**International Journal of Law**
**www.lawjournals.org**
**ISSN: 2455-2194**
**Received: 31-05-2026, Accepted: 01-07-2026, Published: 16-07-2026**
**Volume 12, Issue 3, 2026, Page No. 89-96**

# Evidentiary value of fir under BNSS

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**DOI:** https://doi.org/10.66856/ijl.2026.12.3.12233

**Abstract**
The First Information Report (FIR) occupies a foundational but evidentially modest place in Indian criminal procedure: procedurally indispensable in setting the machinery of investigation in motion, yet doctrinally excluded from serving as substantive proof of guilt. This article examines the evidentiary value of the FIR following the replacement of the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872, by the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and the Bharatiya Sakshya Adhiniyam, 2023 (BSA), respectively. It traces the statutory architecture of Section 173 BNSS, including the codification of the Zero FIR and electronic registration, and examines the continuing tension between Section 173(3) BNSS and the Supreme Court's mandatory-registration doctrine in Lalita Kumari v. Government of Uttar Pradesh. The article then develops the settled doctrine that the FIR is not substantive evidence and may be used only to corroborate or contradict its maker under Sections 160 and 148 of the BSA, before analysing the special problems posed by confessional FIRs, FIRs lodged by an accused as admissions of conduct, the narrow res gestae and dying-declaration exceptions, and the consequences of delay. It concludes that the BNSS-BSA framework, despite renumbering, preserves rather than reforms this century-old body of judicial doctrine.

**Keywords:** First Information Report, Bharatiya Nagarik Suraksha Sanhita, evidentiary value, corroboration and contradiction, Lalita Kumari doctrine

## Introduction

The First Information Report (FIR) constitutes the foundational document in the administration of criminal justice in India, marking the formal commencement of the investigative process in respect of a cognizable offence. Although colloquially treated as though it were the accusation itself, jurisprudence has consistently maintained that the FIR occupies a curious dual position within the trial: it is procedurally indispensable, yet evidentially subordinate. Neither the erstwhile Code of Criminal Procedure, 1973 ("CrPC") nor its successor, the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), which received presidential assent on 25 December 2023 and came into force on 1 July 2024, defines the expression "First Information Report" anywhere in the statutory text [1]. Despite the wholesale renumbering of provisions and the introduction of features such as the Zero FIR and electronic registration of information, the substantive doctrine governing the evidentiary status of the FIR remains rooted in decisions rendered under the 1898 Code, the 1973 Code, and the Indian Evidence Act, 1872, the latter now substituted by the Bharatiya Sakshya Adhiniyam, 2023 ("BSA").

This continuity presents an analytical puzzle worth unpacking: to what extent has legislative replacement altered a body of doctrine developed almost entirely through judicial interpretation over more than a century? This article undertakes a doctrinal examination of the nature, use, and limitations of the FIR as a piece of evidence under the BNSS regime. It traces the statutory architecture of Section 173 BNSS, its interaction with the BSA's provisions on corroboration and contradiction, and the continuing vitality of landmark precedents such as Aghnoo Nagesia v. State of Bihar, Faddi v. State of Madhya Pradesh, Hasib v. State of Bihar, and Lalita Kumari v. Government of Uttar Pradesh.

The article is divided into eleven parts. Following this introduction, Part II sets out the conceptual and statutory framework of the FIR, including the mechanics of Zero FIR and electronic registration. Part III examines the doctrine of mandatory registration and the tension between Section 173(3) BNSS and the constitutional mandate laid down in Lalita Kumari. Part IV develops the general doctrine on the evidentiary value of the FIR — namely, that it is not substantive evidence but may be used only for corroboration or contradiction. Part V considers the special and vexed category of confessional FIRs. Part VI addresses the FIR lodged by an accused person as an admission of conduct. Part VII discusses the narrow res gestae exception and the wholly distinct treatment of an FIR that qualifies as a dying declaration. Part VIII analyses the legal consequences of delay in lodging an FIR. Part IX situates the FIR within the broader scheme of police statements recorded under Sections 180 and 181 BNSS. Part X briefly notes the parallel regime of judicial confessions under Section 183 BNSS. Part XI offers a critical assessment of continuity and change between the CrPC-Evidence Act framework and the BNSS-BSA framework, before the article concludes in Part XII.

This article adopts a doctrinal methodology, drawing upon the text of the BNSS and the BSA, the corresponding provisions of the repealed CrPC and the Evidence Act, 1872, and the case law of the Supreme Court of India and the High Courts, supplemented by secondary academic and practitioner commentary published in the period immediately surrounding the commencement of the new criminal statutes. Given that the BNSS and the BSA have been in force for a comparatively short period, judicial engagement with several of the provisions discussed here — most notably Section 173(3) BNSS — remains at an early and evolving stage; the analysis offered accordingly proceeds on the settled understanding of the predecessor provisions, read together with such judicial and academic commentary on the new Sanhitas as is presently available, while flagging areas of continuing uncertainty rather than purporting to resolve them definitively.

