

LEGAL LOCK JOURNAL

2583-0384

VOLUME 4 || ISSUE 3

2025

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A CRITICAL STUDY ON EVIDENTIARY VALUE OF CONFESSION MADE BY A DRUNKEN PERSON

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Abstract :

Confession is crucial in the pursuit of a criminal trial, which is built on the foundation of truth and accuracy. It is an admission of guilt on the part of the accused. The truthfulness of the confession is in the accused's favour, as the logical fallout dictates that it comes from the deepest sense of guilt and thus deserves the most credit. As a result, confession is crucial in determining the outcome of the case. A confession can take many different forms, including judicial, retracted, and extrajudicial confessions. As a result, courts must examine the admissibility of such confessions in order to rule out the possibility of smear evidence being presented in court. The aim of the research is to know about the Evidentiary value of confession made by a drunk person. The Study has followed the Empirical research method. The sample size of the Study is 209. The statistical tools used are chi-square tests and Correlation. Correlations represent pearson correlation value is more than 0.5 thus the correlation is more and positively correlated. Chi-square represents the asymp sig. Value is less than 0.05 thus the null hypothesis is rejected. The result observed from the study is that any statement made by the accused can be used as evidence against him in a court of law. The confession made by a drunken person amounts to self-incrimination. The rating of three to four has been given for evidentiary value of confession. The court can convict for a confession made by a drunken person.

Keywords :

Evidentiary, confession, drunken person, incrimination, admissibility.

Introduction :

The confession, if voluntary and credible, is considered to be the best and most conclusive piece of evidence as it is presumed that 'no person will make a false statement incriminating him'. Conviction can be based solely on confession if the court is satisfied with voluntariness

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and trustworthiness of confession. The level of satisfaction of the court must be of high degree. The court must satisfy itself as to willingness on the part of accused making confession because confession may not always be voluntary and true. Sometimes it may be because of mental aberration, vanity, to escape physical and moral torture etc. which reduces its probative value. Therefore, a legal duty has been cast upon the court to ascertain whether confession made by the accused is voluntary or not.

In *Sahoo v State of Uttar Pradesh*, 1965, it was held that in case of confessions courts must apply a double test; Whether the confession was perfectly voluntary. If so, whether it is true and trustworthy. If a confessional statement satisfies both above mentioned conditions it may be relied upon. Though, there is no rule of law which says that conviction can't be based upon uncorroborated confession however, as a matter of prudence it is usually considered safe to look at confession in the light of all of the evidence on record. In *Muthuswamy v State*, 1951, the court observed that confession shouldn't be accepted merely because it contains a wealth of details. Unless the main features of the story are shown to be true, it would not be safe, as a matter of prudence, to base a conviction on confession by itself. Value of judicial confession- a case where there is no proof of corpus delicti must be distinguished from another where that is proved. In the absence of the corpus delicti a confession alone may not suffice to justify conviction. A confessional statement made by the accused before a magistrate is good evidence and the accused be convicted on the basis of it. A confession can obviously be used against the maker of it and is in itself sufficient to support his conviction. Rajasthan High Court has also held that the confession of an accused person is substantive evidence and a conviction can be based solely on a confession. Extra-judicial confessions have to be received with great caution and care and when the foundation of the conviction is the confession alleged to have been made by the accused there are three things which the prosecution must establish.

First, that a confession was made, secondly, that evidence of it can be given that is to say that it was voluntary and thirdly that it is true. Such a confession must be proved by independent or satisfactory evidence. Section 29 of the Indian Evidence Act 1872 is about 'Confession otherwise relevant not to become irrelevant because of promise of secrecy, etc'. It is under 'Admissions' of Chapter II of the Act. Chapter II is titled 'of the relevancy of facts'. If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practiced 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 such confession, and that evidence of it might be given against him.

Section 29 lays down that if a confession is not excluded by Sections 24, 25 or 29 it will not be excluded on the ground of promise of secrecy or of deception or of being drunk, or of being made in answer to question or without warning that it will be used against him in evidence. Section 29 assumes that there is no bar to the admissibility of the confession in question arising from any of the earlier provision, viz, section 24 to 26 and it then proceeds to the invalidate or negative other positive objections or bars that may be raised against the admissibility. Generally when a man is under intoxication he confesses the guilt. If a confessional statement is made by some accused person while he was drunk, it will be admissible if he had not become quite senseless for the very reason that it has not been obtained by inducement or threat now was it made while he was in custody of a police officer. When a statement is made voluntarily without inducement, threat or promise from a man in authority; and when it is not made to a police officer, it is admissible notwithstanding the fact that the person who took the confessional statement did not warn the accused that he was bound to make the statement and if he did so, it may be used in evidence against him and upon that he may be convicted. The aim of the research is to know about the Legal protection of the right to dignity of elders in India.

Objective :

- To know about the confession made by a drunk person amounts to self incrimination.
- To analyse the public opinion for the Evidentiary value of confession.
- To determine the meaning of confession towards the public.
- To find out any statement made by the accused can be used as evidence against him in a court of law.
- To know whether a court can Convict for a confession made by a drunken person.

Review of Literature :

Richard A. Leo & Alexa Koenig (2010) Perhaps more significantly, in the more than fifty years since *Miranda v. Arizona* was decided, the United States Supreme Court has destroyed its doctrinal foundation. **Saul M. Kassin et al (2010)** From the 1990s to the present, American police interrogation methods and practices have again become controversial due to problem of police-induced false confessions – widely publicized and well documented by both DNA and non-DNA exonerations that often lead to the wrongful conviction of the innocent. **Garrett**

(2008) The steady stream of post-conviction DNA exonerations in the last two decades has begun to transform this perception. Indeed, these cases have established the leading causes of error in the criminal justice system to be eyewitness misidentification, faulty forensic science, false informant testimony, and false confessions. **Garrett (2008)** In 1989, Gary Dotson was the first wrongfully convicted individual to be proven innocent through the then-new science of DNA testing. Almost two decades later, more than 200 individuals have been exonerated by post-conviction DNA testing and released from prison, some from death row. In 15–20% of these cases, police-induced false confessions were involved. **Gudjonsson, Sigurdsson, Einarsson, Bragason, & Newton (2008)** In a more recent study of Icelandic inmates, the rate of self-reported false confessions had increased.

