THE LAW LEDGER

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The Supreme Court of India

NARAYAN YADAV .....APPELLANT
VERSUS
STATE OF CHHATTISGARH.....RESPONDENT

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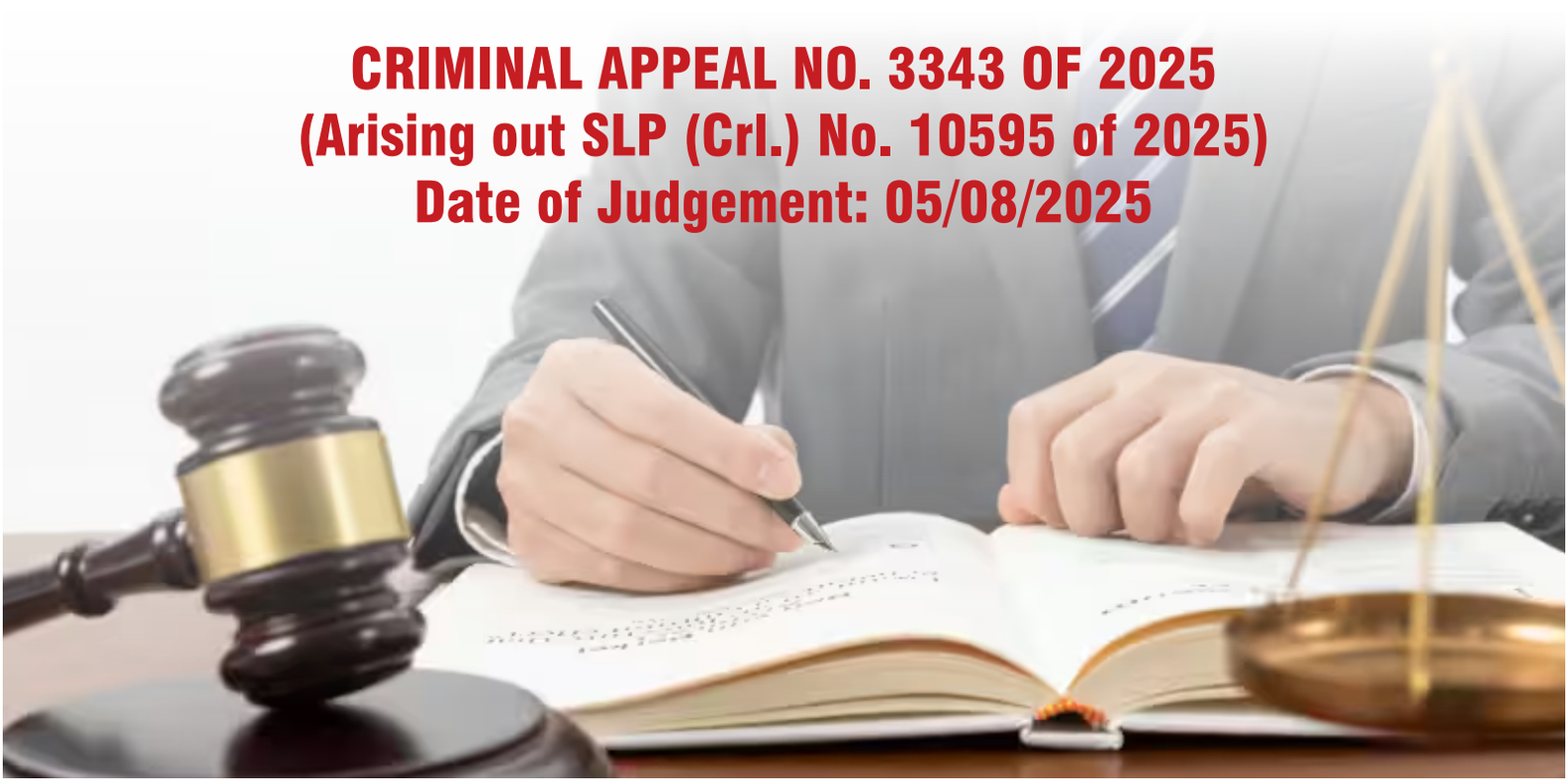
DELHI POLICE ACADEMY

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FIR of Confessional Nature Made By Accused Not Substantive Evidence of Guilt By Itself: The Supreme Court

NARAYAN YADAV .....APPELLANT
VERSUS
STATE OF CHHATTISGARH.....RESPONDENT

CRIMINAL APPEAL NO. 3343 OF 2025
(Arising out SLP (Crl.) No. 10595 of 2025)
Date of Judgement: 05/08/2025