**Conceptual and Statutory Framework of the FIR**

**Meaning and the Absence of a Statutory Definition**

The term "First Information Report" does not appear as a defined expression in either the CrPC or the BNSS. It is, instead, a phrase of practice and precedent, understood to mean the information relating to the commission of a cognizable offence that is first received in point of time by an officer in charge of a police station and recorded in accordance with the statutorily prescribed procedure. Its primary object, from the standpoint of the investigating agency, is to set the machinery of criminal law in motion and to enable the police to commence investigation, collect evidence, and identify the offenders before memories fade and evidence is lost or manufactured. The report is not intended to be, and is not treated as, an exhaustive or encyclopaedic account of the prosecution case; its evidentiary utility lies precisely in its character as a spontaneous, contemporaneous, and unembellished version of events, against which later elaborations can be measured.

**Section 173 BNSS: Registration of Information Relating to Cognizable Offences**

Section 173 BNSS, which corresponds to Section 154 of the CrPC, prescribes the procedure for recording information relating to the commission of a cognizable offence [2]. Sub-section (1) provides that such information, irrespective of the area in which the offence is committed, may be furnished orally or by electronic communication to an officer in charge of a police station. Where the information is given orally, it must be reduced to writing by the officer or under his direction, read over to the informant, and signed by the person giving it. Where it is furnished by electronic communication, it is to be taken on record and signed by the informant within three days, with the substance entered into a prescribed register. A special procedural safeguard applies where the informant is a woman alleging an offence of a sexual nature under specified provisions of the Bharatiya Nyaya Sanhita, 2023: in such cases, the information must be recorded by a woman police officer or other woman officer, and where the informant is temporarily or permanently mentally or physically disabled, the statement must be recorded at a place of her convenience, if possible her residence, in the presence of an interpreter or special educator, and the process must be videographed.

Sub-section (4) preserves the remedy familiar from Section 154(3) of the CrPC: a person aggrieved by the refusal of the officer in charge to record information may send the substance of the complaint in writing, by post, to the Superintendent of Police, who, if satisfied that the information discloses a cognizable offence, must either investigate the matter personally or direct a subordinate officer to do so, failing which the aggrieved person may approach a Magistrate. This chain of remedies operationalises the constitutional guarantee against arbitrary police inaction that the Supreme Court elaborated in Lalita Kumari, discussed further below.

**Zero FIR and Electronic Registration**

A significant reform embedded within Section 173(1) BNSS is the express statutory recognition of what practitioners have long called the "Zero FIR" — an FIR that may be registered by any police station regardless of territorial jurisdiction over the place of occurrence, to be transferred thereafter to the police station having jurisdiction. Although the concept predates the BNSS and traces its administrative origin to recommendations made in the aftermath of the 2012 Delhi gang-rape case by the Justice Verma Committee, its codification within the primary legislation removes earlier ambiguity as to its legal basis and reinforces the principle that territorial jurisdiction cannot be permitted to obstruct the registration of information disclosing a cognizable offence. The BNSS additionally embraces electronic communication as a valid mode of furnishing information, reflecting the legislature's stated intention to modernise procedural criminal law and reduce opportunities for the arbitrary refusal of complaints at the police-station level. These reforms are best understood as procedural facilitators rather than as alterations to the evidentiary character of the resulting report: whether an FIR is registered at the police station having territorial jurisdiction, at some other station under the Zero FIR mechanism, or through electronic communication subsequently authenticated by signature, the document that results is, for evidentiary purposes, an FIR like any other, subject to the very same rules of corroboration, contradiction, and exclusion discussed throughout the remainder of this article. What the reforms chiefly affect is the likelihood that information will be captured promptly and without jurisdictional obstruction, a matter that bears, as will be seen in Part VIII, upon the weight rather than the admissibility of the report.

**Mandatory Registration and the Lalita Kumari Doctrine**

The question whether an officer in charge of a police station enjoys any discretion to withhold registration of an FIR pending a preliminary verification of the complaint was authoritatively settled by a five-judge Constitution Bench of the Supreme Court in Lalita Kumari v. Government of Uttar Pradesh [3]. The Court held that registration of an FIR under Section 154(1) of the CrPC is mandatory if the information discloses the commission of a cognizable offence, and that no preliminary inquiry is permissible in such a situation. Only where the information does not, on its face, disclose a cognizable offence but indicates the necessity for some inquiry — for example, in matrimonial or commercial disputes, medical negligence cases, or corruption cases requiring sanction — may a preliminary inquiry be conducted, and even then solely to ascertain whether a cognizable offence is disclosed, and to be concluded, as a rule, within a period not exceeding seven days. The Court further clarified that an entry in the General Diary of a police station is not equivalent to registration of an FIR in the FIR Register, given the differing legal consequences, distribution, and evidentiary function of the two records.