Kassin et al (2007) In a North American survey of 631 police investigators, respondents estimated from their own experience that 4.78% of innocent suspects confess during interrogation. **Bond & DePaulo (2006)** It is not surprising as an empirical matter that lay people on average are only 54% accurate at distinguishing truth and deception; that training does not produce reliable improvement; and that police investigators, judges, customs inspectors, and other professionals perform only slightly better, if at all—albeit with high levels of confidence. **Borchard, Frank & Frank see Leo (2005)** Post-conviction DNA tests and exonerations have offered a window into the causes of wrongful conviction. Researchers and legal scholars have long documented the problem and its sources of error. **Meissner & Kassin (2004)** Police interrogation of criminal suspects has, at various times in American history, been politically and legally contested. In the 1920s and 1930s, the widespread use of the so-called “third degree” – methods of physical coercion and psychological duress – to extract confessions was controversial until it was replaced by more professional and sophisticated methods of psychological pressure and persuasion. **Steven A. Drizin & Richard (2004)** Many police interrogations have led to false confessions from innocent suspects who were not wrongly convicted but who nevertheless spent months, and sometimes years, in jail but were ultimately spared a prison sentence either because the prosecutor eventually decided to drop charges or because the judge suppressed the confession at a pre-trial hearing or the because jury acquitted the innocent false confessor at trial.

Lassiter (2004) In recent years, a disturbing number of high-profile cases, such as the Central Park jogger case, have surfaced involving innocent people who had confessed and were convicted at trial, only later to be exonerated. **Saks, & Sanders (2002)** While other problems have been revealed—for example, involving flaws in various forensic sciences -- the number of cases involving confessions—long considered the “gold standard” in evidence—has proved

surprising. **New York v. Kharey Wise et al., (2002)** A disturbing number of these have occurred in high-profile cases, such as New York City's Central Park Jogger case, where five false confessions were taken within a single investigation. In that case, five teenagers confessed during lengthy interrogations to the 1989 brutal assault and rape of a young woman in Central Park. Each boy retracted his statement immediately upon arrest, saying he had confessed because he expected to go home afterward. All the boys were convicted and sent to prison, only to be exonerated in 2002 when the real rapist gave a confession, accurately detailed, that was confirmed by DNA evidence. **Doyle, Wells et al. (2000)** The U.S. The Department of Justice assembled a working group of research psychologists, prosecutors, police officers, and lawyers, ultimately publishing guidelines for law enforcement on how to minimize eyewitness identification error. **Buckley, & Jayne (2001)** The purpose of interrogation is therefore not to discern the truth, determine if the suspect committed the crime, or evaluate his or her denials. Rather, police are trained to interrogate only those suspects whose culpability they "establish" on the basis of their initial investigation.

Neufeld & Dwyer (2000) Although the precise incidence rate is not known, research suggests that false confessions and admissions are present in 15–20% of all DNA exonerations. **Miranda (1999)** In the 1960s, the United States Supreme Court's imposition of Miranda warnings on custodial interrogation was controversial until police adjusted to the brief warning and waiver ritual and eventually came to see it as harmless. **Charles Weisselberg (1998)** In a series of decisions, the Burger and Rehnquist Courts in the 1970s and 1980s de-constitutionalized Miranda, declaring that Miranda warnings are "not themselves rights protected by the Constitution," that is, "measures to insure that the right against compulsory self-incrimination is protected." **Alfred Garcia (1998)** If a suspect is read his Miranda rights, the Supreme Court has held that waivers to Miranda can be implicit and increasingly opened the door for police interrogators to merely read the Miranda warnings and launch into interrogation, making the formal requirement of a knowing, voluntary and intelligent waiver virtually meaningless in practice.

Methodology :

The Research method followed here is Empirical Research. A total of 200 samples have been collected out of which all samples have been collected through a convenient sampling method. The sample frame taken in and around Tamil Nadu. The independent variables are age, gender, area, education qualifications and occupation. The dependent variables are any statement made by the accused can be used as evidence against him in a court of law. The confession made by

a drunken person amounts to self-incrimination. The rating of three to four has been given for evidentiary value of confession. The court can convict for a confession made by a drunken person. The Statistical tools used here are correlation, chi square and graphical representation.

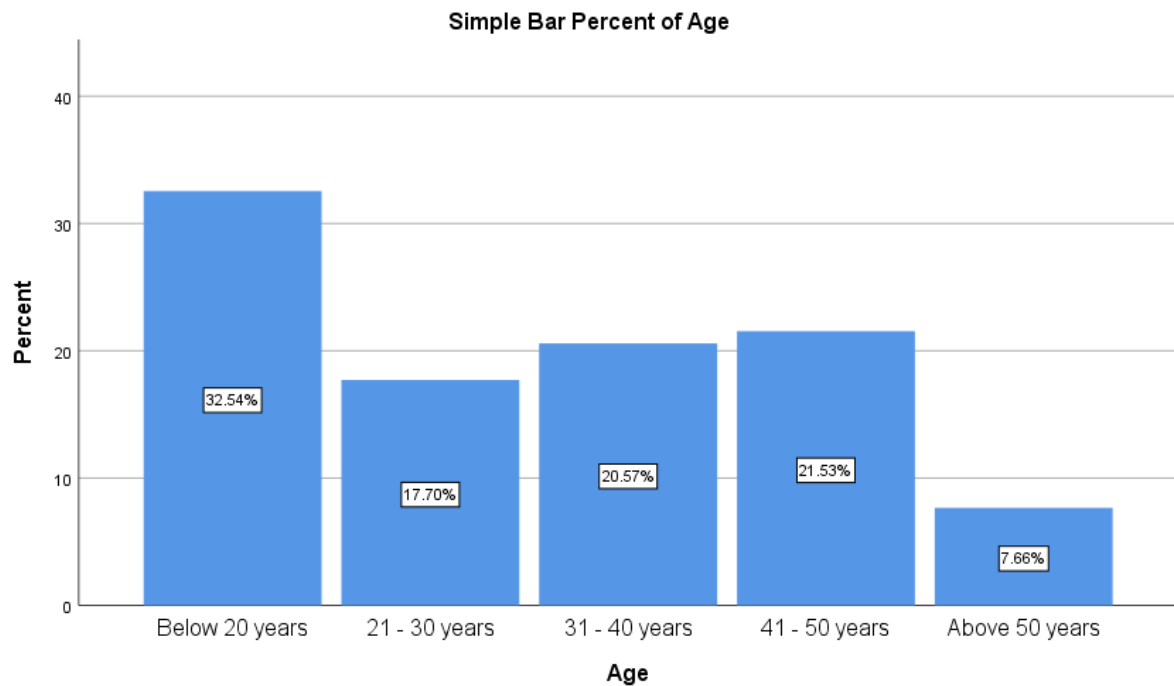
Hypothesis:

Null Hypothesis (Ho): There will be no significant relationship between Gender and confession made by a drunken person amounts to self-incrimination.