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FACTS OF THE CASE:

The case reveals that Appellant Narayan Yadav (Accused), who lodged an FIR on 27.09.2019 at Kotwali Police Station, Korba, confessing that he killed one Ram Babu Sharma, a contractor, he knew. On the night of 24.09.2019, Narayan went to Ram Babu's house, and the duo consumed alcohol together. During their conversation, Ram Babu allegedly made some derogatory remarks about Narayan's girlfriend, resulted in a heated quarrel. In spate of anger, Narayan stabbed Ram Babu several times with a knife and then struck him with a wooden log, caused his death. Afterward, he covered the body with a cloth, stole ₹7,000 and the keys of a Bolero car from the spot and fled. While escaping, he met with an accident and was hospitalized. The next morning, after discharge, Narayan told his relatives about the incident and led the police to the body.

The post-mortem report showed six incised wounds, with cause of death by excessive bleeding and lung injury. Later on the police filed a chargesheet under Section 302 IPC (Now 103 BNS). At trial, the prosecution examined several witnesses, though some turned hostile. Narayan denied the charges in his Section 313 CrPC (Now 351 BNSS) statement, but the Sessions Court convicted him of murder under Section 302 IPC (Now 103 BNS) and sentenced him to life imprisonment.

On appeal, the High Court of Chhattisgarh reduced the conviction to Section 304 Part I IPC (Now 105 BNS), holding that the killing happened in the heat of passion during a sudden quarrel and applying Exception 4 to Section 300 IPC (Now 100 BNS). Still dissatisfied, Narayan appealed to the Hon'ble Supreme Court of India.



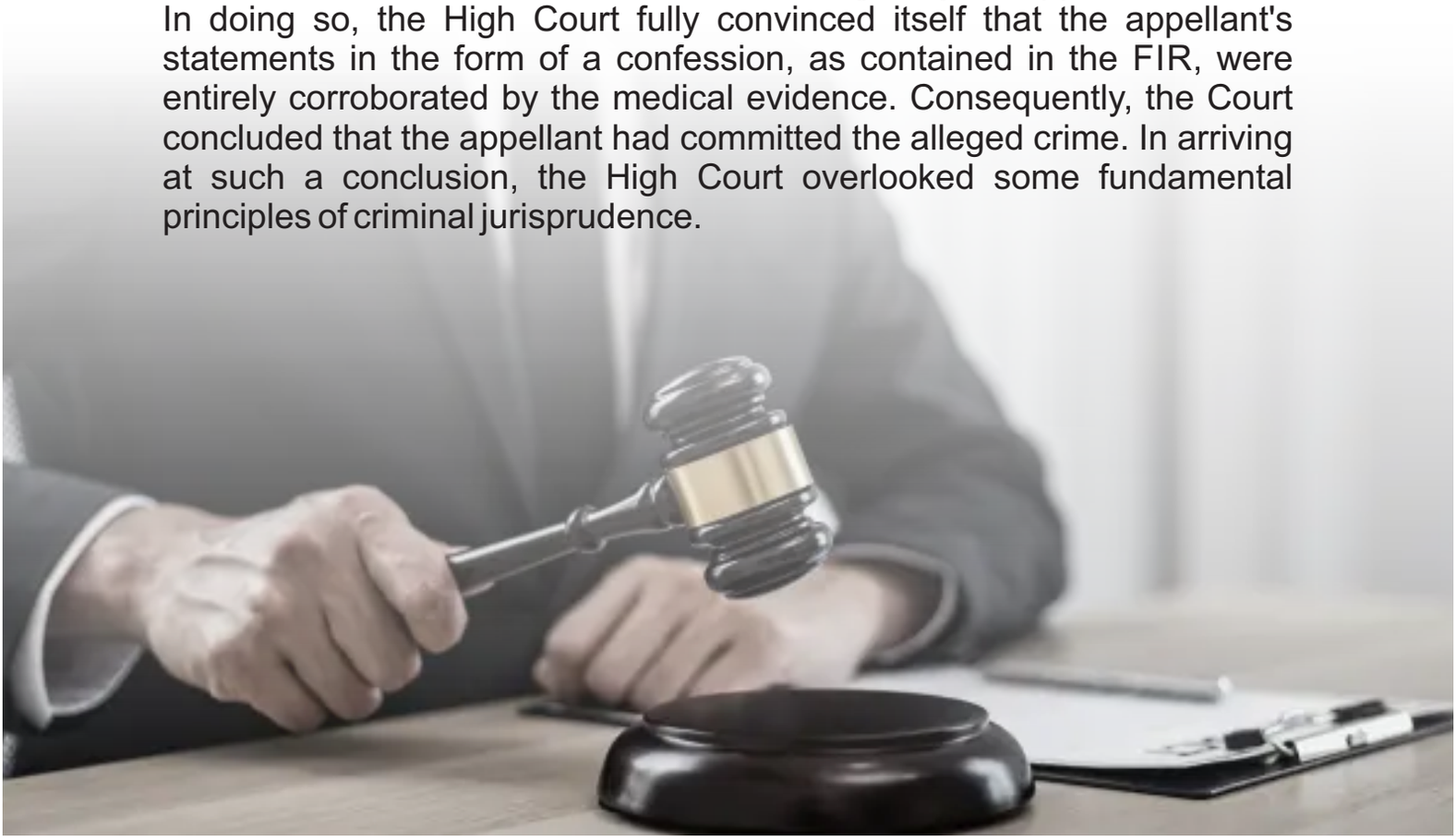
ISSUES ADVANCED:

