT

Statement given by an accused person during police investigation has raised a lot of questions among the public and the legal profession. A person giving a statement has to be cautioned either before or after the giving of the statement. If the caution is not administered then the statement would be inadmissible under S113 of Criminal Procedure Code.

Even if the statement given is cautioned it would still be inadmissible if it was made involuntarily or the requirements in making the statement were not fulfilled. If the prosecution alleged that it was voluntarily how must he prove it? Can a trial-within-a-trial be held to determine the voluntariness of that cautioned statements?

If the cautioned statements is admissible who may use it? Whether the prosecution alone may use it or is it the accused also has the right to it.

This project paper is concerned on the cautioned statement under S113 of Criminal Procedure Code because most cases involving cautioned statements are criminal cases under Criminal Procedure Code. The writer will make a study of the cautioned statements under Criminal Procedure Code and try to comment in every possible aspects.

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CAUTIONED STATEMENTS: A LEGAL STUDY ON S 113 C.P.C.

CHAPTER I

INTRODUCTION

A ' Scope of Study

This project paper will discuss the law relating to Cautioned Statements under Section 113 of the Criminal Procedure Code. Although there were various Act such as Kidnapping Act 1950, Internal Security Act 1960 and Official Secret Act 1972 which deal with Cautioned Statements, this paper will stress on the Section 113 of Criminal Procedure Code alone. This is because most of the cases brought to trial courts deal with Cautioned Statement under Section 113 of the Criminal Procedure Code and thus it is felt that a legal study is needed to discuss on that point.

The discussion in this paper is concentrated on the current position of the law in Malaysia. The cases mentioned were mostly Malaysian cases with certain cases from England, Singapore and India to give a better view and explanation in discussing the relevant points.

This paper will discuss the old Section 113 of the Criminal Procedure Code before it was amended. This is to differentiate the old section with the new section and its effects as it is today.