

A STUDY OF CONSTITUTIONAL PROTECTIONS AND JUDICIAL INTERPRETATION OF THE PRIVILEGE AGAINST SELF-INCRIMINATION AND BNSS & CRPC

AUTHOR – P. ELAVARASAN* & M.MOHANAPRIYA**

* 5TH YEAR B.A.LL.B, GOVERNMENT LAW COLLEGE VILUPPURAM

** II YEAR LLM (ENVIRONMENTAL LAW), CHENNAI DR.AMBEDKAR GOVERNMENT LAW COLLEGE, PUDUPAKKAM

BEST CITATION – P. ELAVARASAN & M.MOHANAPRIYA, A STUDY OF CONSTITUTIONAL PROTECTIONS AND JUDICIAL INTERPRETATION OF THE PRIVILEGE AGAINST SELF-INCRIMINATION AND BNSS & CRPC, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (11) OF 2025, PG. 525-535, APIS – 3920 – 0001 & ISSN – 2583-2344

ABSTRACT

This essay critically analyzes the connection between Section 313 of the Code of Criminal Procedure, which requires the court to question the accused, and Article 20(3) of the Indian Constitution, which protects the right against self-incrimination. The paper investigates how, when interpreted within their constitutional and procedural bounds, these provisions – despite their apparent differences in intent – can work in concert. As a fundamental protection, Article 20(3) makes sure that no one is forced to give testimony or evidence that might be used against them in a criminal case. On the other hand, Section 313 CrPC serves as a procedural tool that allows the accused to address or clarify incriminating facts that come up during the trial. The study clarifies that Section 313 is not essentially coercive but rather functions as a facilitative instrument that gives the accused a chance to tell their story by analysing statute provisions and judicial reasoning. The study also discusses the evidential limitations of remarks made in accordance with this clause, emphasizing that while they are acceptable for consideration, such responses do not alone have the standing of substantial evidence. The results highlight the need to apply Section 313 cautiously by the courts to prevent it from being used as a tool to close gaps in the prosecution's evidence. The article comes to the conclusion that applying Section 313 CrPC in a way that is morally and constitutionally sound not only protects the right against self-incrimination but also enhances the fairness and integrity of the criminal justice system.

KEYWORDS: Accused's Rights, Self-Incrimination, Procedural Fairness, Evidentiary Value, Natural Justice.

I. INTRODUCTION

The legal concept of "justice" includes both a fair trial and a just decision; denying someone a fair trial is tantamount to denying them justice. One of the most prized aspects of Natural Justice is the assurance that the accused will receive a fair trial; the two are inextricably linked and neither can be compromised.

An accused person in a criminal trial is granted certain fundamental rights

and privileges by our criminal justice system. One of an accused person's rights is the right to remain silent.

II. CONSTITUTIONAL PROVISIONS

According to Article 20(3) of the Indian Constitution, an accused person has the right to remain silent. Since the accused's testimony under section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023, or section 313 of the Code of Criminal Procedure Coded, 1973, cannot be regarded as a compelled statement, he

cannot be forced to testify against himself.

The right against self-incrimination is embodied in Article 20(3) of the Indian Constitution, which states that "no person accused of any offence shall be compelled to be a witness against himself." A similar right is guaranteed by the American Constitution as well, and the Fifth Amendment states that no one may be forced to testify against themselves in a criminal case."

Article 20(3) of the constitution guarantees the accused person's total protection from self-incrimination. Any statement provided by the accused under section 22 of The Bharatiya Sakshya Adhiniyam, 2023, is rendered inadmissible since, once deemed guilty in the eyes of the law, he has the right to silence even during an investigation. According to Adhiniyam section 23(2), there is only one unusual circumstance.

Section 3(38) of the General Clauses Act defines a "offence" as an act that is punishable by the Penal Code or any Special or Local Law. Therefore, it is evident that witnesses and parties in civil processes are not protected. In a similar vein, protection does not exist if an individual is not charged during criminal proceedings.

III. EXAMINATION OF THE ACCUSED UNDER BNS/CRPC

Section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023, deals with the accused's examination during an inquiry or trial so that he can explain the circumstances and incriminating evidence that are presented against him. In this case, the Court may ask him questions at any time without giving him advance notice or information.