Alternate Hypothesis (H1): There will be significant differences between Gender and confession made by a drunken person amounts to self-incrimination.

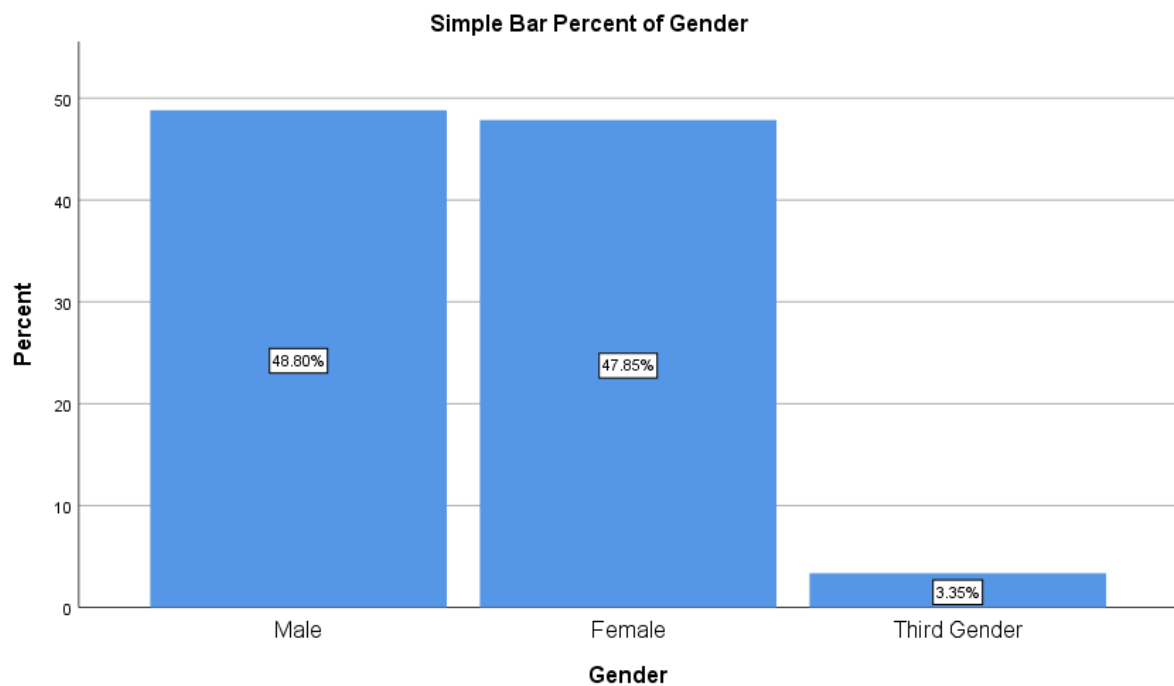
Analysis :

FIGURE 1

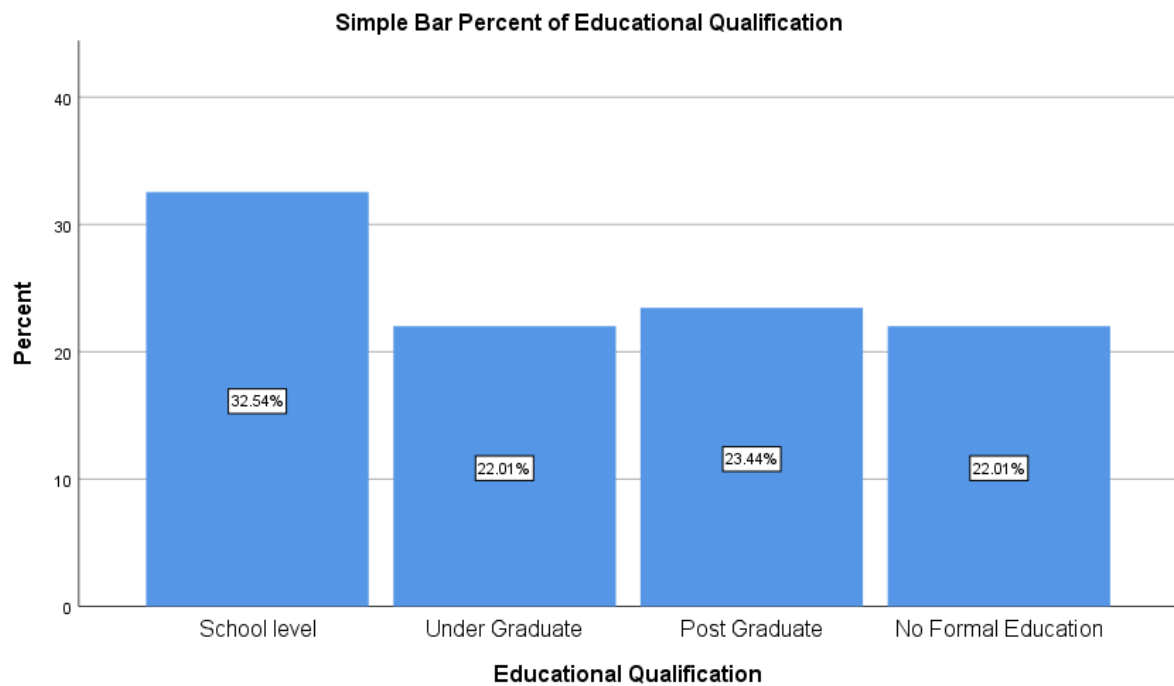


Legend: Figure 1 shows the percentage of Age of the sample population.

