

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE
MAHASAMUND (C.G.)

PAPER PRESENTATION ON
DIVISIONAL JUDICIAL SEMINAR OF RAIPUR DIVISION

27 JULY 2025 (SUNDAY) AT RAIPUR

ON THE SUBJECT

***PURPOSE AND PROCEDURE OF EXAMINATION OF ACCUSED UNDER SECTION 351
BHARTIYA NAGRIK SURAKSHA SANHITA, 2023/SECTION 313 CODE OF CRIMINAL
PROCEDURE.***

***THE EVIDENTIARY VALUE OF ACCUSED'S STATEMENT IN THE LIGHT OF LANDMARK'S
PRONOUNCEMENTS***



PRESENTED BY

DISTRICT COURT MAHASAMUND

A Divisional Judicial Seminar of

All Judicial Officers of Raipur

Division

(District Raipur/ Dhamtari/

Baloda Bazar/Mahasamund)

on 27/07/2025 at Raipur

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PURPOSE AND PROCEDURE OF EXAMINATION OF ACCUSED
UNDER SECTION 351 BHARTIYA NAGRIK SURAKSHA
SANHITA, 2023/SECTION 313 CODE OF CRIMINAL PROCEDURE.**

BY

DISTRICT COURT MAHASAMUND

Under Guidance of
Principal District &
Sessions Judge Mahasamund
(SMT. ANITA DAHARIYA)

Paper Prepared & Presentation by
01. KU.SANGHPUSHPA BHATPAHARI
(I DISTRICT & ADDITIONAL SESSIONS JUDGE)
02. KU. TANNYA BRAHME
(II CIVIL JUDGE JUNIOR DIVISION)
03. KU. GEETANJALI KASHYAP)
(I CIVIL JUDGE JUNIOR DIVISION)

TABLE OF CONTENTS

CHAPTER	CONTENTS	PAGE NO.
1.	INTRODUCTION AND PURPOSE OF EXAMINATION OF ACCUSED i. ORIGIN ii. NATURE & SCOPE iii. OBJECT OF SECTION 313 C.r.Pc.	6-8
2.	PROCEDURE OF EXAMINATION OF ACCUSED i. PROVISION ii. AT WHAT STAGE THE ACCUSED SHOULD BE EXAMINED iii. WHETHER PRESENCE OF ACCUSED IS NECESSARY FOR RECORDING HIS STATEMENT UNDER SECTION 313 CRPC/351 BNSS iv. EXAMINATION OF ACCUSED THROUGH V.C. v. PROPER PROCEDURE FOR EXAMINATION OF ACCUSED vi. PROPER MODE OF RECORDING UNDER SECTION 313 CrPc/351 BNSS vii. ILLUSTRATIVE QUESTIONS UNDER SECTION 351 BNSS / 313 CRPC viii. EXAMINATION OF ACCUSED AS PER M.P./C.G. RULES AND ORDER(CRIMINAL) ix. FORM FOR RECORDING EXAMINATION OF ACCUSED.	9-23
3.	EVIDENTIARY VALUE OF EXAMINATION OF ACCUSED i. WHETHER A STATEMENT MADE UNDER SECTION 313 BY THE ACCUSED CAN BE THE SOLE BASIS OF CONVICTION ii. WHETHER CIRCUMSTANCES NOT PUT TO THE ACCUSED FOR EXPLANATION COULD BE USED AS EVIDENCE AGAINST HIM iii. WHETHER DEFECTIVE QUESTIONING AND OMISSION UNDER SECTION 313 COULD IPSO FACTO VITIATE THE TRIAL iv. WHETHER NON-COMPLIANCE WITH THE MANDATORY PROVISIONS OF SECTION 313	24-40

	CRPC VITIATES THE TRIAL AND CONVICTION OF THE APPELLANT	
	v. SILENCE ON THE PART OF ACCUSED DURING SECTION 313 Cr.P.C. EXAMINATION	
	vi. STATEMENT ADMITTING GUILT NOT A SOLE GROUND FOR CONVICTION	
	vii. WHENEVER A PLEA OF OMISSION TO PUT A QUESTION TO THE ACCUSED ON VITAL PIECE OF EVIDENCE IS RAISED IN THE APPELLATE COURT, COURSES AVAILABLE TO THE APPELLATE COURT	
4.	CONCLUSION	41
5	SUGGESTIONS	42
6	CASES REFERED	43-44

CHAPTER –I INTRODUCTION AND PURPOSE OF EXAMINATION OF ACCUSED

ORIGIN

The provision Section 313 of the Criminal Procedure Code/ section 351 Bhartiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred as CrPC & BNSS respectively) has its root in the principal of natural justice i.e *Audi Alteram Partem* which literally means as hearing the other side. It is based on the one of the most fundamentals to be observed in the process of criminal trial that the accused should be called upon to explain the evidence against him and should thus be given an opportunity of stating his own case.

NATURE AND SCOPE

Section 313 CrPC/ section 351 BNSS, 2023 confers a valuable right upon an accused to establish his innocence and can well be considered beyond a statutory right, as a constitutional right to a fair trial under Article 21 of the Constitution. The object of Section 313 of the Cr.P.c./ section 351 BNSS, 2023 is to establish a direct dialogue between the court and the accused. The whole purpose of Section 313 CrPC is to afford the accused a fair and proper opportunity of explaining circumstances which appear against him. It helps the court understand the accused's perspective and assess the evidence more effectively.

PURPOSE

The main purpose is **to provide the accused with an opportunity to present their side of the story and for the court to consider their explanation when evaluating the evidence**, to prevent unjust conviction based on unchallenged incriminating evidence, to clarify the conduct, possession, presence, or motive as alleged by the prosecution, to maintain procedural balance and invite the defence's version directly from the accused. **Therefore, the examination of accused is not a mere formality.**

Explaining the **importance of statement under section 313 CrPC/ section 351 BNSS, 2023**, the Hon'ble Supreme Court of India in **Paramjeet Singh @ Pamma vs. State of Uttarakhand¹**, was pleased to hold that

“Section 313 CrPC/ section 351 BNSS, 2023 is based on the fundamental principle of fairness. The attention of the accused must specifically be brought to inculpatory pieces of evidence to give him an opportunity to offer an explanation if he chooses to do so. Therefore, the Court is under a legal obligation to put incriminating circumstances before the accused and solicit his response. The provision is mandatory in nature and casts an imperative duty on the Court and confers a corresponding right on the accused to have an opportunity to offer an explanation for such incriminatory material appearing against him.”

In essence, both Article 20(3) of the Indian Constitution and Section 313 Cr.Pc are designed to ensure a fair trial and protect the accused from being unfairly convicted based on their own statements. *Article 20(3) of the Indian Constitution provides a broad shield against self-incrimination, while Section 313 provides a specific procedure for examining the accused during the trial, balancing the need for explanation with the right to remain silent.*

¹ (2010) 10 SCC 436

The object of section 313(1)(b) CrPC/ section 351 BNSS, 2023 is to bring the substance of the accusation to the accused to enable the accused to explain each and every circumstance appearing in the evidence against him.

