

Q A kills his aunt and himself lodges an FIR at police station. He was prosecuted for murder on the basis of FIR and no other evidence was given. Comment.

In the given situation, the concept revolves around the FIR and its evidentiary value. The said concept is given under chapter 12; Information to Police & their power to investigate of Criminal Procedure Code, 1973.

Validity of Prosecution as per the question -

The prosecution of A is totally invalid here as ~~the~~ conviction on the sole basis of FIR is not allowed. The relevant provisions are discussed below -

FIR - FIR is ^{not} defined under ~~any~~ any section.

However information in case of cognizable offences to police is given under section 154 of the code. The Supreme Court in Lalita Kumari

v. Govt of UP has given some details regarding FIR.

- Registration of FIR is mandatory for police if information discloses commission of cognizable offence.

- Action must be taken against officers who do not register the FIR.

- The scope of preliminary inquiry is not to verify the veracity of information but only to ascertain whether information reveals any cognizable offence or not.

- If information received does not disclose a cognizable offence but indicates necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether offence is cognizable or not.

Evidentiary Value of FIR :-

- It is not substantive piece of evidence.

- It can be only used to corroborate under section 157 of Indian Evidence and also to contradict under section 145 of Evidence Act.

- If FIR is of confessional nature, it cannot be proved against accused informant as it is hit by section 25 of Evidence Act.

- It can be used as dying declaration under section 32 of Evidence Act.
- If FIR is non-confessional, it can be used as admission under section 21 of Evidence Act.
- If accused himself lodges FIR, it cannot be used for corroboration or contradiction because the accused can't be prosecution witness and he would very rarely offer himself to be defence witness under sec-315 of code.

The FIR is ~~the~~ stepping stone of the whole justice system. It marks the beginning of criminal prosecution. Hence it is very important to file the FIR as per the procedure mentioned with utmost care.