

Important Judgments & Rulings

Extra judicial confession can form basis for conviction : Supreme Court

Recently, a two judge bench of the Supreme Court ruled that "If the court believes the witness before whom the confession is made and is satisfied that the confession was true and voluntarily made, then conviction can be founded on such evidence alone."

Confirming the life sentence handed down to an accused in a murder case, the Court held that "true and voluntary" extra-judicial confession can be the basis for conviction. However, the Court cautioned that such evidence could only be relied upon after considering various factors such as the circumstances and time and the credibility of witnesses to whom the confession was made. The Court further observed that the retraction of extra-judicial confession which is a usual phenomenon in criminal cases would by itself not weaken the case if the case of the prosecution is based upon such a confession.

The Court's observations came in the wake of an appeal by Gura Singh who had killed his father in 1976 in Rajasthan. The Supreme Court upheld the trial court's order sentencing the appellant to life imprisonment and observed that there was sufficient evidence in the case and the accused had made a voluntary extra-judicial confession before the prosecution witnesses. Such a statement was made by the appellant instantaneously immediately after the occurrence to witnesses who were independent and reliable.