In **Kalicharan vs. State of Uttar Pradesh**², the Hon'ble Supreme Court of India emphasised that the requirement of section 313 CrP.C./ section 351 BNSS, 2023 is that the accused must be explained the circumstances appearing in the evidence against him so that the accused can offer an explanation. It was held that if the accused is not explained the important circumstances appearing against him in the evidence on which his conviction is sought to be based, the accused will not be in a position to explain the said circumstances brought on record and will not be in a position to defend himself properly.

² (2023) 2 SCC 583

CHAPTER – II PROCEDURE FOR EXAMINATION OF ACCUSED

PROVISION- The section 351 of Bharatiya Nagarik Suraksha Sanhita (BNSS),2023/ section/313 of the Code of Criminal Procedure (CrPC) both the provision provides for the examination of the accused to allow them to explain incriminating circumstances.

SECTION 313 CRPC/ 351 BNSS- POWER TO EXAMINE THE ACCUSED.

- (1) In every inquiry or trial, for the purpose of enabling the accused personally to explain any circumstances appearing in the evidence against him, the Court—
 - a. may at any stage, without previously warning the accused put such questions to him as the Court considers necessary;
 - b. shall, after the witnesses for the prosecution have been examined and before he is called on for his defence, question him generally on the case:

Provided that in a summons-case, where the Court has dispensed with the personal attendance of the accused, it may also dispense with his examination under clause (b).

(2) No oath shall be administered to the accused when he is examined under sub-section (1).

(3) The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them.

(4) The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

(5) The Court may take help of Prosecutor and Defence Counsel in preparing relevant

questions which are to be put to the accused and the Court may permit filing of written statement by the accused as sufficient compliance of this section.

AT WHAT STAGE THE ACCUSED SHOULD BE EXAMINED

The Hon'ble Supreme Court of India in **Nar Singh vs. State of Haryana**³, was pleased to consider the kinds of examination available under section 313 CrPC. It was held that

“There are two kinds of examination under section 313 Cr.PC/section 351 BNSS, 2023 The first under section 313(1)(a) CrPC relates to any stage of inquiry or trial; while the second under section 313(1)(b) CrPC/ section 351 BNSS, 2023 takes place after the prosecution witnesses are examined and before the accused is called upon to enter his defence. The former is particular and optional; but the latter is general and mandatory.”

Section 313 Cr. P. C, Sub-section (1)/ section 351 BNSS, 2023 of the section is in two parts - The first part empowers the court to put such questions to the accused as it considers necessary at any stage of the inquiry or trial whereas the second part imposes a duty and makes it imperative on the court to question him generally on the prosecution having completed the examination of its witnesses and before the accused is called on to enter upon his defence. Therefore, it does appear that the purpose of examination of the accused under Section 313 Cr.P.C/ section 351 BNSS, 2023. is to give the accused an opportunity to explain the incriminating material which has surfaced on record. After the statement under Section 313 Cr.P.C/ section 351 BNSS, 2023. is recorded, opportunity is given to the defence to lead evidences and then to hear the arguments and to pronounce judgment. Therefore, no matter how weak and scanty the prosecution evidence is in regard to a certain incriminating material, it is the

³ (2015) 1 SCC 496

duty of the court to examine the accused and seek his explanation thereon

In Summon cases - The Hon'ble Supreme Court of India in **Usha K. Pillai vs. Raj K. Srinivas**⁴, was pleased to hold that the proviso which is applicable to summons cases, is an exception to clause (b) of sub – section (1) of section 313 CrPC/ section 351 BNSS, 2023. It states in no uncertain terms that in a summons case where the Court has dispensed with the personal attendance of the accused it would be open to the Court to dispense with the examination of the accused under clause (b) of section 313(1) CrPC/ section 351 BNSS, 2023.

WHETHER PRESENCE OF ACCUSED IS NECESSARY FOR RECORDING HIS STATEMENT UNDER SECTION 313 CRPC

The proviso to section 313(1) CrPC/ section 351 BNSS, 2023 states that in a summons case where the Court has dispensed with the personal attendance of the accused, it may also dispense with his attendance under section 313 CrPC/ section 351 BNSS, 2023.

In **Bibhuti BhusanDas Gupta vs. State of West Bengal**⁵, the Hon'ble Supreme Court of India held that the privilege and the duty of answering questions under section 313 of Code of Criminal Procedure, 1973/ section 351 BNSS, 2023 cannot be delegated to a pleader. It was held that no doubt the form of summons shows the pleader may answer the charges against the accused, but in so answering the charges, he cannot do what only the accused can do personally

In **Basavaraj R. Patil vs. State of Karnataka**⁶, the Hon'ble Supreme Court of India was pleased to consider when a criminal Court completes prosecution evidence (other than in summons cases) is it indispensably mandatory that the accused himself should

⁴ (1993) 3 SCC 208

⁵ AIR 1969 SC 381

⁶ (2000) 8 SCC 740

be questioned. The Hon'ble Supreme Court of India was pleased to hold that the word shall in clause (b) to section 313 (1)/ section 351 BNSS, 2023 of the Code is to be interpreted as obligatory on the Court and it should be complied with when it is for the benefit of the accused.

EXAMINATION OF ACCUSED THROUGH VIDEO CONFERENCING

Examination of accused under section 313 Cr.Pc./section 351 BNSS can be conducted through video conferencing. The relevant provision for such examination has been provided in High Court of Chhattisgarh Video Conferencing Rules, (hereinafter referred as VC RULES, 2020), notification- No. 5785/Rules/2020, Dated 27th June, 2020.

Section 11 of the VC Rules, 2020- It provides that examination of accused can be conducted through video conferencing.

EXAMINATION OF ACCUSED THROUGH V.C. HAS TO BE CONDUCTED IN EXCEPTIONAL CIRCUMSTANCES ONLY.

Section 11.2 of the VC Rules, 2020 The court may in exceptional circumstances for reasons to be recorded in writing for recording the statement of the accused under Section 313 CrPC/351 BNSS through video conferencing, while observing all due precautions to ensure that the witness or the accused as the case may be is free of any form of coercion, threat or undue influence. The Court shall ensure compliance with Section 26 of the Evidence Act. However, such examination through VC shall be conducted using VC facility installed at nearby Court Complex.

