

QUESTIONS OF THE WEEK

LEGAL MOCK CLAT

Passage : The Bombay High Court last week acquitted a person of murder charges on the ground that extra-judicial confession made by the accused to a stranger cannot be the basis of conviction.

A Bench of Justices Sadhana Jadhav and Prithviraj Chavan observed that an extra-judicial confession would in normal course be made only to a person in whom the confessor reposes faith and not a passer-by with whom one was recently acquainted.

“Accused had given graphic details of the act committed by him including the role of each of the accused persons and the manner in which they had killed both the deceased. It is rather very difficult to accept that the accused would make an extra judicial confession to a stranger,” the High Court noted.

The Bench thus acquitted the petitioners of charges of murder, causing disappearance of evidence and common criminal intention. With the case centered on circumstantial evidence, the prosecution highlighted an extra-judicial confession by the accused to one of the witnesses as a key piece of evidence.

The defence stated that accused had "only a stray acquaintance" with the witness and therefore, the confession would not inspire confidence. The Court accepted this contention, noting that it was a well-known fact that the accused worked as a waiter in a hotel which the witness used to visit once a week.

The Bench noted that the accused had no reason to repose faith in a customer of the hotel.

“It is also clear that there is no independent corroboration to the alleged extra judicial confession. The manner in which it is said to have been made appears to be improbable and imprudent,” the Bench added.

As a result, the High Court stated that while an accused might be convicted based on an extrajudicial confession, the confession must inspire trust, which it did not in this case. Even in cases of deciding culpability on basis of extra-judicial confession testimony shall be corroborated then person can be held liable.

QUESTIONS OF THE WEEK

LEGAL MOCK CLAT

1. Shubh had committed the murder of the man who had married his ex-wife, but now was depressed by the same and was desperately feeling like confessing. He had already tried confessing to a tree but to no avail and was feeling gloomier by the day. One such day, while drinking in a bar, when he had had one too many drinks, he finally blurted his secret to the barkeep who promised that he would stay put. However, the second Shubh left the barkeep ran to the nearest police station and ratted on Shubh. Would this amount to extra-judicial confession?
- (a) No, as Shubh did not intend to confess, and was inebriated at the time.
 - (b) Yes, as Shubh, although inebriated, still intentionally confessed.
 - (c) No, as there is no relationship of trust here.
 - (d) Yes, as a reasonable trust has been formed here.

QUESTIONS OF THE WEEK

LEGAL MOCK CLAT

2. In the above case, assuming other facts to be true, had Shubh confessed here to his long-estranged brother with whom he had not spoken to for 15 years, and had recently gotten in touch with, instead of the barkeep, would the relation of trust being founded?
- (a) No, as here a mere familial relation was not present.
 - (b) No, as the two, even though brothers, do not seemingly have trust and confidence.
 - (c) Yes, as they are brothers and are bound to trust each other.
 - (d) Yes, as a mere decade or two cannot chip away at the strong familial ties between two brothers.

QUESTIONS OF THE WEEK

LEGAL MOCK CLAT

3. While considering a theft case, the evidence before the court was very foggy and unclear, and the same led to the court then moving on to eyewitness's evidence wherein two people were standing at place of incident, who had attested as being present at the scene of crime, had been asked to testify. One of these claimed that the accused himself confessed to him about committing the theft and had then run away which is confirmed by other person standing. Would this person's testimony amount to be admitted as extra-judicial confession?
- (a) Yes, as he bore witness to the confession that was rendered by the accused.
 - (b) Yes, as he heard the confession same was reaffirmed by other person too.
 - (c) No, as there is no relation of trust present here.
 - (d) No, as one cannot identify as both an eyewitness and one who has heard confession.

QUESTIONS OF THE WEEK

LEGAL MOCK CLAT

4. In the above case, had the extra-judicial confession been made to a police officer by the accused, who had wanted to repent for his crime and wanted his sentence to be reduced, would the same be admissible?
- (a) Yes, as the intent behind the confession is one to repent.
 - (b) Yes, as he has approached a fiduciary authority to confess to.
 - (c) No, as there is no relation of trust present here.
 - (d) No, as the police officer did not take the confession in front of a magistrate.

QUESTIONS OF THE WEEK

LEGAL MOCK CLAT

5. After having committed a murder, Jai had desperately wanted to get it off his chest, and in doing the same, he confessed about it to Veeru, who had just cleared his magistrate level exam but the same was not known to Jai. Veeru, being a judicial officer, decided to take an action against his friend and thus proceedings were initiated against Jai wherein Veeru had decided to testify against his friend. Is there a relation of trust in the present case?
- (a) Yes, as both Jai and Veeru were friends and Jai trusted Veeru.
 - (b) No, as Veeru had suppressed material information from Jai regarding his status as a magistrate.
 - (c) Yes, as Jai had confessed to his friend under confidence and there was a relation of trust here.
 - (d) No, as Veeru had betrayed Jai in not informing him about his judgeship.

QUESTIONS OF THE WEEK

LEGAL MOCK CLAT

1. **Answer: C**

Sol. As the second para provides, a mere passer-by relation with a stranger would not be enough to form a relation of trust, and since the same is necessary for the extra-judicial confession to be accountable, the relation here would also not count as one of trust. Option a is incorrect as his intention to confess or not is irrelevant here. Option b is incorrect as his inebriated state and his intention to confess has not been provided for in the passage above. Option d is incorrect as the relation here was merely a one-off instance and the same would not amount to being one of trust.

2. **Answer: D**

Sol. Even though a long time period of 15 years has passed, and the two brothers have been out of touch for most of the same, the fact still remains that they are brothers and not 'mere acquaintances' and a relation of trust and confidence is a likely occurrence here. Thus, option a, by itself lacks elaborate explanation and is incorrect. Option b is incorrect as even though there is a time delay, the trust between the two is likely to be present on account of their relation. Option c is incorrect as it states they are bound to trust which is not compulsion. For deciding relationship for trust all we have to look into is that whether there is any stray acquaintance or relationship in which one case confess. Thus option D is more appropriate answer over c.

3. **Answer: B**

Sol. As the passage above, in the last para, already mentions that Even in cases of deciding culpability on basis of extra-judicial confession testimony shall be corroborated then person can be held liable. Thus the confession must inspire trust will be overturned. Making option C incorrect. Option A is incorrect as merely bearing witness to an extra-judicial confession would not amount to the relation of trust having been established. Option d is incorrect as there is no mention of one identifying as both an eyewitness and one who has heard the confession in the passage above.

4. **Answer: C**

Sol.. It is prima facie apparent here that the condition of there being a relation of trust and confidence between the accused and one he confesses unto, is clearly absent, as has been mentioned in the second para, option c is rendered correct. Option a is correct as the intent here is irrelevant and the same has not been provided in the passage above. Option b is incorrect as the police here is not a fiduciary authority, which also has not been provided for above, and thus, option b is also incorrect. Option d is incorrect as the confession being taken in front of a magistrate has not been made present above in the passage.

5. **Answer: C**

Sol. Even though option a contains sound reasoning, option c contains the more elaborate option leading to the reasoning above, as provided for in second para, where the mention of relation of trust has been made, being fulfilled here. Option b is incorrect as there is no mention of suppression of material information prior to the confession being made as being a deterrent to such confessions in the passage above. Option d is incorrect as there is no mention of Veeru actually hiding information from Jai, and as such, the option is incorrect.