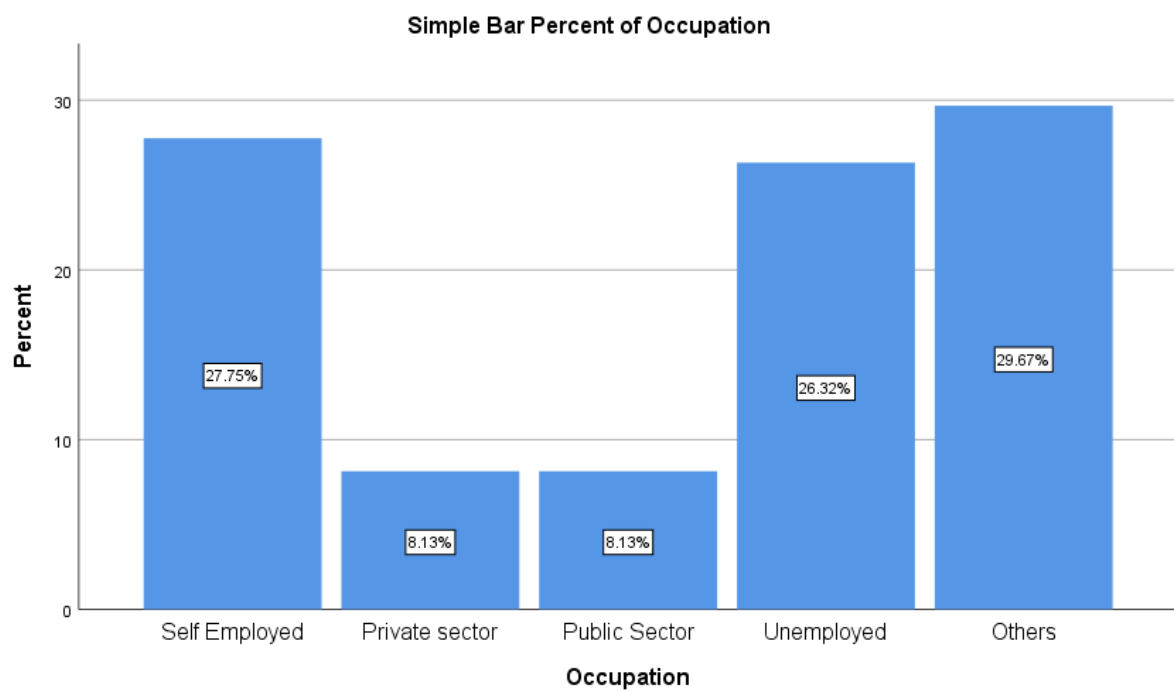
FIGURE 2



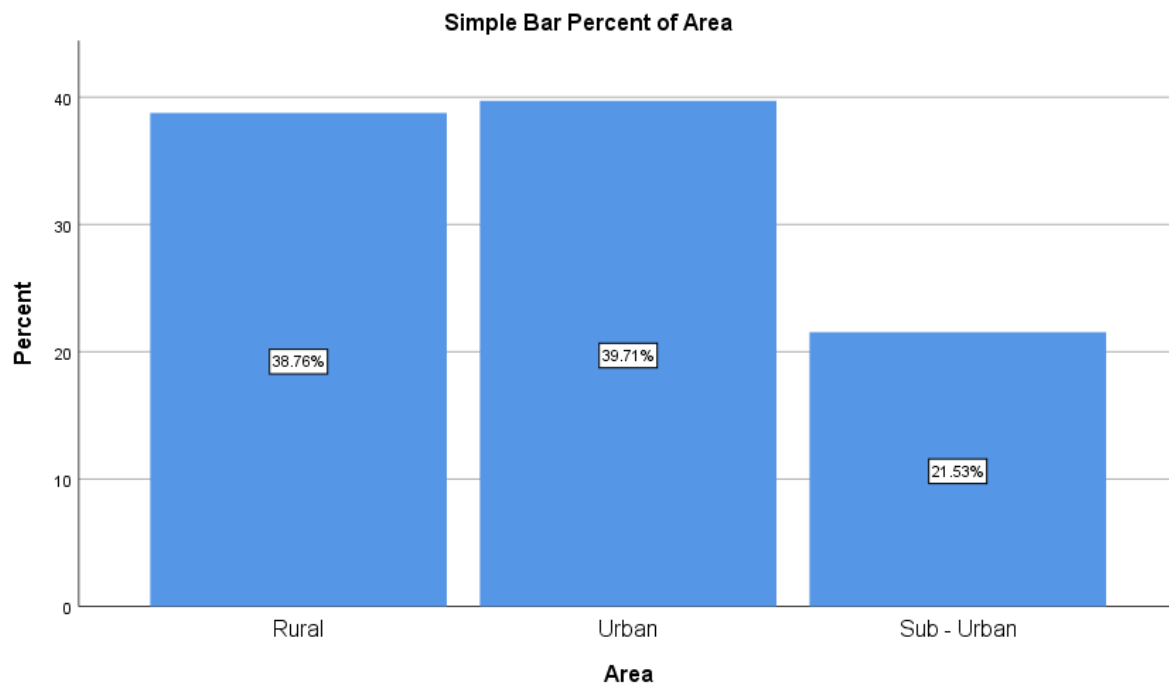
Legend: Figure 2 shows the percentage of Gender of the sample population.

FIGURE 3

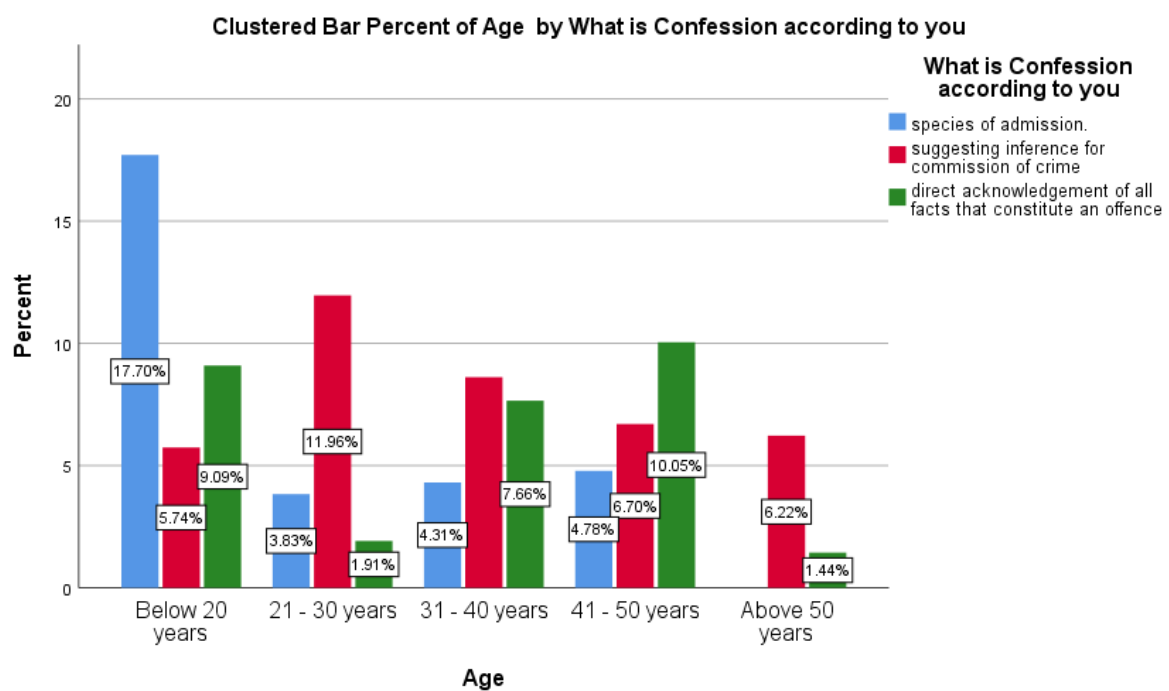
Legend: Figure 3 shows the percentage of Education Qualification of the sample population.