PROPER PROCEDURE FOR EXAMINATION OF ACCUSED

Section 351 of BNSS, corresponding to Section 313 of CrPC, outlines the procedure for examination of accused as follows:

- a. **Opportunity to Explain:** The primary purpose is to provide the accused with a chance to explain any incriminating evidence presented by the prosecution.
- b. **No Oath:** The accused is not required to take an oath when giving their statement.
- c. **Focus on Incriminating Circumstances:** The questions asked should focus on the incriminating evidence presented by the prosecution.
- d. **Recording the Statement:** The entire examination, including questions and answers, must be recorded.
- e. **Language of Examination:** The statement should ideally be recorded in the language of the accused or the court, and the accused should be able to understand it.
- f. **Reading and Explanation:** The record of the statement should be shown or read to the accused, and they should be given a chance to explain or add to their answers.
- g. **Signature:** The accused and the presiding officer (judge or magistrate) must sign the record.
- h. **Not a Substitute for Defense:** The examination under this section is not a substitute for the accused's right to present a defense through witnesses or other evidence.
- i. **Use of the Accused's Statement:** Evidence Against Accused: Statements made by the accused can be used as evidence against them, especially if they support the prosecution's case.
- j. **Examination in Person:** The accused must be examined personally by the court, unless the accused's personal attendance has been dispensed with.
- k. **Corroboration:** The statement can be used to corroborate or contradict other evidence.

1. **Right to remain Silent:** Accused has right to maintain silence during examination u/s 313 CrPC. The accused has a duty to furnish an explanation in his statement under Section 313 CrPC regarding any incriminating material that has been produced against him. The accused cannot be penalized for refusing to answer or for giving false answers.
- m. **Inculpatory and Exculpatory Parts:** If the statement contains both inculpatory (incriminating) and exculpatory (clearing) parts, the court cannot accept the inculpatory part and reject the exculpatory part.
- n. **Not Sole Basis for Conviction:** While the statement can be used as evidence, a conviction cannot be based solely on a retracted confession, and corroboration may be required.

PROPER MODE OF RECORDING UNDER SECTION 313 CrPc/351 BNSS

The proper methodology to be adopted by the court while recording the statement of the accused u/s 313 of the CrPC/ section 351 BNSS, 2023 is to invite the attention of the accused to the circumstances and substantial evidence in relation to the offence for which he has been charged and invite his explanation. So, that it provides an opportunity to an accused to state before the court as to what is the truth and what is his defence in accordance with law.

a. Compound question to be avoided-

In the case of **Dharnidhar vs. State of Uttar Pradesh**⁷, The Hon'ble court stated that the Compound questions to be avoided under section 313CrPC/351 BNSS".

b. Framing of questions –

⁷ 2010 (6) SCJ 662

In the case of **State of Punjab Vs. Swaran Singh**⁸, - the court stated that the method of framing questions u/s 313 CrPC/ section 351 BNSS, 2023 must be framed in such a way as to enable the accused to know what he is to explain and what are the circumstances which are against him and for which an explanation is needed. As, the whole object of section 313 Cr.pc./351 BNSS is to afford the accused a fair and proper opportunity of explaining circumstances which must be fair and must be couched in a form which an ignorant or illiterate person will be able to appreciate and understand.

c. Separate question to be framed-

It is not sufficient compliance of Sec. 313 CrPC/ section 351 BNSS, 2023 to string together a long series of facts and ask the accused what he has to say about them. He must be questioned separately about each material substance which is intended to be used against him so that he may be able to give such explanation as he desires to give.

d. Language should be simple and clear

In the case of **Ajay Singh vs. State of Maharashtra**⁹ and **Adil vs. State of Uttar Pradesh**¹⁰ the Hon'ble court has held that the questioning must be fair and couched in a form which an ignorant or illiterate person will be able to appreciate and understand. Fairness, therefore, requires that each material circumstances should be put simply and separately in a way that an illiterate mind or one which is perturbed or confused can readily appreciate and understand.

⁸ (2005) 6 SCC 101

⁹ 2007 (58) ACC 1061 (SC)

¹⁰ 2008(62) ACC

The facts of each case have to be examined but the broad principle is that all incriminating material circumstances must be put to an accused while recording his statement under Section 313 of the Code/ section 351 BNSS, 2023, but if any material circumstance has been left out that would not ipso facto result in the exclusion of that evidence from consideration unless it could further be shown by the accused that prejudice and miscarriage of justice had been sustained by him.

In Paramjeet Singh alias Pamma v State of Uttarakhand¹¹, this Court has held as under - that the provisions of Section 313 Cr.P.C./ section 351 BNSS, 2023 make it obligatory for the court to question the accused on the evidence and circumstances against him so as to offer the accused an opportunity to explain the same. But, it would not be enough for the accused to show that he has not been questioned or examined on a particular circumstance, instead, he must show that such non-examination has actually and materially prejudiced him and has resulted in the failure of justice. In other words, in the event of any inadvertent omission on the part of the court to question the accused on an incriminating circumstance cannot ipso facto vitiate the trial unless it is shown that some material prejudice was caused to the accused by the omission of the court."

Illustrative Questions under Section 351 BNSS / 313 CrPC

These examples cover a range of common criminal offences such as theft, murder, assault, dowry death, NDPS, corruption, and POCSO, etc., and can be adapted as per trial requirements.

i. Case Type: Theft (Section 379 IPC)

¹¹ (2010) 10 SCC 436

Q1. It has come in evidence that on 10th March at around 2:00 a.m., you were seen near the complainant's house by PW1. What do you say?

A: I was passing by that lane to reach my friend's house. I had no intention to commit theft and did not enter the complainant's house.

Q2. The prosecution witness PW2 has stated that you were caught with a stolen laptop near the scene. What have you to say?

A: I deny this allegation. The laptop belongs to me. I had purchased it second-hand a few weeks ago. I have a receipt.

Q3. The recovered item has been identified by the complainant as belonging to him. What do you have to say?

A: That is false. The complainant is mistaken or deliberately lying.

ii. Case Type: Murder (Section 302 IPC)

Q4. The prosecution has stated that you were last seen with the deceased on the night of the incident. What is your explanation?

A: Yes, we were together for dinner but parted ways later. I did not see him afterward.

Q5. Blood-stained clothes were recovered from your residence. What do you say about this?

A: That is incorrect. I have been falsely implicated, and the recovery is planted.

Q6. Post-mortem report suggests that the death occurred due to repeated blows with a sharp object. A knife matching that description was recovered from your house. Do you want to say anything?

A: That knife is used in my kitchen. It is not connected to this incident in any manner.

iii. Case Type: Dowry Death (Section 304B IPC)

Q7. It has come in evidence that you and your family were demanding a car from the deceased's parents. What have you to say?

A: That is false. No such demand was made. We never harassed the deceased.

Q8. The mother of the deceased stated that she had called her several times crying about torture. Do you admit this?

A: I deny it. The deceased never complained to anyone. We had normal marital life.

Q9. The deceased died under unnatural circumstances within 7 years of marriage. Can you explain how this happened?

