

Difference between confession and admission in indian law essay sample



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This brings us to the main difference between admission and confession. An admission is a statement that may or may not be a conclusive evidence of a fact in issue or relevant fact but to be a confession, the admission must conclusively prove the guilt of the maker of the admission. For example, in the case of *Veera Ibrahim vs State of Maharashtra*, AIR 1976, a person being prosecuted under Customs Act told the customs officer that he did not know that the goods loaded in his truck were contraband nor were they loaded with his permission. SC held that the statement was not a confession but it did amount to admission of an incriminating fact that the truck was loaded with contraband material.

Thus, a statement which may not amount to confession may still be relevant as admission. Only a voluntary and direct acknowledgment of guilt is confession, but when a confession fall short of actual admission of guilt, it may nevertheless be used as evidence under Section 21.

Regarding admission that contains multiple sentences, Justice Thomas, of SC stated the law in the case of *Lokeman Shah vs State of WB*, AIR 2001 as follows – The test of discerning whether a statement recorded by a judicial magistrate under Section 164 of CrPC, is confessional or not is not to determine it by dissecting the statement into different sentences and then to pick out some as not inculpatory. The statement must be read as a whole and then only the court should decide whether it contains admissions of his inculpatory involvement in the offence. If the result of that test is positive the the statement is confessional otherwise not. Ø Confession is the admission of guilt or its inferences by an accused in custody. There are two

types of confession viz. judicial and extra-judicial. Some provisions relating to confessions are contained in Sections 24 to 29 of the Indian Evidence Act.

Ø Admission is defined under Section 17 of the Indian Evidence Act. It is a statement, oral or documentary or contained in electronic form, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned. Section 18 onwards different circumstances of admissions are provided under the Indian Evidence Act.

Ø Confession is generally made by the accused person. Admission is made by other persons.

Ø Confession statement is culpatory while admission is exculpatory.

Ø Admitted facts need not be proved. Confession is proved only for purposes mentioned in the Act like discovery.

Ø Confession is generally used in criminal cases while admission is used in civil cases.

Ø Confession can be retracted while admission cannot be retracted. The Indian Evidence Act 1872 deals with the provisions of admission and confession. Section 17-23 and 31 of Indian Evidence Act 1872 states about the admission and its relevancy and section 24 -30 of Indian Evidence Act 1872 describes the confession. Going through these sections we may differentiate them as following-

A statement oral or documentary admitting a fact arising from, and relevant to the civil suit is called admission whereas an admission made before the Judicial magistrate by an accused stating or suggesting that he has committed the crime for which he has been made accused.

Admission is a matter of civil suit but confession is a matter of criminal case.

Admission may be of both kinds i. e. oral or documentary but confession must be oral.

Judicial Magistrate takes the confession but he has no power to take admission as he has no jurisdiction over the civil suit. But in case of admission it must be taken by the judge of civil court.

All confessions may be recognized as an admission but all admissions are not confession.

Admission is a genus whereas confession is a species.

An admission may be made from any of the party of the civil suit but a confession must be made by accused.

Admission is taken according to the procedure stated in Code of Civil Procedure 1908 whereas Confession is taken according to the procedure stated in section 164 of Code of Criminal Procedure 1898

There may be another difference regarding the concern sections of Indian Evidence Act 1872 about confession and admission. section 17-23 and 31 of

this Act describes about admission whereas section 24-30 describes about admission

So, these are the general differences between admission and confession in the light of the Indian Evidence Act 1872.