FIGURE 4

Legend: Figure 4 shows the percentage of Occupation of the population.

FIGURE 5

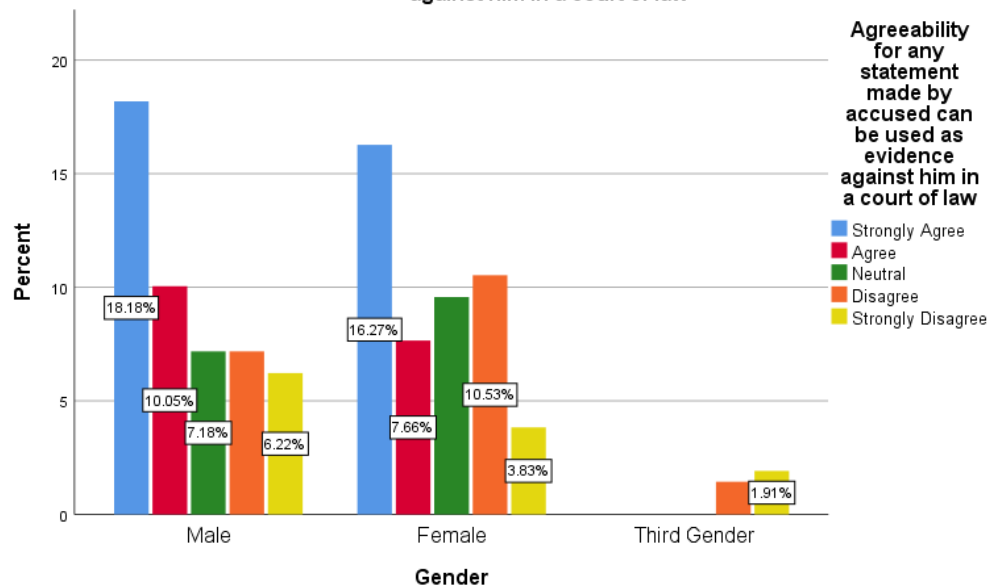
Legend: Figure 5 shows the percentage of Area of sample population.

FIGURE 6

Legend: Figure 6 shows the percentage of Age and meaning of confession towards the public of the sample population.

FIGURE 7

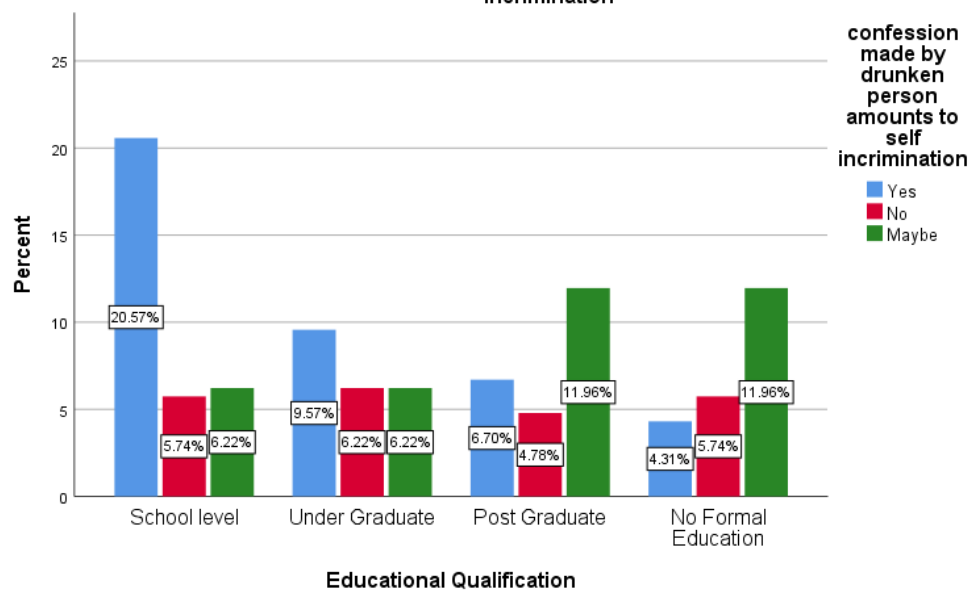
Clustered Bar Percent of Gender by Agreeability for any statement made by accused can be used as evidence against him in a court of law



Legend: Figure 7 shows the percentage of Gender and any statement made by the accused can be used as evidence against him in a court of law of sample population.