Therefore, it is unclear if Section 351 of the BNSS or Section 313 of the Crpc violate Article 20(3) of the Indian

Constitution. "As it is entirely up to the accused to decide whether or not to answer when he is questioned under section 313 of Crpc, an oath cannot be administered to him as to a witness and his evidence cannot be put in trial or inquiry," the ruling in the case of Raniit Singh and others vs. State (AIR 1952 Himachal Pradesh d. 81)⁸⁵² states. Section 313 does not allow for the accused to be forced to testify.

In the case of Banwarilal and others vs. State (AIR 1956 AIL 341)⁸⁵³, the legality of section 313 of the Crpc is once more examined. Their Lordships noted that:

"The gist of the provisions of section 313 of Crpc is that for the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, he may be put such questions by the Court as it considers necessary, that he is at liberty to refuse to answer question or to give a false answer to any, that if he refuses to answer any question or gives a false answer to any, the Court may draw such inference as it thinks just, that the answers given may be taken into consideration in the enquiry or trial and may be put in evidence for or against him to any other inquiry or trial and that no oath shall be administered to him."

The court asks the accused questions just to give him the chance to clarify any facts that are in the evidence against him; the goal is to give him a chance to defend himself, not to implicate himself. He is therefore under no obligation to respond to any questions or to do so honestly. He is not required to tell the truth and is not given an oath.

His responses can only be taken into consideration; they are not considered evidence in that particular investigation or prosecution. These circumstances make it

⁸⁵² (AIR 1952 Himachal Pradesh n. R1

⁸⁵³ (AIR 1956 All. 341)

quite evident that section 313 does not turn the accused into a witness and, therefore, does not violate the constitutional guarantee by forcing him to testify against himself.

The accused does not classify himself as a "witness" against himself based on his explanations or responses to the court's queries. The Hon'ble Lordships have further noted in the case law referenced above: "He can never be considered to be in a position of being a witness because no oath can be given to him. Making a statement under oath is a witness's primary requirement. Not every individual who speaks is considered a witness. Just making a statement or a true statement is all that the accused is required to do by the court's authority to draw an adverse inference; nevertheless, just because he does so does not mean that he is now a witness.

Furthermore, it is not true that he becomes a witness against himself. It is not possible to say that he is forced to testify against himself because he is free to make a false statement and a statement in support of himself. The Court may draw an adverse inference if he makes a false statement in his own favor and the Court learns of it, but the inference cannot put him in a worse situation than he would have been in had he made the truthful statement."

In the matter of Dadarao vs. State of Maharashtra, AIR 1974 SC p. 388, a news outlet was the target of a section 500 complaint against three individuals, including one Madane, who were listed as editorial board members on the paper's front page. The Press and Registration of Books Act of 1867 allowed the paper to be registered as a newspaper. According to Article 3 of the Press and Registration Act of 1867, Madane's name appeared in the statement on form No. 1 as an editor,

printer, and publisher. Madane acknowledged publishing the purportedly libelous piece. The Court was asked if anyone other than the editor on the Editorial Board may face legal action for writing a defamatory piece. It said that the editorial board may be held accountable for the defamatory article and that the presumption under section 7 of the aforementioned Act could be used against them

However, the Honorable Supreme Court dismissed others and solely found Madane accountable for the publication. "An accused person's statement may be taken into consideration in an inquiry or trial, but it is not strictly evidence in the case," the Honorable Court noted in its ruling. Because no oath is given to the accused during his examination under section 313 of the Code of Criminal Procedure, he does not depose as a witness when he makes his statement. An accused person's remark can only be regarded as proper evidence if he or she makes a written offer to testify on his own behalf

In Roshanlal and Others Vs State. 1975 Criminal Law Journal p. 1877J1⁸⁵⁴. a reference was made to a Full Bench: Is Article 20(3) of the Constitution in conflict with subsections 2 and 3 of Section 313 of the Criminal Procedure Code?

The observations in this context are: "The responses provided by the accused under Criminal Procedure Code section 313(2) are optional and not subject to oath. The accused has the right to decline to respond to the questions posed to him. It cannot be claimed that he is forced to make statements against himself because he is free to make statements in support of himself.

