A statement is a written document made and signed by a witness, telling police what they know about a crime. Evidentiary is something constituting evidence or having the quality of evidence and something that relates to the evidence in a particular case.

Evidentiary value of statement recorded by the police in the course of investigation under section 162 Cr.P.C.:

Every statement recorded by police officer during investigation is neither given on oath nor is tested by cross-examination. According to the law of evidence the facts stated therein are not considered as substantive evidence. But if the person making the statement is called as a witness at the time of trial, his former statements, according to the normal rules of evidence, could be used for corroborating his testimony in court or for showing how his former statement was inconsistent with his deposition in court with a view to discredit him.

Section 162 of the Cr.P.C. prohibits the use of the statements made to the police during the course of the investigation for the purpose of corroboration. It is based on the assumption that the police cannot be trusted for recording the statements correctly and that the statements cannot be relied upon by the prosecution for the corroboration of their witnesses as the statements recorded might be of self serving nature. There is not a total ban on the use of the statements made to police officers.

The defence is not deprived of an opportunity to discover what a particular witness said at the earliest opportunity. In Khatri vs. State of Bihar (1983) the Court has observed that the object of the section 162 Cr.P.C is to protect the accused both against overzealous police officers and untruthful witnesses.

In the case of State of U.P. V. M.K.Anthony 1985, it has been ruled by the Supreme Court that S.162 does not provide that evidence of a witness in the court becomes inadmissible if it is established that the statement of the witness recorded during investigation was signed by him at the instance of the police officer. The bar created by S.162 Cr.P.C. in respect of the use of any statement recorded by the police during the course of investigation is applicable only where such statement is sought to be used at any inquiry or trial in respect of any offence under investigation at the time when such statement was made.

If any such statement is sought to be used in any proceeding other than an inquiry or trial or even at an inquiry or trial but in respect of an offence other than that which was under investigation at the time when such statement was made, the bar of s.162 would not be attracted. Section 162 of Cr.P.C is enacted for the protection of the accused. The bar created by S.162 has no application in a civil proceeding or in a proceeding under Art.32 or 226 of the constitution. It has also no application under s.452 of the code for disposal of property.

lt is immaterial whether the statement recorded under S.161 Cr.P.C. amounted to a confession or admission. The statements falling under s.32(1) and s.27 of the Evidence Act are exceptions to this rule. A dying declaration recorded by a police officer during the course of investigation becomes relevant under s.32 of the Evidence Act in view of the exemption provided by s.162(2).

Any part of such statement which has been reduced to writing may in certain limited circumstances

be used to contradict the witness who made it. The limitations are:

- Only the statement of a prosecution witness can be used;
- Only if it has been reduced to writing;
- Any part of the statement recorded can be used; such part must be duly proved;
- It must be a contradiction of the evidence of the witness in Courts;

It can be used only after the attention of the witness has been drawn to it or to those parts of it which it is intended to use for the purpose of contradiction.

The restrictions on the use of previous statements of witnesses imposed by Section 162 of the Code are confined in their scope to the use by the parties to the proceedings of such statement. However, the Court while examining a person as a Court witness under Section 311 of the Code or asking any question of any witness under Section 165 of the Evidence Act, may make use of the previous statement of such a witness and the restrictions put by Section 162 of the Code on the use of previous statements are not applicable in such a case.

Evidentiary value of statements made during the period of investigation but not during the course of investigation:

The restrictions imposed on the use of statements before police officer applicable only to such statements as are made to the police officer during the course of investigation. The words in the course of imply that the statement must be made as a step in a pending investigation. Any other statement, though made during the time investigations were going on, is not hit by the prohibitory rule of Section 162 of the Code of Criminal Procedure. Therefore, such a statement can be used for corroborating or contradicting purposes according to the normal rules of evidence contained in Sections 157 and 145 of the Evidence Act.

In Baleshwar Rai v. State of Bihar (1962), it has been held that it was admissible as an admission as to the motive of the accused under Section 21 of the Evidence Act, when an anonymous letter was written by the accused to the police officer complaining about the act of a Chowkidar, who was ultimately murdered by the accused.

Evidentiary value of Confession:

Confession is not defined in the Act. Confession is an admission made at any time by a person charged with a crime stating or suggesting the inference that he committed that crime. A confession may occur in many forms. When it is made to the court itself then it will be called judicial confession and when it is made to anybody outside the court, in that case it will be called extra-judicial confession. It may even consist of conversation to oneself, which may be produced in evidence if overheard by another.

In Sahoo v. State of U.P. (1966) the accused who was charged with the murder of his daughter-in-law with whom he was always quarrelling was seen on the day of the murder going out of the home, saying words to the effect:
I have finished her and with her the daily quarrels.

The statement was held to be a confession relevant in evidence, for it is not necessary for the relevancy of a confession that it should be communicated to some other person.

Section 164 of Cr.P.C. empowers any Metropolitan or Judicial Magistrate whether or not he has jurisdiction in the case to record any confession or statement of a person made in the course of investigation by the police, or (when the investigation has been concluded) at any time afterwards but before the commencement of the inquiry or trial. It applies only to the statements recorded in the investigation under Ch. 12 and is limited to the period before the inquiry or trial.

The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him; and the Magistrate shall not record any such confession unless, upon questioning the person making it, he has reason to believe that it is being made voluntarily.

A confession to the police officer is the confession made by the accused while in the custody of a police officer and never relevant and can never be proved under Section 25 and 26 of IEA. Now as for the judicial confession and confession made by the accused to some magistrate to whom he has been sent by the police for the purpose during the investigation, they are admissible only when they are made voluntarily.

If the making of the confession appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the accused person proceeding from a person in authority and sufficient in opinion of the court to give the accused person grounds, which would appear to him reasonable for supporting that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him, it will not be relevant and it cannot be proved against the person making the statement as per section 24 of the Act.