1. **Whether the confessional FIR lodged by the accused himself could be treated as substantive evidence and relied upon by the High Court to corroborate the medical evidence.**
2. **Whether conviction could rest solely on medical opinion, in this case, the post-mortem findings, without corroboration by other substantive evidence.**
3. **Whether the alleged recovery of articles and the conduct of the accused (lodging FIR, pointing out the body, leading police to his clothes, etc.) were admissible under Sections 27 (Now 23(2) BSA) and 8 (Now 8 BSA)of the Evidence Act.**
4. **Whether the High Court was correct in reducing the offence from murder (Section 302 IPC) to culpable homicide not amounting to murder (Section 304 Part I IPC) by invoking Exception 4.**

JUDGEMENT

The Hon'ble Supreme Court held that the judgement of High Court was erroneous on several grounds. The Court observed that:

Para 15..... The first mistake was that the High Court examined the medical evidence on record in detail and then proceeded to directly corroborate it with the contents of the FIR lodged by the appellant himself. In doing so, the High Court fully convinced itself that the appellant's statements in the form of a confession, as contained in the FIR, were entirely corroborated by the medical evidence. Consequently, the Court concluded that the appellant had committed the alleged crime. In arriving at such a conclusion, the High Court overlooked some fundamental principles of criminal jurisprudence.



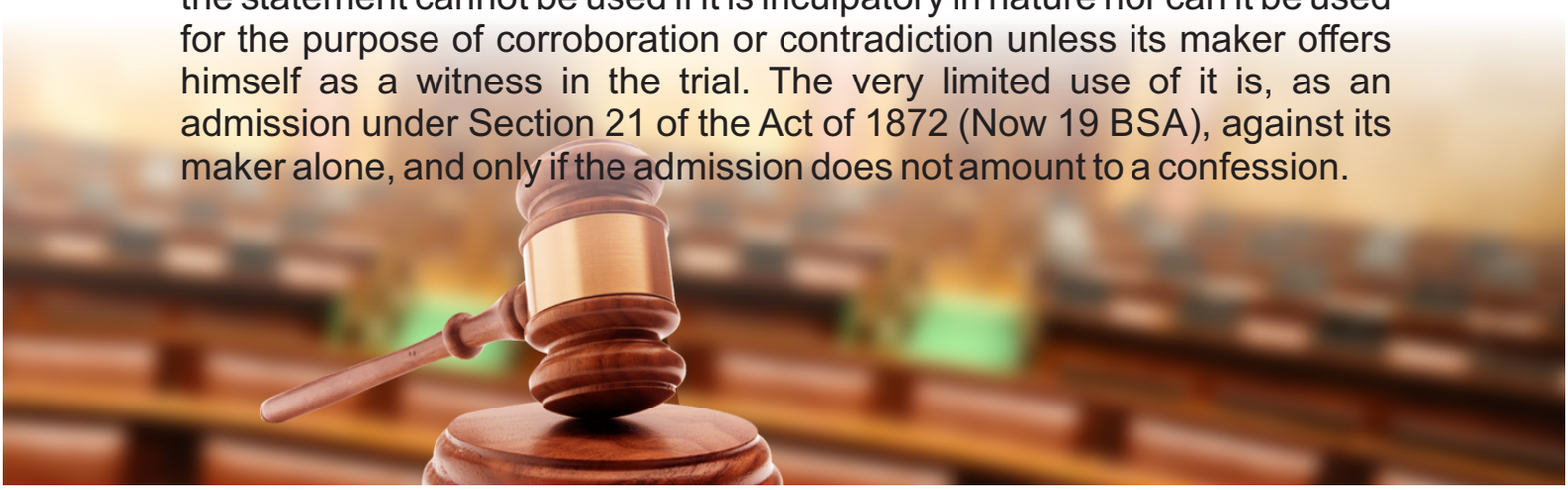
The Hon'ble Court held that the Confessional FIR is not admissible in Evidence. The relevant paras are reproduced as under:

Para 16: The FIR was exhibited in evidence (Exhibit P-14) through the oral evidence of the investigating officer PW-9, Ashok Pandey. PW-9 proved his signature on the FIR and also identified the signature of the first informant i.e., the appellant-herein. However, the other contents of the FIR could not have been proved through the testimony of the investigating officer. A plain reading of the FIR indicates that it contains a confession by its maker i.e., the appellant-herein, regarding the commission of the alleged offence.

Para 17: A statement in an FIR can normally be used only to contradict its maker as provided in Section 145 of the Indian Evidence Act, 1872 (for short, "the Act of 1872"),(Now 148 BSA) or to corroborate his evidence as envisaged in Section 157 of the Act of 1872 (Now 160 BSA). In a criminal trial, however, neither of these is possible as long as the maker of the statement is an accused in the case, unless he offers himself to be examined as a witness [See: **Nisar Ali v. State of U.P., 1957 SCC OnLine SC 42. J.L. Kapur, J.**] speaking for the three-Judge Bench in that decision has observed: **"A first information report is not a substantive piece of evidence and can only be used to corroborate the statement of the maker under Section 157, Evidence Act, or to contradict it under Section 145 of that Act.** It cannot be used as evidence against the maker at the trial if he himself becomes an accused, nor to corroborate or contradict other witnesses. In this case, therefore, it is not evidence."

The Hon'ble Apex Court quoted two landmark decisions of Supreme Court le. **Faddi v. State of M.P., 1964 SCC OnLine SC 123, and Aghnoo Nagesia v. State of Bihar, 1965 SCC OnLine SC 109**. With regard to admissibility of confessional FIR as Evidence, the Hon'ble Court held as under:

Para 23: The legal position, therefore, is this a statement contained in the FIR furnished by one of the accused in the case cannot, in any manner, be used against another accused. Even as against the accused who made it, the statement cannot be used if it is inculpatory in nature nor can it be used for the purpose of corroboration or contradiction unless its maker offers himself as a witness in the trial. The very limited use of it is, as an admission under Section 21 of the Act of 1872 (Now 19 BSA), against its maker alone, and only if the admission does not amount to a confession.



Para 24: To put the aforesaid in simpler terms, an FIR of a confessional nature made by an accused person is inadmissible in evidence against him, except to the extent that it shows he made a statement soon after the offence, thereby identifying him as the maker of the report, which is admissible as evidence of his conduct under Section 8 of the Act of 1872. Additionally, any information furnished by him that leads to the discovery of a fact is admissible under Section 27 of the Act of 1872. However, a non-confessional FIR is admissible against the accused as an admission under Section 21 of the Act of 1872 and is relevant.

On the basis of above observation, the Hon'ble Court held that:

Para 25: Thus, the first error that the High Court committed was to read the contents of the FIR lodged by the appellant into evidence. As observed earlier, the FIR lodged by the appellant amounts to a confession, and any confession made by an accused before the police is hit by Section 25 of the Act of 1872 (Now 23(1) BSA). There was no question at all for the High Court to seek corroboration of the medical evidence on record with the confessional part of the FIR lodged by the appellant.

Para 26: Once we say that the contents of the FIR are hit by Section 25 of the Act of 1872, being a confession before a police officer, the only remaining evidence on record is the medical evidence and the oral evidence of the panch witnesses.

On the question of expert evidence, the Court noted that the post-mortem confirmed homicidal death but reiterated that medical opinion is only advisory in nature and cannot be the sole basis of conviction in the absence of corroboration. The Court opined as under:

Para 28: The High Court should have been mindful of the fact that a doctor is not a witness of fact. A doctor is examined by the prosecution as a medical expert for the purpose of proving the contents of the post-mortem report and the medical certificates on record, if any. An expert witness is examined by the prosecution because of his specialized knowledge on certain subjects, which the judge may not be fully equipped to assess. The evidence of such an expert is of an advisory character. The credibility of the expert witness depends on the reasons provided in support of his



conclusions, as well as the data and material forming the basis of those conclusions. An accused cannot be held guilty of the offence of murder solely on the basis of medical evidence on record. So far as the panch witnesses are concerned their depositions do not inspire any confidence.