The accused's statement cannot be

⁸⁵⁴ 1975 Criminal Law Journal n. 1R77)

considered a coerced statement. According to the Supreme Court's ruling in the 1961 case of Kathikalu, Cr.L.J.856, compulsion in the context of Article 20(3) refers to a physical, objective act rather than the state of mind of the person making the statement, unless the person's mind has been so conditioned by an extraneous process that the statement was made involuntarily and was therefore extorted. Indirect compulsion resulting from the fear that his refusal to answer could be interpreted as a circumstance against him does not fall under the prohibition constitutional provision. An accused person's negative attitude of silence or submission falls outside the scope of the testimony compulsion outlined in Article 20(3) of the Constitution; if an individual is not required to respond to the questions or to do so in a specific way, it cannot be argued that he acts under the compulsion. We believe that Article 20(3) of the Constitution is not in conflict with subsections (2) and (3) of Section 313 of the Code of Criminal Procedure, 1898.

The discussion above suggests that the accused has been granted excessive freedom. In addition to having the ability to talk falsely, he is also given the choice of whether or not to respond. However, his silence does not benefit the accused all the time. 3. Supreme Court, Ganeshlal v. State of Maharashtra (1992), p. 1061⁸⁵⁵. According to the Honorable Apex Court, According to section 313 of the Criminal Procedure Code, the accused is required to provide a reasonable explanation for the cause of death when the death occurred while they were in their care. The circumstances, according to the Hon'ble Court, are entirely incompatible with innocence but consistent with the theory that the accused was a main suspect in

the crime's commission.

In conclusion, the protection afforded by Article 20(3) of the Constitution encompasses the requirements of either Section 313 of the Crpc or Section 351 of the BNSS. They are founded on the ideas of equity, good conscience, and natural justice.

IV. ACCEPTABILITY OF THE ACCUSED'S STATEMENT IN THE 2023 BHARATIYA SAKSHYA ADHINIYAM

A statement made in accordance with Section 313 of the Code of Criminal Procedure or Section 351 of the BNSS cannot be considered evidence. The principle that "Neither the conviction nor the acquittal of the accused can solely be based on the statement of the accused under section 351 of BNSS" is covered in the old text of B.B. Mitra on the Code of Criminal Procedure. As the law changes, so does the interpretation, and the courts now hold that even though the accused's statement under section 351 of BNSS is not substantive evidence, it can be taken into consideration when evaluating the prosecution's and the defense's evidence.

It is unclear what is meant by the phrase "may be taken into consideration," which is also used in sections 24 of the Bharatiya Sakshya Adiniyam, 2023, and 30 of the Indian Evidenced Act, 1872. In any case, it indicates that the accused's statements do not have the same legal weight as sworn testimony and that a conviction cannot be upheld based solely on them. Since no oath is taken before recording such a statement and because the accused cannot be cross-examined during examination under section 351 of the BNSS, 2023, the accused making such a statement does not depose as a witness.

The Calcutta High Court noted in Josendra Nath vs. Emperor AIR 1934 Cal, p.

⁸⁵⁵ (1992) 3. Supreme Court pane 106

724⁸⁵⁶ that the accused's remark does not serve as evidence against him in a joint trial as a co-accused. According to the definition of "proved" in section 3 of the Indian Evidence Act, an accused person's statement may be used against him without being considered evidence. However, if the statement is exculpatory, it cannot be used against another accused person to support his conviction. Although the accused's statement under section 313 is not evidence of a fact, it should be taken into consideration since doing so would be risky. The burden of proof does not rest on the accused. Section 313 of the Code of Criminal Procedure prohibits the court from accepting part of the accused's statement while rejecting the remainder. The statement must be taken at face value and should not be relied upon in any way. Dissension from an accused person's statement is undesirable. According to S.313 of the Code of Criminal Procedure, the court does not have the authority to accept the incriminating portion of the accused's responses while rejecting the exculpatory portion.