A: She had health problems and committed suicide. We tried to take her to the hospital, but it was too late.

iv. Case Type: NDPS Offence

Q10. A packet containing 105 grams of heroin was recovered from your backpack. What do you want to say?

A: I was unaware of it. The bag was not mine; it was given to me by someone else for delivery.

Q11. Two independent witnesses and police officials identified you at the spot of seizure. Do you admit?

A: I was at the bus stop but not carrying any illegal item. They have falsely implicated me.

Q12. You failed to produce any permit or license for carrying such substances. What is your explanation?

A: Because I had no such substance in my possession.

v. Case Type: Prevention of Corruption Act

Q13. PW3 has stated that you demanded ₹10,000 as a bribe for processing his file. What do you have to say?

A: It is false. I never demanded or accepted any bribe.

Q14. A marked currency note was recovered from your drawer during a trap. Do you accept this?

A: The money was planted. I was not aware of any such trap.

Q15. The CBI officer has stated you were caught red-handed with tainted money. What do you say?

A: That is a setup. I never took the money voluntarily.

vi. Case Type: POCSO / Sexual Assault

Q16. The victim (aged 12) has stated that you touched her inappropriately while she was playing in the park. What is your version?

A: I have not done anything like that. I was not even present there at that time.

Q17. Medical evidence corroborates signs of abuse. What do you have to say?

A: I have been falsely implicated. I do not know how such medical report came.

EXAMINATION OF ACCUSED AS PER M.P./CHHATTISGARH RULES & ORDERS (CRIMINAL)

The rule for examination of accused has been provided **under Chapter 06 (Rule 161 to 168)**, in the C.G. Rules & Orders (Criminal). These rules explain how the examination of accused is to be conducted.

- a. **RULE 161-** The provisions of Section 313 of the Code should be carefully followed. That Section empowers the Court to put questions to the accused at any stage of the enquiry or trial to enable him to explain any circumstances appearing in evidence against him. The questions put should be confined to the points brought out in the evidence and should not be in the nature of cross-examination of the accused, nor should the power given by the section be used to elicit information from the accused to fill up gaps in that prosecution evidence.

Note 1. - Section 342 is intended for the benefit of the accused and he should be given every chance of explaining any circumstances appearing in the evidence which has been given against him.

Note 2. - In addition to the statement of his age as given by the accused the Court should give its own estimate of his apparent age "and if it considers necessary, order a medical examination of the accused about his age and also ask the prosecution to produce documentary evidence on the point of his age, if it is readily available" in order to assist the Appellate Court and the authorities before whom the case may afterwards come for the exercise of the prerogative of mercy.

- b. **RULE 162-** It is generally desirable to remind the accused of the chief points in the testimony of each witness and to question him upon each. The accused seldom takes any written notes of the prosecution evidence and it may be unfair and unjust to expect him to remember all these points.

- c. **RULE 163-** A general and vague question such as "You have heard what the witnesses have said. What have you to say?" is to be deprecated. It is usually best to refer to each witness separately, for, among other reasons, the partiality or otherwise of each witness is a subject upon which the accused should ordinarily be given a hearing.

- d. **RULE 164-** The first examination of the accused may often be made with advantage at an early stage in the proceedings. For instance, in a case of theft if the accused admits possession of the alleged stolen property, it may be possible to dispense with the examination of some witnesses who can then be discharged without further delay.

- e. **RULE 165-** Section 313 of the Code makes it obligatory for a Court to examine the accused generally on the case after the witnesses for the prosecution have been examined and before the accused is called on for his defence. Even when the accused has been examined at an earlier stage, the Court must examine him generally after the close of the prosecution case, i.e. after the examination and cross examination of the prosecution witnesses and their further cross-examination if any, after the charge is framed and before he is called upon to produce his defence, so as to give him an opportunity to explain any points which are not included in the questions put to him at earlier stages. After the Court has asked all the questions it considers necessary, it is still desirable to ask the accused whether he has anything else to say.

- f. **RULE 166-** If the accused or his pleader puts in a written statement it should be filed with the record; but the filing of a written statement does not relieve the Court

of the duty imposed by Section 313 of the Code of examining the accused after the close of the prosecution evidence.

- g. **RULE 167-** Section 364 of the Code prescribes the mode in which the examination of an accused should be recorded. The questions put to the accused and the answers given by him should be distinctly and accurately recorded in full in the language in which he is examined, and if that is not practicable in the language of the Court or in English. In cases in which the examination is not recorded by the Magistrate himself he must record a memorandum thereof in the language of the Court or in English if he is sufficiently acquainted with the latter language.

- h. **RULE 168-** The examination of an accused shall be shown or read or interpreted to him and made conformable to what he declares to be the truth. It shall then be signed by the accused and also by the Magistrate. The Magistrate shall then certify under his own hand that the examination was taken down in his presence and hearing and that the record contains a full and true account of the statement made by the accused. These formalities must be strictly complied with.

FORM FOR RECORDING EXAMINATION OF THE ACCUSED

(Section 313 of the Criminal Procedure Code)

My name is son of.....

AgedYears (Court's estimate of apparentage Years)

I am by occupation

Address

.....

EXAMINATION OF ACCUSED - The above examination was taken in my presence and hearing and contains are full and true account of the statement made by the accused.

CHAPTER – III EVIDENTIARY VALUE OF EXAMINATION OF ACCUSED

EVIDENTIARY VALUE

<u>ASPECT</u>	<u>JUDICIAL INTERPRETATION</u>
1. Nature	Substantive to a limited extent.
2. Admissibility	Can be used as evidence for/against the accused.
3. Oath	No oath
4. Cross examination	No cross examination permitted
5. Admission	Binding and usable if voluntary and clear
6. Denial/No Explanation	May Justify adverse inference
7. Failure by court	May vitiate trial, prejudice accused

LANDMARK JUDICIAL PRONOUNCEMENTS

<u>CASE</u>	<u>KEY PRINCIPLES</u>
1. Hate Singh v. State of Madhya Bharat (AIR 1953 SC 468)	Accused statement must be fairly considered
2. Narain Singh v. State of Punjab(1963 Supp(2) SCR 678)	Offers accused a chance to explain prosecution evidence.
3. Sukhdev Singh (1992) 3 SCC 700	Statement can corroborate other evidence
4. Basavaraj Patil (2000) 8 SCC	Not a mere formality, must be

740	conducted carefully.
5. Ganesh Lal (AIR 2002 SC 2225)	Admission in 313 statement are usable
6. <u>Ajay Singh (2007) 12 SCC 341</u>	Clear admission can support conviction
7. Dehal Singh (2010) 9 SCC 341	Non- putting of material facts may vitiate trial
8. Raj Kumar singh @ Raju (2013) 5 SCC 722	Not evidence per se, but can be relied on with corroboration

As accused is not examined on oath in sec 313 Cr.P.C/ section 351 BNSS, 2023 examination to explain his version or his case against the evidence adduced by prosecution, the statements of him cannot be taken as a evidence against him. The exercise Under Section 313 Cr.P.C/ section 351 BNSS, 2023 instead of being ritualistic ought to be realistic in the sense that it should be the means for securing the ends of justice; instead of an aimless effort, the means towards the end should be purposeful. Indeed, it is optional for the Accused to explain the circumstances put to him under Section 313Cr.P.C/ section 351 BNSS, 2023, but the safeguard provided by it and the valuable right that it envisions, if availed of or exercised, could prove decisive and have an effect on the final outcome, which would in effect promote utility of the exercise rather than its futility.