A confessional statement made by the accused before a magistrate is a good evidence and accused be convicted on the basis of it but a confession made to a police officer is not an admissible evidence in the Court of law.

Evidentiary Value of FIR:

First Information Report Commonly known as F.I.R is first and foremost important step to set the criminal law in motion. Though the term F.I.R is nowhere mentioned in the code of criminal procedure but information given under Section 154 of Cr.P.C. is popularly known as F.I.R.

Provision of section 154 makes possible that any person aware of the commission of any cognizable offence may give information to the police and may, thereby set the criminal law in motion. Such information is to be given to the officer in charge of the police station having jurisdiction to investigate the offence. The information so received shall be recorded in such form and manner as under provided in Section 154.This section is intended to ensure the making of an accurate record of the information given to the police.

The evidentiary value of FIR is far greater than that of any other statement recorded by the police during the course of investigation. It is settled principle of law that a FIR is not a substantive piece of evidence, that is to say, it is not evidence of the facts which it mentions. However, its importance as

conveying the earliest information regarding the occurrence cannot be doubted.
In the case of Hasib vs. State of Bihar (1972) the Apex Court has held that though the FIR is not substantive evidence, it can be used to corroborate the informant under S.157 of the Indian Evidence Act, 1872, or to contradict him under S.145 of the said Act, if the Informant is called as a witness at the time of trial.

Evidentiary value of dying declaration:

Sham Shankar Kankaria vs. State of Maharashtra (2006) is a case where the basis of conviction of the accused is the dying declaration. The Apex court in this case held that The situation in which a person is on deathbed is so solemn and serene when he is dying that the grave position in which he is placed, is the reason in law to accept veracity of his statement. It is for this reason the requirements of oath and cross-examination are dispensed with. Besides, should the dying declaration be excluded it will result in miscarriage of justice because the victim being generally the only eyewitness in a serious crime, the exclusion of the statement would leave the court without a scrap of evidence.

Though a dying declaration is entitled to great weight, it is worthwhile to note that the accused has no power of cross-examination. Such a power is essential for eliciting the truth as an obligation of oath could be. This is the reason the court also insists that the dying declaration should be of such a nature as to inspire full confidence of the court in its correctness. The court has to be on guard that the statement of deceased was not as a result of either tutoring or prompting or a product of imagination.

The court must be further satisfied that the deceased was in a fit state of mind after a clear opportunity to observe and identify the assailant. Once the court is satisfied that the declaration was true and voluntary, undoubtedly, it can base its conviction without any further corroboration. It cannot be laid down as an absolute rule of law that the dying declaration cannot form the sole basis of conviction unless it is corroborated. The rule requiring corroboration is merely a rule of prudence.

The dying declaration must be made by the deceased only. In the case of Suchand Pal vs. Phani Pal (2004) the SC held that the declaration made by the deceased cannot be called dying declaration because it was not voluntary and answers were not given by her, it was her husband who was answering.

Evidentiary value of articles seized:

The police also conduct search and seizures. The search and seizures should not be unreasonable. They may be conducted by police with or without a warrant. In case a search is conducted on a warrant issued by a Magistrate it must invariably, contain the following details:

The information as to the statement of facts showing probable cause that a crime has been committed.

A specification of a place or places to be searched.

A reasonable time limit within which it may be conducted.

The police can also conduct a search without warrant when it is incidental to be a lawful arrest or where the object of search is a mobile vehicle which can quickly be removed out of police jurisdiction or when the accused has consented to it. The burden of proving the consent, however lies upon the prosecution.

The legal provisions relating to search and seizures are so framed so as to maintain a balance between the security of persons on the one hand and the protection to police in discharging its duty properly on the other. Thus during the course of investigation the police is empowered to make search, order production of documents, seize any suspicious property, call witnesses, require them to attend court and arrest persons suspected or having committed crime, without warrant. After the investigation a police report is prepared upon which proceedings are instituted before a Magistrate. The law requires that every investigation should be completed without undue delay.

As soon as any property is seized, the Investigating Officer should hand over the property along with a copy of the seizure memo to the Officer-in-charge of the Malkhana who will make an entry in the Malkhana Sub-Module or Seized Property Register. Record of seized property shall be maintained in the Malkhana Sub-Module of CRIMES or in the prescribed form in all the CBI Branches.

Whenever inspection of documents kept in the Malkhana is permitted by a Court, the Law Officer-in-charge of Malkhana or the SP of the Branch should make an Officer responsible for supervising such inspection. Such designated Officer shall be responsible for ensuring safety of all the documents.

All properties seized during investigation under the provisions of the Cr.P.C. should invariably be forwarded to the Court in order to obtain orders under Section 457 Cr.P.C. for their custody during the pendency of the case. No case property relevant to the trial should be retained by CBI after the trial of the case has commenced unless it has been so by the Court of competent jurisdiction.

A complete file of photocopies of seizure memos should be maintained for the purpose of checking the Seized Property Register. Properties relating to cases recommended for suitable action may be disposed of after giving information to the Department concerned as mentioned in the chapter pertaining to the Preliminary Enquiry.

Conclusion:
The procedure as laid down in the Criminal Procedure Code that makes the statements made by a person to a police officer in the course of investigation inadmissible in the Court of Law is a commendable and applaudable step/procedural safeguard. If this safeguard was not installed in the Criminal Procedure Code than the Police in their overzealous nature would have tormented the accused inmates to extract confessions and admissions which they would without the coercion never admit to.

So also the value given to other statements like confessions, dying declarations, F.I.R is an appreciable step. The legal provisions relating to search and seizures are so framed so as to maintain a balance between the security of persons on the one hand and the protection to police in discharging its duty properly on the other.