The clause cannot rely on the defense's flaws to strengthen it; it must stand or collapse on its own. Courts trying the accused must take several precautions while using their authority under section 313; first, whether the accused's statement qualifies as a confession or not, it must be admitted in full; Second, if a statement is inculpatory, it can be used to convict the accused; however, in that case, the prosecution must present clear, convincing, and sufficient evidence against the accused to record such a conviction. Third, if the accused's inculpatory and exculpatory statements in response to questions posed to him under section 313 of the Code of Criminal Procedure constitute the only

available evidence, the conviction cannot be based solely on those statements.

In the 1968 (2) Cri.Law Journal p. 992 case State vs. Jono Saldhana⁸⁵⁷, it was decided that even though the accused's remark is not proof, it can be used against him to support the prosecution's case. However, if a remark made during the trial might be interpreted as a confession, it cannot be used against the co-accused under section 30 of the Evidence Act. When determining whether the accused has fulfilled his "onus," the statement may be taken into account. (Page 1204 of State of Maharashtra v. Laximan Javram, Supreme Court, AIR 1962)⁸⁵⁸. The accused's responses provided in accordance with section 313 of the Code of Criminal Procedure may be taken into account. Strictly speaking, however, only the prosecution's explanation of the circumstances against the accused in the evidence—not any new information he may have provided—may be taken into account. If he were a qualified witness, which he is not, he could have disclosed such things. However, in Banwarilal v. State, as reported in AIR 1966 All, p. 3411⁸⁵⁹, it was decided that the court's authority to consider any response from the accused is unrestricted. The legislature is free to decide how to proceed. The Court sees no reason to reject an answer that the accused willingly provides that does not directly relate to the question posed to him; rather, it is a factor that can be taken into account when determining his guilt. It is entirely justified to take into account any response from the accused, so long as it is seen as credible, given the same weight as other pieces of evidence, and capable of serving as justification for conviction.

Two brothers, Hatesingh and Bherusingh, were found guilty of killing

⁸⁵⁷ 1968 (2) Cri.Law Journal p. 992

⁸⁵⁸ AIR 1962 Supreme Court p. 1204

⁸⁵⁹ AIR 1966 All, p. 3411

⁸⁵⁶ AIR 1934 Cal p. 724

Shivsingh by shooting him, and they were given the death penalty in the case of Hate Sinsh Bhaeatsineh vs. State of Madhya Bharat (AIR 1953 SC p. 468)⁸⁶⁰. The Honourable Supreme Court upheld Bherusingh's conviction by rejecting his appeal in limine because he accepted full responsibility for the shooting and acknowledged it from the beginning. The Honourable Supreme Court accepted Hatesingh's appeal. Although he acknowledged being present at the scene of the crime, Hatesingh denied any responsibility.

In his statement made in accordance with section 342 of the Code of Criminal Procedure, Bherusingh accepted full responsibility for his actions and acknowledged his guilt from the beginning. Both Bherusingh and Hatesingh were charged with crimes by the eyewitnesses. The Honourable Supreme Court ruled in this case that one of the most crucial factors to be taken into account during the trial is the accused's statement that was recorded in accordance with section 342 of the Code of Criminal Procedure. The Honourable Court further ruled that the accused's statement must be regarded as any other piece of evidence that comes directly from the witness's lips, and that evidence supporting the accused must be given the same respect and weight as evidence that contradicts him. Unless the prosecution can demonstrate beyond a reasonable doubt that his account is untrue, it should be accepted if it is reasonable and consistent with the facts, as he is presumed innocent even if he is unable to prove it.

Since section 342 of the Code of Criminal Procedure and current section 313 of the Code of Criminal Procedure are identical, the Honourable Court ruled in

State of Maharashtra Vs. Sukhdeo Simh alias Sukha and Others (AIR 1992 SC 2100)⁸⁶¹ that the Hatesingh case's judgment is good law. The Honourable Court additionally ruled that, although not strictly evidence, the accused's responses to his examination under section 313 of the Code of Criminal Procedure could be taken into account.