Para 29: Most of the panch witnesses turned hostile. If at all, the public prosecutor wanted to prove the contents of the panchnamas after the panch witnesses turned hostile, he could have done so through the evidence of the investigating officer. However, the investigating officer also failed to prove the contents of the panchnamas in accordance with law. Thus, there is nothing on record by way of evidence relating to any discovery of fact is concerned. In other words, no discovery of fact at the instance of the appellant, relevant and admissible under Section 27 of the Act of 1872, has been established.

With respect to discovery of facts under Section 27 and conduct under Section 8 of the Evidence Act, the Court found that most panch witnesses had turned hostile, and the prosecution failed to prove discovery through admissible evidence. Although the appellant's conduct, such as pointing out the dead body, was relevant under Section 8, such conduct alone could not sustain a conviction for murder. The relevant paras of the judgement are as under:

Para 30. The learned counsel appearing for the State, strenuously urged before us to take into consideration the conduct of the appellant which, according to him, is relevant under Section 8 of the Act of 1872. He led stress on the following circumstances:

i. The appellant himself went to police station and lodged the FIR;

ii. While, at the scene of offence panchnama was being drawn, appellant pointed out that the body of the deceased was lying in between the two walls inside the house of the deceased;

iii. The appellant led the Investigating Officer and the panchnama witnesses to the house of his uncle, Rajnath Yadav, and pointed out the place where he had kept his clothes worn at the time of the incident.



iv. A blood-stain was also found on the shirt of the appellant, however, the learned counsel fairly conceded that there is nothing to indicate that the blood-stain matched with the blood group of the deceased.

Para 31: The first and most fundamental flaw in the testimony of all the aforementioned prosecution witnesses is that none of them have specifically deposed to the exact statement allegedly made by the appellant, which purportedly led to the discovery of a fact relevant under Section 27 of the Act of 1872.

Para 33: The conditions necessary for the applicability of Section 27 of the Act of 1872 are:

i. That consequent to the information given by the accused, it led to the discovery of some fact;

ii. The fact discovered must be one which was not within the knowledge of the police and the knowledge of the fact for the first time was derived from the information given by the accused;

iii. The discovery of a fact which is the direct outcome of such information;

iv. Only such portion of the information as connected with the said discovery is admissible;

v. The discovery of the fact must relate to the commission of some offence.

In the aforesaid context, the Court refer to and rely upon the decision of Supreme Court in Murli v. State of Rajasthan which held that the **contents of the panchnama are not the substantive piece of evidence and what is substantive evidence is what has been stated by the panchas or the person concerned in the witness box.**

The Hon'ble Court also quoted decision of the Apex Court in case of **A. N. Venkatesh & Anr. v. State of Karnataka, reported in (2005) 7 SCC 714 which held that** by virtue of Section 8 of the Evidence Act, the conduct of the accused person is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact.



However, the Court clarified that **while the conduct of an accused may be a relevant fact under Section 8 of the Act of 1872, it cannot, by itself, serve as the sole basis for conviction.** The relevant para is reproduced as under:

Para 36: In this context, we deem it necessary to sound a note of caution. While the conduct of an accused may be a relevant fact under Section 8 of the Act of 1872, it cannot, by itself, serve as the sole basis for conviction, especially in a grave charge such as murder. Like any other piece of evidence, the conduct of the accused is merely one of the circumstances the Court may consider, in conjunction with other direct or circumstantial evidence on record. To put it succinctly, although relevant, the accused's conduct alone cannot justify a conviction in the absence of cogent and credible supporting evidence.

The Court then addressed the application of Exception 4 to Section 300 IPC. It held that the High Court wrongly extended its benefit as it considered only the first part of Exception 4 to Section 300 of the IPC. This part refers to the absence of premeditation in a sudden fight arising from a sudden quarrel in a heat of passion. However, it does not end there. The exception further requires that the offender must not have taken undue advantage or acted in a cruel or unusual manner. Having regard to the manner in which the assault was carried out, could it not be said that the offender i.e., the appellant-herein took undue advantage and also could be said to have acted in a cruel or unusual manner. The deceased was unarmed; it was not mutual fight between two individuals that would bring the case within the ambit of Exception 4. The deceased was absolutely harmless when the appellant inflicted injuries all over his body indiscriminately. Thus, Exception 4 was not attracted. If any exception applied, it could have been Exception 1 (grave and sudden provocation), but since there was no legal evidence, the appellant deserves to be acquitted.

Finally, the Court concluded that there was no legally admissible evidence against the appellant. It therefore allowed the appeal, set aside the High Court's judgment, and acquitted Narayan Yadav of all charges, directing that he be released forthwith unless required in another case.