The provisions of Section 313 (4) of Cr.PC/section 351 BNSS, 2023 explicitly provides that the answers given by the accused may be taken into consideration in such enquiry or trial and put in evidence for or against the accused in any other enquiry into or trial for, any other offence for which such answers may tend to show he has committed. The use is permissible as per the provisions of the Code but has its own limitations.

WHETHER A STATEMENT MADE UNDER SECTION 313 BY THE ACCUSED CAN BE THE SOLE BASIS OF CONVICTION.

As, In the case of **Mohan Singh v. Prem Singh & Anr¹²**, , The Hon'ble Supreme court has stated that the **statement of the accused under Section 313 CrPC / section 351 BNSS, 2023 is not a substantive piece of evidence. It can be used for appreciating evidence led by the prosecution to accept or reject it.** It is, however, not a substitute for the evidence of the prosecution. It can't be sole basis unless corroborated. If the exculpatory part of his statement is found to be false and the evidence led by the prosecution is reliable, the inculpatory part of his statement can be taken aid of to lend assurance to the evidence of the prosecution. **If the prosecution evidence does not inspire confidence to sustain the conviction of the accused, the inculpatory part of his statement under Section 313 CrPC/section 351 BNSS, 2023 cannot be made the sole basis of his conviction.**" As no oath is administered to accused and he is not subject to cross examination for the statements given by him, those statements cannot be treated as evidence as contemplated in section 3 of Indian Evidence Act.

In **Dehal Singh v. State of H.P¹³**.,the Hon'ble court has observed that the "Statement under Section 313 of the Code of Criminal Procedure/313 Cr.P.C/ section 351 BNSS, 2023 is taken into consideration to appreciate the truthfulness or otherwise of the case of the prosecution and it is not an evidence. Statement of an accused under Section 313/section 351 BNSS, 2023 of the Code of Criminal Procedure is recorded without administering oath and, therefore, the said statement cannot be treated as evidence within the meaning of Section 3 of the Evidence Act.

¹² AIR 2002 SC 3582

¹³ AIR 2010 SC 3594

In **Raj Kumar Singh @ Raju**¹⁴ The court stated that statement under section 313 Cr.PC. is not an evidence per se, but can be relied on with corroboration.

In **State of M.P. v. Ramesh**¹⁵, , The Hon'ble court observed that the statements given by accused in 313 Cr.P.C/section 351 BNSS, 2023 examination cannot be used to fill up the laches on the part of prosecution. In case, prosecution evidence is not sufficient to give conviction to accused, then inculpatory statements given by accused cannot be taken into consideration.

In **Manu Sao v. State of Bihar**¹⁶, The court has examined the vital features of Section 313 of the Code/section 351 BNSS, 2023 and the principles of law as enunciated by judgments, analyzing the guiding factors for proper application and consequences that shall flow from the said provision and has observed that the statement of the accused can be used to test the veracity of the exculpatory nature of the admission, if any, made by the accused.

It can be taken into consideration in any enquiry or trial but still it is not strictly evidence in the case. The provisions of Section 313(4) explicitly provides that the answers given by the accused may be taken into consideration in such enquiry or trial and put in evidence against the accused in any other enquiry or trial for any other offence for which such answers may tend to show he has committed

The provisions of the Code but has its own limitations. The courts may rely on a portion of the statement of the accused and find him guilty in consideration of the other evidence against him led by the prosecution. However, such statements made under this section should not be considered in isolation but in conjunction with evidence adduced by the prosecution.

¹⁴ (2013) 5 SCC 722

¹⁵ (2011) 4 SCC 786

¹⁶ (2010) 12 SCC 310

Another important caution that courts have declared in the pronouncements is that conviction of the accused cannot be based merely on the statement made under Section 313 of the Code as it cannot be regarded as a substantive piece of evidence.”

WHETHER CIRCUMSTANCES NOT PUT TO THE ACCUSED FOR EXPLANATION COULD BE USED AS EVIDENCE AGAINST HIM?

In **Maheshwar Tigga v. State of Jharkhand**¹⁷, the court held that the "circumstances not put to an accused under Section 313 CrPC/ section 351 BNSS, 2023 cannot be used against him, and must be excluded from consideration. The importance of the questions put to an accused are basic to the principles of natural justice as it provides him the opportunity not only to furnish his defence, but also to explain the incriminating circumstances against him. A probable defence raised by an accused is sufficient to rebut the accusation without the requirement of proof beyond reasonable doubt." However, notwithstanding the mandatory nature of said provision, it is trite law that mere defective or improper examination under Section 313 CrPC/section 351 BNSS, 2023 would be no ground for setting aside the conviction of the accused, unless it has resulted in prejudice to the accused.

As per the Hon'ble Court, "it would not be enough for the accused to show that he has not been questioned or examined on a particular circumstance but he must also show that such non-examination has actually and materially prejudiced him and has resulted in failure of justice. In other words, in the event of any inadvertent omission on the part of the court to question the accused on any incriminating circumstance appearing against him the same cannot ipso facto vitiate the trial unless it is shown that some prejudice was caused to him." Explicably, under such circumstances, "onus is upon the accused persons

¹⁷ (2020) 10 SCC 108

to prove that by reasons of his not having been examined as required by S. 313 of the Cr.P.C/section 351 BNSS, 2023 he has been prejudiced."

The Supreme Court had occasion to consider the rights of the accused enshrined under Section 313 Cr.pc in a judgement delivered on 26 August 2019 in the case of Samsul Haque vs State of Assam¹⁸ In this case, the appellant was convicted of murder, and the conviction was upheld by the Gauhati High Court. The Supreme Court, however, noted that only two questions were put to the accused in his statement under Section 313, and called it perfunctory. It further held,

"The incriminating material is to be put to the accused so that the accused gets a fair chance to defend himself. This is in recognition of the principles of audi alteram partem."

WHETHER DEFECTIVE QUESTIONING AND OMISSION UNDER SECTION 313 COULD IPSO FACTO VITIATE THE TRIAL?