Actually, it is rather explicit in section 4 of section 313 of the Code of Criminal Procedure that "the answers given by the accused may be taken into consideration in such inquiry or trial." It is necessary to read this without considering the other possibilities. The aforementioned Supreme Court precedent just supports this interpretation. With these considerations in mind, the Bombay High Court's Aurangabad Bench recently set aside the acquittal in State of Maharashtra vs. Shivafi Anandrao Chede 2002(4)Mah.L.J. p. 201⁸⁶² by observing that the accused's statement recorded during the trial can be relied upon and taken into consideration as an admission or confession of the said accused, further allowing the trial court to consider such admissions as his explanation under section 106 of the Indian Evidence Act.

Given that the accused's wife died as a result of suffocation and throttling in the current case, the Sessions Court's observation that the accused's admissions of suffocation and throttling could not be disregarded and should be taken into account in order to convict the accused was deemed to be a grave error in findings. Both the State of Uttar Pradesh Vs. Lakhmi AIR 1998 SC p. 1007 and the Apex Court's observations in State of Maharashtra Vs. Sukhdeosingh AIR 1992 SC p. 2100 are cited.

The legal stance that emerges from

⁸⁶⁰ (AIR 1953 SC v. 468

⁸⁶¹ (AIR 1992 SC 2100)

⁸⁶² 2002 (4)Mah.L.J p. 201

different authorities is that an accused person's statement under section 313 of the Code of Criminal Procedure may not be recorded as evidence against him on its own, but it may be interpreted as his confession and, in certain situations, as an extra piece of evidence to support the prosecution's case.

The accused is never forced to make a humiliating statement, and it should never be used to cover up any gaps in the prosecution's evidence. The reasoning above makes it abundantly evident that an accused person's statement made in accordance with section 313 of the Code of Criminal Procedure is not strictly evidence and may only be taken into account during an investigation or trial as allowed by subsection 4 of that section. The statement may be taken into account by the court when deciding whether or not the accused's guilt has been established.

The accused's supportive responses to inquiries about the circumstances in the evidence against him, in addition to the evidence presented by the prosecution, will be taken into consideration by the court when determining the accused's guilt. In the case of *Thanksod Afam Ezeme vs. B.D. Goel and another* 2000(1) Mah.L.J. p.82⁸⁶³, the Bombay High Court has clearly examined the consequences of such admissions made during a statement under section 313 of the Code of Criminal Procedure. It has determined that an accused person's admission that they possess two bags can be regarded as an additional link. Remember that if there is no damning evidence against the accused, subsection 4 of section 313 of the Code of Criminal Procedure cannot be employed.

According to Dr. A.S. Anand and K.T. Thomas, J.J., in the conclusion of AIR 1997

Supreme Court v. 768⁸⁶⁴, The accused's responses to the questions posed to him during the examination under section 313 of the Code of Criminal Procedure are useful to criminal courts and are not only a formality. In addition to giving the delinquent a chance to clarify circumstances that implicate him, they would assist the court in understanding all of the evidence presented during the trial.

V. THE ENTIRE STATEMENT MADE IN ACCORDANCE WITH SECTION 313 OF THE CODE OF CRIMINAL PROCEDURE SHOULD BE CONSIDERED

The Code of Criminal Procedure's section 313 statement must be interpreted in its whole. The accused's statement cannot be divided by the court, meaning that one question may be accepted while the others are rejected. In order to be depended upon, the assertion must be accepted in its whole; otherwise, it must be rejected. It is not desirable to analyze an accused person's statement. According to S.313 of the Code of Criminal Procedure, it is not desirable to accept the incriminating portion of the accused statement while rejecting the exculpatory portion. According to section 313 of the Code of Criminal Procedure, an accused person's statement must be recorded in its entirety if it is to be used as an admission; however, if it is divided into separate parts, there is no reason why an admission made in one case should not be relied upon in relation to the statement made in another.

The accused's statement may serve as the basis for a conviction, but it must be interpreted as a whole. The Court does not have the authority to dissent from the statement in order to extract an incriminating portion of it and then determine if the accused's justification for his actions is supported by the available

⁸⁶³ 2000 (1) Mah.L.J. p.82

⁸⁶⁴ AIR 1997 Supreme Court p. 768

evidence. If the accused admits to doing something that, but for the justification he provided, would have been illegal, the admission cannot be used against him in any way. Section 313 of the Code of Criminal Procedure states that a statement cannot be partially abridged or believed and then rejected as the entirety of the statement.