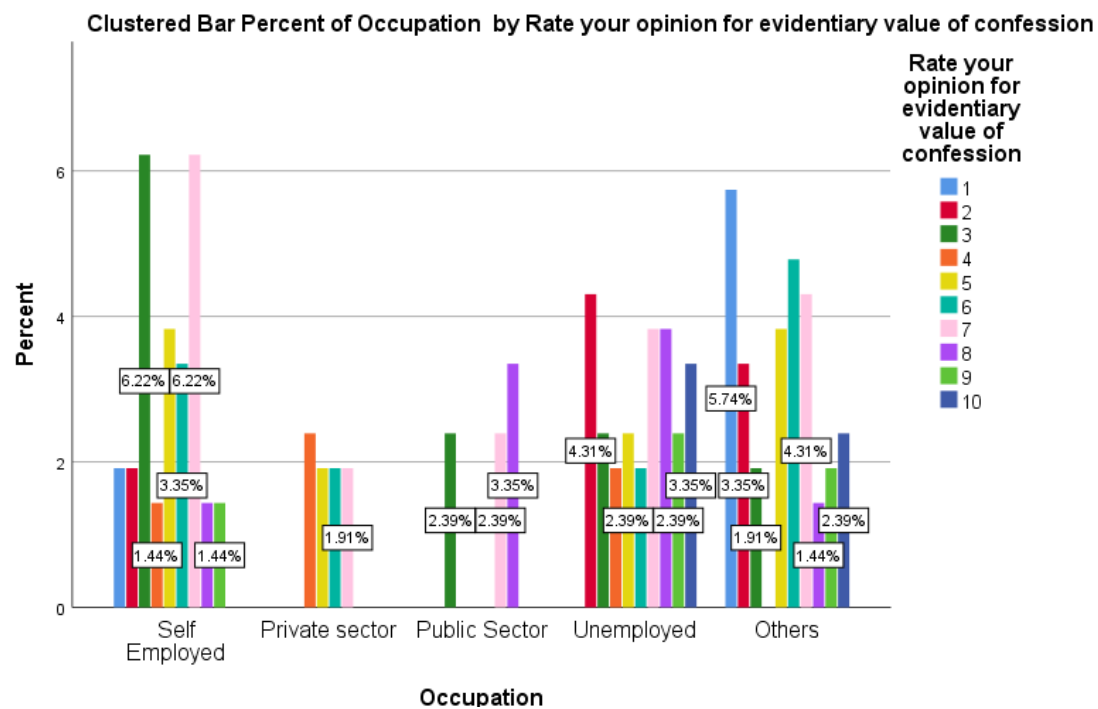
FIGURE 8

Clustered Bar Percent of Educational Qualification by confession made by drunken person amounts to self incrimination



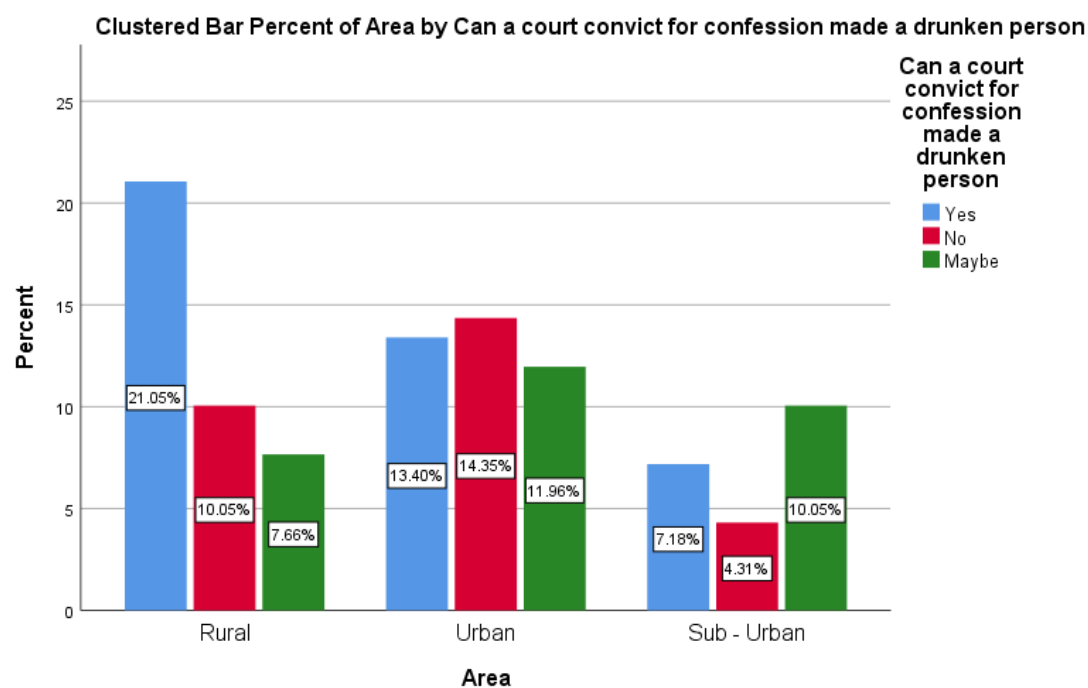
Legend: Figure 8 shows the percentage of education qualification and confession made by a drunk person amounts to self incrimination of the sample population.

FIGURE 9



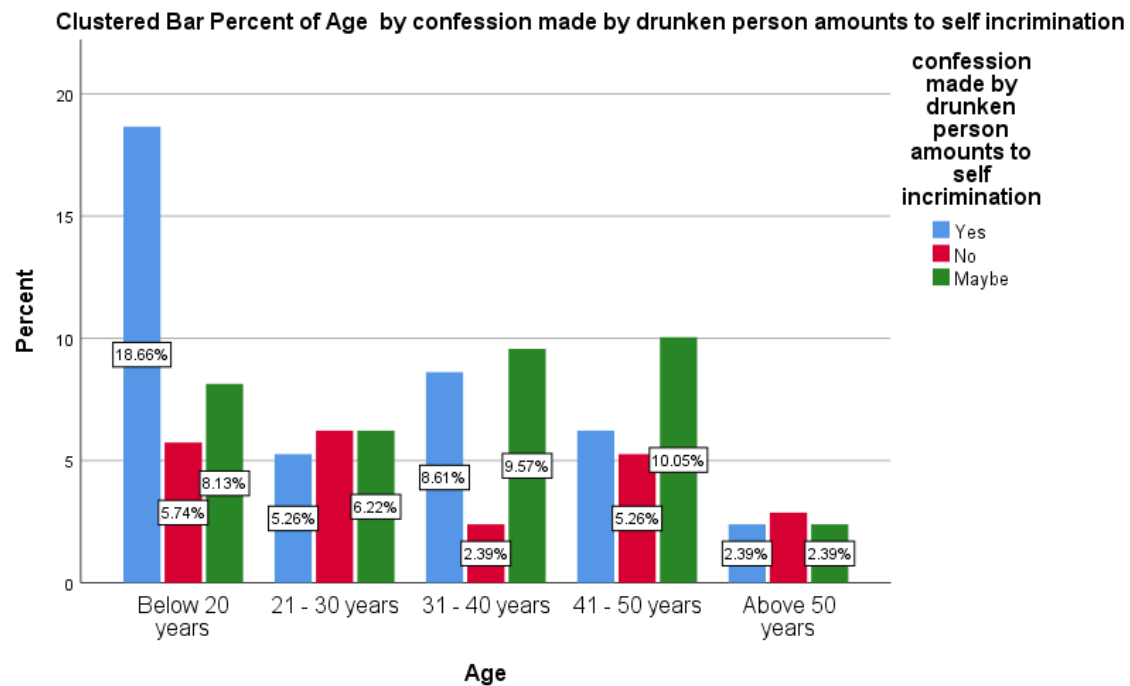
Legend: Figure 9 shows the percentage of occupation and public opinion for the Evidentiary value of confession of sample population.

FIGURE 10



Legend: Figure 10 shows the percentage of Area and a court can Convict for a confession made by a drunken person of sample population.