In the case of **Santosh Kumar Singh vs State through CBI**¹⁹ - It was stated that observing that omission to put any material circumstance to the accused does not ipso facto vitiate the trial and that the accused must show prejudice and that miscarriage of justice had been sustained by him.

When such objection as to omission to put the question under Section 313 CrPC/section 351 BNSS, 2023 is raised by the accused in the appellate court and prejudice is also shown to have been caused to the accused, then what are the courses available to the appellate court. The appellate court may examine the convict or call upon the counsel for the accused to show what explanation the accused has as regards the circumstances established against him but not put to him under Section 313 CrPC/section 351 BNSS, 2023 and the said answer can be taken into consideration.

¹⁸ AIR 2019 SUPREME COURT 4163

¹⁹ (2010) 9 SCC 747

In **Shivaji Sahabrao Bobade v. State of Maharashtra**²⁰ the court held that the Court has thus widened the scope of the provisions concerning the examination of the accused after closing prosecution evidence and the explanation offered by the counsel of the accused at the appeal stage was held to be a sufficient substitute for the answers given by the accused himself.

The Apex Court then pondered on the point that if all relevant questions were not put to the accused by the trial court as mandated under Section 313 CrPC/section 351 BNSS, 2023 and where the accused has also shown that prejudice has been caused to him or where prejudice is implicit, whether the appellate court is having the power to remand the case for re-decision from the stage of recording of statement under Section 313 CrPC.

The omission to put any material circumstance to the accused does not ipso facto vitiate the trial and that the accused must show prejudice and that miscarriage of justice had been sustained by him, the Hon'ble Court in **Santosh Kumar Singh v. State**²¹, has stated that it would not be enough for the accused to show that he has not been questioned or examined on a particular circumstance, instead he must show that such non-examination has actually and materially prejudiced him and has resulted in the failure of justice. In other words, in the event of an inadvertent omission on the part of the court to question the accused on any incriminating circumstance cannot ipso facto vitiate the trial unless it is shown that some material prejudice was caused to the accused by the omission of the court.

In the case of **Padeshvar vs State Of Chhattisgarh**²², The Hon'ble Chhattisgarh High Court, observed that the FSL report has been brought on record, but it has not

²⁰ (1973) 2 SCC 793

²¹ (2010) 9 SCC 747

²² 16 November, 2022

been exhibited as a document on behalf of the prosecution. The FSL report dated which is a duly signed report by a scientific expert from the State Forensic Science Laboratory, is an evidence within the meaning of Section 293(1) of the CrPC and it may be used as an evidence in trial by virtue of Section 293(1) of the CrPC, unless the said scientific expert is required to be examined by virtue of Section 293(2) of the CrPC, but the fact remains that the copy of the said report has to be supplied to the accused and it has to be put to the accused under Section 313 of the CrPC, which has not been done in the present case.

It is well-settled law that any incriminating circumstance against the accused has to be put to the accused in his statement under Section 313 of the CrPC, otherwise, that piece of evidence has to be excluded from consideration because the accused did not have any chance to explain it.

In **State of NCT (Delhi Administration) v. Dharampal²³**; AIR 2001 SC 2924 wherein the Apex Court has held that **it is to be seen that where an omission, to bring the attention of the accused to an inculpatory material has occurred, that does not ipso facto vitiate the proceedings. The accused must show that failure of justice was occasioned by such omission.** Further, in the event of an inculpatory material not having been put to the accused, the appellate Court can always make good that lapse by calling upon the counsel for the accused to show what explanation the accused has as regards the circumstances established against the accused but not put to him.

Whenever a plea of omission to put a question to the accused on vital piece of evidence is raised in the appellate court, courses available to the appellate court can be briefly summarised as under:

²³ AIR 2001 SC 2924

- a. Whenever a plea of non-compliance with Section 313 CrPC/section 351 BNSS, 2023 is raised, it is within the powers of the appellate court to examine and further examine the convict or the counsel appearing for the accused and the said answers shall be taken into consideration for deciding the matter. If the accused is unable to offer the appellate court any reasonable explanation of such circumstance, the court may assume that the accused has no acceptable explanation to offer.
- b. In the facts and circumstances of the case, if the appellate court comes to the conclusion that no prejudice was caused or no failure of justice was occasioned, the appellate court will hear and decide the matter upon merits.
- c. If the appellate court is of the opinion that non-compliance with the provisions of Section 313 CrPC/section 351 BNSS, 2023 has occasioned or is likely to have occasioned prejudice to the accused, the appellate court may direct retrial from the stage of recording the statements of the accused from the point where the irregularity occurred, that is, from the stage of questioning the accused under Section 313 CrPC/ section 351 BNSS, 2023 and the trial Judge may be directed to examine the accused afresh and defence witness, if any, and dispose of the matter afresh.
- d. The appellate court may decline to remit the matter to the trial court for retrial on account of long time already spent in the trial of the case and the period of sentence already undergone by the convict and in the facts and circumstances of the case, may decide the appeal on its own merits, keeping in view the prejudice caused to the accused.

WHETHER NON-COMPLIANCE WITH THE MANDATORY PROVISIONS OF SECTION 313 CRPC VITIATES THE TRIAL AND CONVICTION OF THE APPELLANT?

In **Gyan Chand and Others v. State of Haryana**²⁴, the court held that the trial does not vitiate for non-compliance of the provisions of section 313, Cr.P.C. Mere defective/improper examination under section 313, Cr.P.C/313 Cr.P.C/ section 351 BNSS, 2023. is no ground for setting aside the conviction of the accused, unless it has resulted in prejudice to the accused. Unless the examination under section 313, Cr.P.C./ section 351 BNSS, 2023 is done in a perverse way, there cannot be any prejudice to the accused.

In the case of **Indrakunwar v. State of Chhattisgarh**²⁵, 2023 SCC OnLine SC 1364 - The Hon'ble Supreme court emphasized that negative inferences cannot be drawn regarding questions or incriminating circumstances not presented to the accused during their statement under section 313 of CrPC/section 351 BNSS, 2023. The court also held that the right to remain silent cannot be used against the accused. While acquitting the appellant accused of killing her own child, it deduce the principles regarding what may be required of the convict – appellant in a statement under section 313 CrPC/ section 351 BNSS, 2023/. It was pleased to hold that **the Hon'ble Supreme Court laid down various principles for section 313 CrPC/ section 351 BNSS, 2023, as follows-**

- a. Section 313, Code of Criminal Procedure [Clause (b) of Sub-section 1] is a valuable safeguard in the trial process for the Accused to establish his innocence.
- b. Section 313, which is intended to ensure a direct dialogue between the court and the Accused, casts a mandatory duty on the court to question the Accused

²⁴ AIR 2013 SC 3395

²⁵ 2023 SCC OnLine SC

generally on the case for the purpose of enabling him to personally explain any circumstances appearing in the evidence against him.