The inculpatory portion of the accused's statement that the court deems to be implausible can be allowed if it is separate and severable from the exculpatory portion, which the court finds to be implausible.

Any admission made by the accused will be useless if the prosecution has not gathered any incriminating evidence, unless it is an acknowledgment of guilt for any offense. There will be no reason to separate the defense's exculpatory portion from the accused's statement and to act solely on the incriminating portion if the prosecution has not presented any incriminating evidence to the court. This is the case even when incriminating material is added by the prosecution, but it is still deemed inappropriate. Typically, the full statement or evidence of the accused must be considered. The Court will use the available evidence or other circumstances to determine how much of the defense statement is exculpatory. There is no obstacle to the court adopting an inculpatory part if it is determined that the exculpatory part is inherently unlikely, contradicts admissible evidence, or is discredited. However, caution must be exercised to ensure that the defense's lack of strength is not interpreted as a replacement for solid prosecution evidence.

Section 313 of the Code of Criminal Procedure rarely allowed for the consideration of the accused's piecemeal

statement when the prosecution's entire case was found to be false, particularly when the accused's statement contained nothing contradictory or obviously implausible.

VI. THE USE OF THE PHRASE "MAY BE TAKEN INTO CONSIDERATION" BY THE PROSECUTION CLARIFIED THE APPLICATION OF SECTION 313(4) OF THE CODE OF CRIMINAL PROCEDURE

The accused's statement may only be taken into account in relation to the investigation or trial in which it is made, per subsection (4). An assertion made under this provision does not replace supporting documentation. The accused's comments can only be interpreted as evidence when he testifies in accordance with section 315 of the Code of Criminal Procedure.

If the accused chooses to provide his version of events, the only direct version of the occurrence's beginning can be found in his statement. This is the case when the genesis or initiation of the event is unavailable due to the absence of witnesses. The prosecution's evidence must be taken into consideration while evaluating his statement, and the likelihood of the case will be weighed in his favor or against him. Positive comments given in accordance with section 313 of the Code of Criminal Procedure, when combined with further evidence, may result in a conviction.

It has been decided that the phrase "the Court may take into consideration" does not refer to evidence. It has been decided that a co-accused's confession is not proof and cannot be used as the only basis for a conviction. It can only be used to support other evidence that is on file. According to section 3 of the Evidence Act, it has been decided that a co-accused's confession does not qualify as evidence in the traditional sense of the word. It can only be used to bolster other evidence; it

cannot be the basis for a conviction. Furthermore, it has been decided that the right method is to first gather evidence against the accused, omitting the confession from consideration entirely, and then determine whether the conviction may be safely based on it. Of course, calling confession in help is not required if it can function without the confession. Even though the other evidence is thought to be sufficient to support a conviction, circumstances may arise when the judge is unwilling to act on it. He strengthens his belief that he would not be ready to accept such evidence if it were not for the accused's statement. A co-accused's confession is not considered substantial evidence. It can be applied when the court is willing to consider more information and is compelled to look for confirmation of the inference he has drawn from it.

For secondary reasons, such as determining whether the statement supports or contradicts the testimony of the purported eyewitness who claims to have seen the incident, it can be relied upon. To put it another way, the specific piece of evidence is not significant evidence but rather supports the prosecution.

An order of conviction could not be issued against the accused based only on his declaration under section 313 of the Code of Criminal Procedure that he was the murderer and that the other two accused were not present when the murder was committed. It was the prosecution's responsibility to demonstrate through solid and trustworthy evidence that the accused was accountable for the deceased's demise.

Section 30 of the Act states that a co-accused's confessional statement, whether full or partial, cannot be used to determine his guilt in comparison to the

other accused.

Until its veracity is proved, the accused's examination stand cannot be utilized as evidence. Such a statement cannot serve as the basis for any conviction. No negative conclusion may be made against the defense just because the accused's reasoning is unconvincing. When determining an accused person's guilt, a statement made in accordance with section 313 of the Code of Criminal Procedure must also be taken into account.

The accused's inability to prove the plea of self-defense he made during his examination under section 313 of the Code of Criminal Procedure might not result in his guilt in a murder trial where the prosecution is unable to prove its case against him.

