

is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

¹[**22A. When oral admission as to contents of electronic records are relevant.**—Oral admissions as to the contents of electronic records are not relevant, unless the genuineness of the electronic record produced is in question.]

23. Admissions in civil cases when relevant.—In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Explanation.—Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakil from giving evidence of any matter of which he may be compelled to give evidence under section 126.

24. Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding.—A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or ²promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

25. Confession to police-officer not to be proved.—No confession made to a police-officer³, shall be proved as against a person accused of any offence.

26. Confession by accused while in custody of police not to be proved against him.—No confession made by any person whilst he is in the custody of a police-officer, unless it be made in the immediate presence of a Magistrate⁴, shall be proved as against such person.

⁵[*Explanation.*—In this section “Magistrate” does not include the head of a village discharging magisterial functions in the Presidency of Fort St. George ⁶*** or elsewhere, unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 1882⁷ (10 of 1882).]

27. How much of information received from accused may be proved.—Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police-officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

28. Confession made after removal of impression caused by inducement, threat or promise, relevant.—If such a confession as is referred to in section 24 is made after the impression caused by any such inducement, threat or promise has, in the opinion of the Court, been fully removed, it is relevant.

29. Confession otherwise relevant not to become irrelevant because of promise of secrecy, etc.—If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practiced on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which

1. Ins. by Act 21 of 2000, s. 92 and the Second Schedule (w.e.f. 17-10-2000).

2. For prohibition of such inducements, etc., see the Code of Criminal Procedure, 1973 (Act of 1974), s. 316.

3. As to statements made to police-officer investigating a case, see s. 162, *ibid*.

4. A coroner has been declared to be a Magistrate for the Purposes of this section, see the coroners Act, 1871 (Act 4 of 1871), s. 20.

5. Ins. by Act 3 of 1891, s. 3.

6. The words “or in Burma” rep. by the A.O. 1937.

7. See now the Code of Criminal Procedure, 1973 (Act 2 of 1974).