- c. When questioned, the accused may not admit his involvement at all and choose to flatly deny or outrightly repudiate whatever is put to him by the court.
- d. The Accused may even admit or own incriminating circumstances adduced against him to adopt legally recognized defences.
- e. An Accused can make a statement without fear of being cross-examined by the prosecution or the latter having any right to cross-examine him.
- f. The explanations that an Accused may furnish cannot be considered in isolation but has to be considered in conjunction with the evidence adduced by the prosecution and, therefore, no conviction can be premised solely on the basis of the Section 313 statement.
- g. Statements of the Accused in course of examination Under Section 313, since not on oath, do not constitute evidence Under Section 3 of the Evidence Act, yet, the answers given are relevant for finding the truth and examining the veracity of the prosecution case.
- h. Statement of the Accused cannot be dissected to rely on the inculpatory part and ignore the exculpatory part and has/have to be read in the whole, inter alia, to test the authenticity of the exculpatory nature of admission.
- i. If the Accused takes a defence and proffers any alternate version of events or interpretation, the court has to carefully analyze and consider his statements.
- j. Any failure to consider the Accused's explanation of incriminating circumstances, in a given case, may vitiate the trial and/or endanger the conviction.

In the case of **Raj Kumar v. State (NCT of Delhi)**²⁶, The court held that failure to put material circumstances before accused amounts to serious irregularity. Therefore, Supreme Court set aside conviction in 27-year-old murder case.

²⁶ 2023 SCC OnLine SC 609

SILENCE ON THE PART OF ACCUSED DURING SECTION 313 Cr.P.C./ section 351 BNSS, 2023 EXAMINATION

A finding of guilt is not justified on mere refusal of the accused to answer any question put to him during examination under section 313 CrPC in relation to any evidence against him.

In **Ram Naresh vs. State of Chattisgarh**²⁷, the Hon'ble Supreme Court of India was pleased to hold that the accused has freedom to speak or maintain silence when his statement is recorded under section 313 CrPC. It was held that if the accused makes statement supporting prosecution, it can be used against him.

STATEMENT ADMITTING GUILT NOT A SOLE GROUND FOR CONVICTION

In **State of Maharashtra vs. Sukhdev Singh**²⁸, the Hon'ble Supreme Court of India held that the answers given by the accused accepting his guilt under section 313 CrPC/section 351 BNSS, 2023 examination can be used for proving his guilt as much as the evidence given by the prosecution witnesses.

In **Rafiq Ahmed @ Rafi v. State of U.P**²⁹, Hon'ble Supreme Court of India has observed, in para 67 that-

"It is true that the statement under Section 313 CrPC cannot be the sole basis for conviction of the accused but certainly it can be a relevant consideration for the courts to examine, particularly when the prosecution has otherwise been able to establish the chain of events."

²⁷ AIR 2012 SC 1357

²⁸ (1992) 3 SCC 700

²⁹ (2011) 8 SCC 300

In **Ashok Debbarma @ Achak Debbarma vs. State of Tripura**³⁰, the Hon'ble Supreme Court of India was pleased to hold that the statement made in defence by accused under section 313 CrPC/ section 351 BNSS, 2023/ can certainly be taken in aid of to lend credence to the evidence led by the prosecution, but only a part of such statement under section 313 CrPC/section 351 BNSS, 2023 cannot be made the sole basis of his conviction. It was held that the statement of the accused under section 313 CrPC/section 351 BNSS, 2023 for the admission of his guilt or confession as such cannot be made the sole basis for finding the accused guilty, the reason being he is not making the statement on oath, but at the same the confession or admission of guilt can be taken as a piece of evidence since the same lends credence to the evidence led by the prosecution.

No conviction solely based on accused statement under section 313 Cr.PC,- The Court observed that Section 138 NI Act mandates a written notice for dishonored cheques and the absence of the notice in court records questions the maintainability of the case. The Court stated that the notice required under Section 138 was not proved before the Court, rendering the foundation of the case wrong and not maintainable. *The Court noted that the sole material for the conviction was the petitioner's admission during examination under Section 313 CrPC, as no evidence of notice was brought forth by the complainant. The statement/admission under Section 313 is the (sole) only material upon which the conviction in this case is based, as there is no evidence brought on record by the complainant which proves the service of Notice as per the provision under Section 138 N.I. Act, and therefore, no conviction can be premised solely on the basis of the answers given by the accused during his examination under Section 313 Cr.P.C."*

A clear admission of guilt made by an accused during questioning under Section 313 of the Code of Criminal Procedure (CrPC) can be used as a relevant factor in a conviction, but it cannot be the sole basis for it.

³⁰ (2014) 4 SCC 747

WHENEVER A PLEA OF OMISSION TO PUT A QUESTION TO THE ACCUSED ON VITAL PIECE OF EVIDENCE IS RAISED IN THE APPELLATE COURT, COURSES AVAILABLE TO THE APPELLATE COURT CAN BE BRIEFLY SUMMARIZED AS UNDER :-

The Hon'ble Supreme Court of India in the case **Nar Singh vs. State of Haryana**³¹, issued guidelines for appellate Courts for dealing with plea non – compliance of section 313 CrPC/section 351 BNSS, 2023. After considering several judgments in this regard it was held that:-

(i) Whenever a plea of non-compliance of Section 313 Cr.P.C. is raised, it is within the powers of the appellate court to examine and further examine the convict or the counsel appearing for the accused and the said answers shall be taken into consideration for deciding the matter. If the accused is unable to offer the appellate court any reasonable explanation of such circumstance, the court may assume that the accused has no acceptable explanation to offer.

(ii) In the facts and circumstances of the case, if the appellate court comes to the conclusion that no prejudice was caused or no failure of justice was occasioned, the appellate court will hear and decide the matter upon merits.

(iii) If the appellate court is of the opinion that non-compliance with the provisions of Section 313 Cr.P.C. has occasioned or is likely to have occasioned prejudice to the accused, the appellate court may direct retrial from the stage of recording the statements of the accused from the point where the irregularity occurred, that is, from the stage of questioning the accused under Section 313 Cr.P.C. and the trial Judge may be directed to examine the accused afresh and defence witness if any and dispose of the matter afresh.

³¹ (2015) 1 SCC 496

(iv) The appellate court may decline to remit the matter to the trial court for retrial on account of long time already spent in the trial of the case and the period of sentence already undergone by the convict and in the facts and circumstances of the case, may decide the appeal on its own merits, keeping in view the prejudice caused to the accused.