Subsection (3) allows the accused's responses during his examination under section 313 of the Code of Criminal Procedure to be taken into account in addition to any additional evidence the prosecution may have presented. The court does not have the authority to analyze the statement and identify a portion that could be utilized to convict the accused.

However, section 313 of the Code of Criminal Procedure does not require any questions about the accused's face covering. Police accusations that an accused person is a known smuggler cannot be used against an accused person to refute defense testimony if the accused was never asked about it during his statement under section 313 of the Code of Criminal Procedure.

Section 313 of the Code of Criminal Procedure allows the accused's written response to a governmental inquiry to be presented as evidence during examination.

A circumstance, such as a disagreement between the accused and the deceased a few days before the crime, cannot be used against the accused in a murder case if it was not brought up during the accused's examination under section 313 of the Code of Criminal Procedure.

Generally speaking, an accused person's statement cannot be used against a co-accused. However, in a situation where there is reasonable suspicion that two or more people have conspired to commit an offense or an actionable wrong, anything that one of them says, does, or writes about their shared intention after the time when they first entertained that intention is a relevant fact under section 10 of the Indian Evidence Act, both against each of the conspiring parties and to prove the conspiracy's existence. However, the evidentiary usefulness is restricted to two situations, specifically;

That the action will pertain to their shared goal and the time frame following the initial purpose of any one of them. A co-accused's confession may be taken into account under section 30 of the Evidence Act, but it is not considered significant evidence. It can, however, be used to bolster other pieces of evidence.

The accused's statement will be taken into consideration by the court, which may make any conclusions it deems appropriate based on the response or lack thereof. However, the Court has no right to infer anything about a co-accused from one accused person's reaction to a witness at trial. Legal and admissible evidence would be considered evidence under section 313 of the Code of Criminal Procedure. Legally, an accused person's defense cannot be utilized against his co-accused. The accused's remark that was recorded by the court must be accepted

as evidence and interpreted in his favor. This means that it must be regarded as a piece of testimony, and any evidence that supports the accused must be given the same weight and consideration as any evidence that contradicts him. Unless the prosecution can demonstrate beyond a reasonable doubt that his account is untrue, it should be accepted if it is reasonable and consistent with the facts, as he is presumed innocent even if he is unable to prove it. The accused's statement is meant to replace his or her ability to testify in the witness box in accordance with section 313 of the Code of Criminal Procedure.

VII. CONCLUDING REMARKS

A careful balance between protecting individual rights and allowing the court to discover the truth during criminal proceedings is reflected in the relationship between Section 313 of the Code of Criminal Procedure and Article 20(3) of the Indian Constitution. The right against self-incrimination is protected by Article 20(3) and is based on natural justice, equity, and respect for human dignity. It protects people from coercive investigative or prosecutorial tactics by guaranteeing that no accused person can be forced to produce evidence against oneself.

Despite the fact that Section 313 CrPC could seem to contradict this right, court interpretation has continuously maintained it as a legitimate procedural tool. Its goal is to provide the accused with a chance to clarify any incriminating evidence presented by the prosecution, not to force self-incrimination. The evidentiary weight of statements under Section 313 is limited by the Indian Evidence Act, 1872, namely Sections 30 and 106. Although the court may "consider" them, they cannot by themselves establish a conviction in the absence of supporting

evidence. The "whole statement" principle is used by courts, which caution against accepting merely incriminating portions and rejecting exculpatory content unless it is implausible or refuted by credible evidence.

According to judicial discretion, Section 313 cannot be utilized to force the accused to make admissions or to make up for the prosecution's case's shortcomings. It should serve as a fairness mechanism, protecting constitutional rights while enabling the accused to give their side of the story. In the end, Section 313 CrPC enhances rather than contradicts Article 20(3) when read within its correct context. According to judicial opinion, it improves the fairness of criminal proceedings when used sparingly and in accordance with constitutional principles. However, going beyond its bounds or mishandling the accused's statements might undermine the very safeguards it seeks to preserve. Going forward, upholding stringent court supervision and honoring evidentiary protections will be essential to protecting the integrity of the right against self-incrimination as well as the usefulness of Section 313.