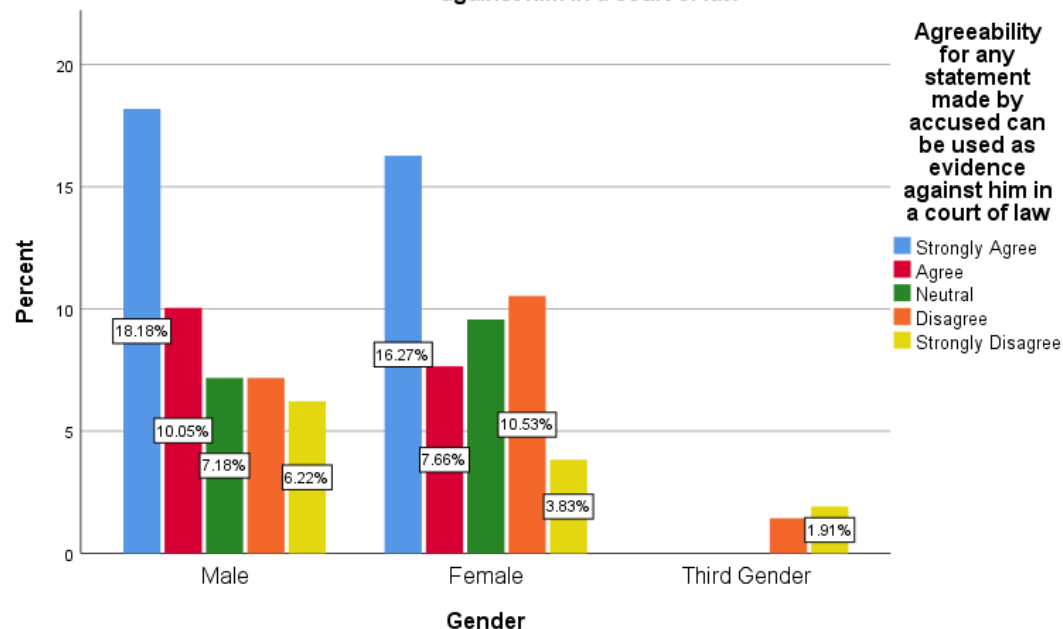
FIGURE 11



Legend: Figure 11 shows the percentage of Age and confession made by a drunk person amounts to self incrimination of sample population.

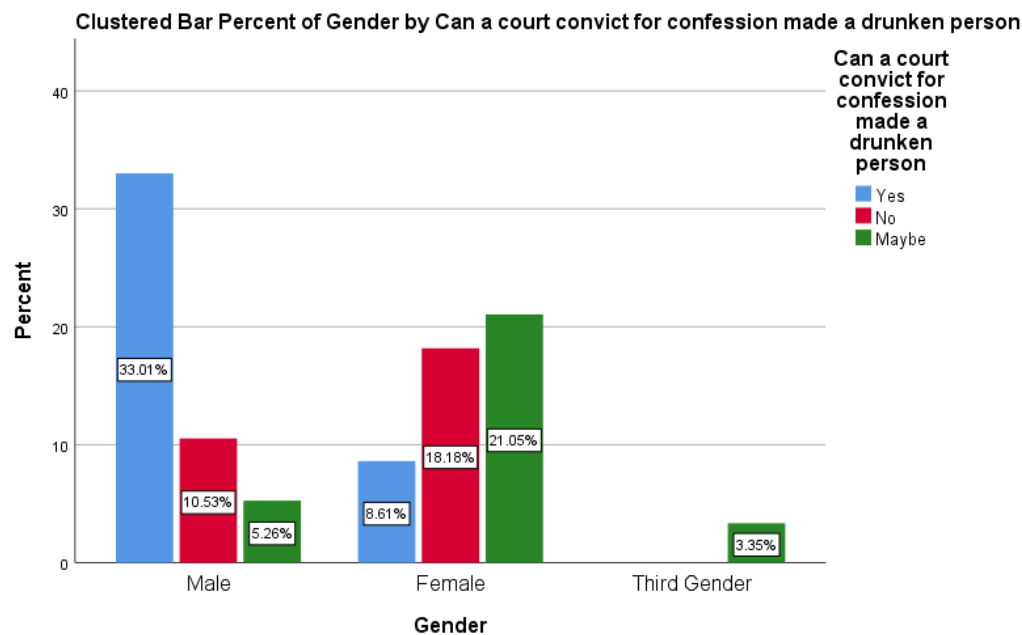
FIGURE 12

Clustered Bar Percent of Gender by Agreeability for any statement made by accused can be used as evidence against him in a court of law



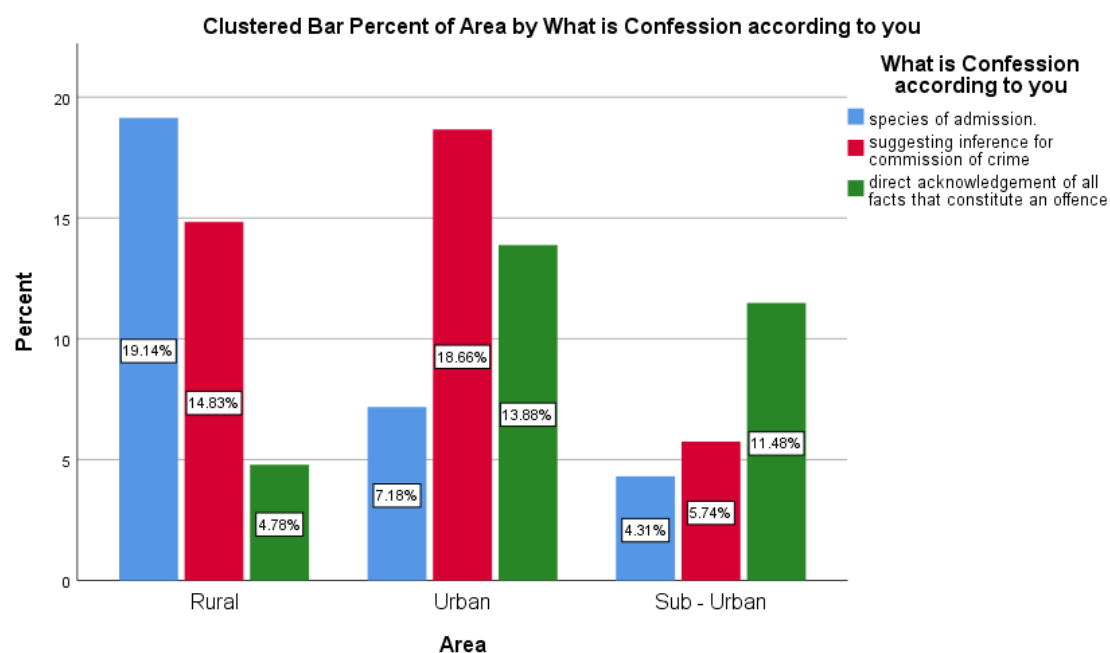
Legend: Figure 12 shows the percentage of Gender and any statement made by the accused can be used as evidence against him in a court of law of sample population.