The principle laid down in **Nar Singh (Supra)** has been endorsed by Full Bench of Hon“ble Apex Court in the case of Nasib Singh (Supra) . Filling up of loop holes or lacuna is concerned...On this point in Nar Singh (Supra) Hon“ble Supreme Court has enunciated the following view, which is relevant to the context of this case:-

“The point then arising for consideration is, if all relevant questions were not put to accused by the trial court as mandated under Section 313 Cr.P.C. and where the accused has also shown that prejudice has been caused to him or where prejudice is implicit, whether the appellate court is having the power to remand the case for re- decision from the stage of recording of statement under Section 313 Cr.P.C. Section 386 Cr.P.C. deals with power of the appellate court. As per sub-clause (b) (i) of Section 386 Cr.P.C., the appellate court is having power to order retrial of the case by a court of competent jurisdiction subordinate to such appellate court.

Hence, if all the relevant questions were not put to accused by the trial court and when the accused has shown that prejudice was caused to him, the appellate court is having power to remand the case to examine the accused again under Section 313 Cr.P.C. and may direct remanding the case again for re-trial of the case from that stage of recording of statement under Section 313 Cr.P.C. and the same cannot be said to be amounting to filling up lacuna in the prosecution case.”

1. Samsul Haque V. The State of Assam

The Supreme Court considered the rights of the accused enshrined under Section 313 and stated that the implicative material is to be put to the accused so that the accused gets a

fair chance to defend himself. This is in recognition of the principles of audi alteram partem.

Principle laid

Each object and material that is presented as evidence against the accused shall be put to him specifically, distinctly, and separately and failure to do so amounts to a serious irregularity vitiating trial if it results in prejudice to the accused.

2. Sharad Birdichand Sarda V. State of Maharashtra

"If the circumstances are not put to the Accused in his statement under Section 313 of the Code of Criminal Procedure, they must be completely excluded from consideration because the Accused did not have any chance to explain them."

Principle laid

Various pieces of evidence were used to prove the ill-treatment of the deceased, however, none of them were brought to question, which eliminated the possibility of a dialogue that CrPC prescribed through Section 313. No questions were put the appellant in this regard in the course of his examination under Section 353 of CrPC even if there is any evidence about any ill-treatment of the deceased by the appellant or his parents it was completely excluded from consideration.

3. Ashraf Ali V. State of Assam

"Circumstances about which the accused was not asked to explain can not be used against him."

Principle laid

As per the s. 313 of CrPC it is fundamental that an accused is made aware of each detail that puts him behind the bars. This does not extend to a formality that can be sufficed by

a questionnaire, but the courts need to take care that the accused knows and understands everything that has been leveled against him. The absence of such information or knowledge regarding the information may gravely Imperil the validity of the trial itself.

4. Reena Hazarika v. State of Assam

The solemn duty that is upon the courts is to dispense justice after adequately considering the defence of the accused and the attempt at refuting the evidence and circumstances put forth against him under Section 313 of the CrPC and to either accept or reject the same for the reasons specified in writing.

5. Shamu Balu Chaugule v. State of Maharashtra

The fact that an accused said to be absconding, not having been put to him under Section 342, Criminal Procedure Code, cannot be used against him.

6. S. Harnam Singh v. The State

Noc indicating the inculpatory material in its relevant facets by the court to the accused shall add to the vulnerability of the prosecution case. This shall also be noted by the courts as the recording of a statement of the accused under Section 313 is not a purposeless exercise.

7. Sujit Biswas v. State of Assam

The very purpose of examining the accused under Section 313 of the Code of Criminal Procedure is to meet the requirement of the principles of natural justice, i.e., audi alteram partem.

CONCLUSION

The law mandates every incriminating evidence should be put to the accused separately. Section 313 CrPC is based on the fundamental principle of fairness. The attention of the accused must specifically be brought to inculpatory pieces of evidence to give him an opportunity to offer an explanation if he chooses to do so. Therefore, the court is under a legal obligation to put the incriminating circumstances before the accused and solicit his response. The examination under Section 351 BNSS / 313 CrPC is not a procedural formality but a substantive right and responsibility of the court. It closes the gap between prosecution evidence and the defence's explanation. If conducted carelessly, it can prejudice the accused's right to a fair trial. Judicial vigilance, clarity, and compassion are essential in this vital phase of criminal proceedings.

This provision is mandatory in nature and casts an imperative duty on the court and confers a corresponding right on the accused to have an opportunity to offer an explanation for such incriminatory material appearing against him. Thus, the statement of the accused is not a substantial piece of evidence and therefore, it can be used only for appreciating the evidence led by the prosecution, though it cannot be a substitute for the evidence of the prosecution.

SUGGESTIONS

1. A Key suggestion is that courts should question the accused individually about each material circumstance appearing in the evidence, ensuring clarity and fairness, particularly for those with limited literacy. This is not merely a formality but a crucial step in ensuring a fair trial, allowing the accused to present their defense.
2. Avoid asking a long series of facts in a single question.
3. While examining the deaf and dumb accused proper care has to be taken. The court is duty-bound to take the help of an interpreter or someone who can comprehend the signs of the accused for knowing the criminal nature of the act done by the accused, whether the accused is deaf or mute.
4. The court can seek assistance from both the public prosecutor and the defense counsel in preparing the questions to be put to the accused for ensuring a fair and impartial process.

CASES REFFERED

1. Paramjeet Singh @ Pamma vs. State of Uttarakhand
2. In Kalicharan vs. State of Uttar Pradesh
3. Nar Singh vs. State of Haryana
4. Usha K. Pillai vs. Raj K. Srinivas
5. Bibhuti BhusanDas Gupta vs. State of West Bengal
6. Basavaraj R. Patil vs. State of Karnataka
7. Dharnidhar vs. State of Uttar Pradesh
8. State of Punjab Vs. Swaran Singh
9. Ajay Singh vs. State of Maharashtra
10. Adil vs. State of Uttar Pradesh
11. Paramjeet Singh alias Pamma v State of Uttarakhand
12. Mohan Singh v. Prem Singh & Anr
13. Dehal Singh v. State of H.P
14. State of M.P. v. Ramesh
15. Manu Sao v. State of Bihar
16. Maheshwar Tigga v. State of Jharkhand

17. Santosh kumar singh vs State through CBI
18. Shivaji Sahabrao Bobade v. State of Maharashtra
19. Padeshvar vs State Of Chhattisgarh
20. State of NCT (Delhi Administration) v. Dharampal
21. Gyan Chand and Others v. State of Haryana
22. Indrakunwar v. State of Chhattisgarh
23. Raj Kumar v. State (NCT of Delhi)
24. Ram Naresh vs. State of Chattisgarh
25. State of Maharastra vs. Sukhdev Singh
26. Ashok Debbarma @ Achak Debbarma vs. State of Tripura
27. Samsul Haque V. The State of Assam
28. Sharad Birdichand Sarda V. State of Maharashtra
29. Ashraf Ali V. State of Assam
30. . Reena Hazarika v. State of Assam
31. Shamu Balu Chaugule v. State of Maharashtra
32. S. Harnam Singh v. The State
33. Sujit Biswas v. State of Assam