

ADMISSION OF GUILT UNDER
SECTION 24 OF THE EVIDENCE
ACT 1950 (ACT 56)

C O N T E N T S

	<u>Pages</u>
Title	i
Preface	iii
Acknowledgement	v
Contents	vi, vii
List of Statutes	viii
List of Cases	ix - xi
 <u>CHAPTER I</u>	
Introduction	1
 <u>CHAPTER II</u>	
A. Definition of Confessions	5 - 6
B. The difference between Confessions & Admission	6 - 9
C. Classification	9 - 11
(1) Judicial Confession	9
(2) Extra-Judicial Confession	9 - 11
 <u>CHAPTER III</u>	
A. Accused person	12 - 14
B. Appears to the Court	13
 <u>CHAPTER IV</u>	
A. Nature of Inducement	15
(1) Threats of Bodily harm	16 - 18
(2) Threats of non physical harm	18 - 19

B. Slight/Weak Inducement	20 - 21
(1) The use of trick	21
C. Inducement must have reference to the Charge				22 - 23

CHAPTER V

Who is a person in authority?	24
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CHAPTER VI

A. The Trial Process	29
(1) Trial within a Trial	29 - 31
(2) Burden and Standard of Proof	31 - 33

CHAPTER VII

Evidentiary Value of Confession	34 - 36
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CHAPTER VIII

The Nexus of s. 113 of CPC and the relevant provision in the Evidence Act	37 - 39
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CHAPTER I

Introduction

The aim and purpose of this paper is to examine what is a confession and when can it be considered as voluntary therefore admissible in evidence and particularly to test the nature of voluntariness when made to a person in authority.¹

What the word 'confession' implies has nowhere been defined in law but the mention of this word occurs in the Evidence Act² in Sections 24 to 30, which sections are set down hereunder:

"Section 24. A confession made by an accused person is irrelevant in a criminal proceeding, if the making appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient in the opinion of the Court, to give the accused person grounds 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.

Section 25(1) subject to any express provision contained in any written law, no confession made to a police officer shall be proved as against a person accused of any offence .

Section 26(1) subject to any express provision contained in any written law, no confession made by any person whilst in custody of a police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

Section 27(1) where any fact is deposed to as discovered in consequence of any information received from a person accused of any offence in the custody of police officer, so much of that information amounts to a confession or not, as relates distinctly to the fact thereby discovered may be proved.

Section 28(1) If such a confession as is referred to in Section 24 is made after the impression caused by any inducement, threat or promise has, in the opinion of the Court, been fully removed, it is relevant.

Section 29(1) If such a statement as is referred to in Section 24 is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make a confession and that evidence of it might be given against him.

Section 30(1) When more persons than one are being tried jointly for the same offence, and a confession made by one of those persons affecting himself and some other of those persons is proved, the Court may take into consideration the confession as against the other person as well as against the person who makes the confession."

None of these sections states what confession is, but only states the circumstances when a confession used whether against him or against some other person. That being the case one has to fall back on other means of interpretation of the word "confession". One of such means is to interpret the word