FIGURE 13



Legend: Figure 13 shows the percentage of Gender and of sample population.

FIGURE 14



Legend: Figure 14 shows the percentage of area and meaning of confession towards the public of the sample population.

TABLE 1

Correlations

		Age	What is Confession according to you
Age	Pearson Correlation	1	.259**
	Sig. (2-tailed)		.000
	N	209	209
What is Confession according to you	Pearson Correlation	.259**	1
	Sig. (2-tailed)	.000	
	N	209	209

** . Correlation is significant at the 0.01 level (2-tailed).

Legend: Table 1 represents correlation between two variables which includes, Age and defining confession by people.

TABLE 2

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	16.615 ^a	4	.002
Likelihood Ratio	16.969	4	.002
Linear-by-Linear Association	2.925	1	.087
N of Valid Cases	207		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 7.91.

Legend: Table 2 represents chi square between two variables which includes Gender and confession made by a drunken person amounts to self-incrimination of sample population.

Results :

Respondents belonging to Age group below 20 years have shown higher preference in responding to the study than other categories (fig. 1). Respondents belonging to Gender Female have shown higher preference in responding to the study than Male (fig. 2). Respondents belonging to Education qualifications, PG have shown higher preference (23.44%) in responding to the study than other categories (fig. 3). Respondents belonging to Occupation, unemployed and others have shown higher preference (26.32% & 29.67%) in responding to the study (fig. 4). Respondents belonging to Residence, Urban have shown higher preference (39.71%) in responding to the study than other categories (fig. 5). Respondents belonging to Age group 21-30 years have shown a higher preference of 17.71% in responding that the meaning of confession towards the public would be species of admission (fig. 6). Respondents belonging to Gender female have shown higher preference of 18.18% in responding that any statement made by the accused can be used as evidence against him in a court of law (fig. 7). Respondents belonging to Under Graduate have shown higher preference of 20.57 % in responding that the confession made by a drunk person amounts to self incrimination (fig. 8). Respondents belonging to all occupation respondents have shown higher preference of 16.26% for seven ratings in responding to the public opinion for the Evidentiary value of confession (fig. 9). Respondents belonging to the rural people have shown a higher preference of 21.09% in responding that a court can Convict for a confession made by a drunken person (fig. 10). Respondents belonging to Age group below 29 years have shown higher preference of 12.81% in responding that confession made by a drunk person amounts to self incrimination (fig. 11). Respondents belonging to Gender Male have shown higher preference of 17.24% in responding that any statement made by the accused can be used as evidence against him in a court of law (fig. 12). Respondents belonging to Gender Male have shown higher preference of 33.01% in responding that court can Convict for a confession made by a drunken person (fig. 13). Respondents belonging to the urban people have shown a higher preference of 18.08% in responding that the meaning of confession towards the public would be a suggestion to the inference of commission of crime (fig. 14). Table 1 represents the Correlation between two variables, which includes Age and defining confession by people, the Pearson correlation value for both is more than 0.50, thus showing that they are positively and more correlated. Table 2 represents the chi square Test between two variables, which includes Gender and confession

made by a drunken person amounts to self-incrimination, the asymp. sig. value is less than 0.05 and thus, the null hypothesis is Rejected

Discussion :

Females have shown higher preference towards overall preference of the research study, this could be because females have better interest and involvement about evidentiary value of confession. Value of confession by drunken person. The overall preference of the sample population depicts that Respondents belonging to Age groups below 20 years have shown higher preference in responding to the study than other categories, this could be because they are the upcoming generation with higher knowledge with academic sources. Respondents belonging to Gender female have shown higher preference of 18.18% in responding that any statement made by the accused can be used as evidence against him in a court of law, it is because they tend to blabber the true incident of the crime. Respondents belonging to Under Graduate have shown higher preference of 20.57 % in responding that the confession made by a drunk person amounts to self incrimination, it is because drunk person won't be in a position to do self defence themselves. Respondents belonging to all occupation respondents have shown higher preference of 16.26% for seven ratings in responding to the public opinion for the Evidentiary value of confession, it is because they accept to convict and admit the evidence by drunken person. Respondents belonging to the rural people have shown a higher preference of 21.09% in responding that a court can Convict for a confession made by a drunken person, it is because the offender should not be let out free though it is against the evidence act. Age and defining confession by people, the Pearson correlation value for both is more than 0.50, thus showing that they are positively and more correlated. Gender and confession made by a drunken person amounts to self-incrimination, the asymp. sig. value is less than 0.05 and thus, the null hypothesis is Rejected and there is no significant relationship between the variables.

Limitation :

There are certain limitations that were faced by researchers during the study like sampling error where it failed to reflect the appropriate population due to the limited ability to gain access. There might be some errors due to lack of previous research studies on the same topic. There are limitations to conducting a thorough analysis of the result.

Suggestions :

So from the above analysis and findings the confessions derived from a drunken person should not disturb his personal contentions and should not violate his constitutional rights as a convicted person and no harm should be made to him. The Legislation has to be amended in a way people accept it rather than an autocratic manner of law making.

Conclusion :

Based on the Research study done people are well known about the current situation in our society relating to the right to dignity of elderly people. There is a lack of response due to illiteracy and technological defects. The objective of the study is to know about the Evidentiary value of confession made by a drunk person. The result observed from the study is that any statement made by the accused can be used as evidence against him in a court of law. The confession made by a drunken person amounts to self-incrimination. The rating of three to four has been given for evidentiary value of confession. The court can convict for a confession made by a drunken person. The confession, if voluntary and credible, is considered to be the best and most conclusive piece of evidence as it is presumed that 'no person will make a false statement incriminating him'. Conviction can be based solely on confession if the court is satisfied with voluntariness and trustworthiness of confession. The level of satisfaction of the court must be of high degree. The court must satisfy itself as to willingness on the part of the accused making confession because confession may not always be voluntary and true. Sometimes it may be because of mental aberration, vanity, to escape physical and moral torture etc. which reduces its probative value. Therefore, a legal duty has been cast upon the court to ascertain whether confession made by the accused is voluntary or not.

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