The BNSS, in Section 173(3), appears to depart from this bright-line rule by introducing an express statutory exception: for cognizable offences punishable with imprisonment of three years or more but less than seven years, the officer in charge may, with the permission of an officer not below the rank of Deputy Superintendent of Police, conduct a preliminary inquiry within fourteen days to ascertain whether there exists a prima facie case, before proceeding to register the FIR. Commentators have observed that this statutory carve-out sits uneasily with the constitutional mandate in Lalita Kumari, which permitted a preliminary inquiry only where the information did not disclose a cognizable offence, and not — as Section 173(3) BNSS appears to contemplate — even where it does [4]. The provision is at present the subject of continuing academic and judicial scrutiny; the opening words of the sub-section, "without prejudice to the provisions of section 175," preserve the police officer's independent power to investigate without prior permission, which suggests that Section 173(3) operates as an enabling and discretionary avenue rather than as a mandatory precondition, but the precise contours of this discretion, and its compatibility with the Lalita Kumari doctrine, remain to be settled by the higher judiciary. For present purposes, it suffices to note that whatever view eventually prevails on the scope of police discretion at the stage of registration, the doctrine governing the evidentiary use of the FIR once registered — the principal subject of this article — is unaffected by this controversy, since it operates entirely at a later, trial stage.

## The General Doctrine on the Evidentiary Value of the FIR

### The FIR is Not Substantive Evidence

The single most settled and frequently reiterated proposition in this field is that an FIR is not substantive evidence of the facts stated in it. This principle, developed under the 1898 Code and the Evidence Act of 1872, continues undisturbed under the BNSS-BSA regime because it derives not from any provision peculiar to criminal procedure but from the basic architecture of the law of evidence: statements not made on oath and not tested by cross-examination in the presence of the court cannot, as a rule, form the basis of a finding of guilt. In Nisar Ali v. State of Uttar Pradesh, the Supreme Court held that a first information report is not a substantive piece of evidence and can only be used to corroborate the statement of the maker or to contradict it; it cannot be used as evidence against the maker if he himself becomes an accused, nor can it be used to corroborate or contradict other witnesses [5]. The Court reiterated the same principle in Aghnoo Nagesia v. State of Bihar, observing that "the information report as such is not substantive evidence. It may be used to corroborate the informant under Section 157 of the Evidence Act or to contradict him under Section 145 of the Act, if the informant is called as a witness [6]."

This principle rests on three interlocking reasons. First, the informant who lodges the FIR is ordinarily examined as a witness at trial, and it is that sworn, cross-examined testimony — not the unsworn written report — which constitutes evidence properly so called. Second, permitting the FIR to be read as substantive proof of its contents would collapse the distinction the law draws between an out-of-court statement and in-court testimony, undermining the guarantee of cross-examination that lies at the heart of the adversarial trial. Third, since the FIR is recorded at the earliest possible stage, often in circumstances of shock, confusion, or incomplete information, it would be unsafe to treat it as a complete or infallible narrative; its evidentiary function is calibrated precisely to this limitation, permitting it to be used only for the narrower purposes of testing consistency.

### Corroboration: Section 160 BSA (Formerly Section 157, Evidence Act)

Section 160 of the BSA, replicating Section 157 of the Evidence Act, 1872, permits a former statement of a witness to be proved in order to corroborate his later testimony in court, provided the statement was made at or about the time when the fact took place, or to an authority legally bound to investigate the fact [7]. An FIR, being information given to a police officer — an authority legally bound to investigate — qualifies for this purpose, and may accordingly be used to corroborate the informant's testimony when he is examined as a prosecution witness, provided the FIR has itself been duly proved and exhibited in accordance with the ordinary rules of the law of evidence. The Supreme Court clarified this qualification in Damodar Prasad Chandrikaprasad v. State of Maharashtra, holding that where the maker of the FIR is examined in court but the FIR itself is not tendered and proved in evidence by the prosecution, the court is debarred from placing reliance on it for corroboration [8]. It is well established, further, that this corroborative use is confined strictly to the maker of the FIR; the report cannot be used to corroborate or contradict the testimony of any other prosecution witness, a limitation reaffirmed by the Supreme Court in Sk. Hasib v. State of Bihar, Shankar v. State of Uttar Pradesh, and Babu Singh v. State of Punjab [9].

### Contradiction: Section 148 BSA (Formerly Section 145, Evidence Act)

The complementary and, in practice, far more frequently invoked use of the FIR is to contradict its maker where his testimony in court departs from the version recorded in the report. Section 148 of the BSA, corresponding to Section 145 of the Evidence Act, permits a witness to be cross-examined as to previous statements made by him in writing, and, where it is intended to contradict him by the writing, requires that his attention first be drawn to the relevant parts before the writing is proved [10]. The classical test for what amounts to a "contradiction" for this purpose was laid down by the Constitution Bench in Tahsildar Singh v. State of Uttar Pradesh: where the earlier and later statements of a witness are so inconsistent or irreconcilable that both cannot co-exist — such that if one is true the other must be false — the earlier statement contradicts the later one within the meaning of Section 145 (now Section 148 BSA) [11]. A bare omission in the earlier statement does not, without more, amount to a contradiction, save where the omission is of such a nature that, having regard to the context, it may be treated as an implied assertion inconsistent with what is stated later.

An overlapping — and largely coextensive — statutory route for using the FIR to contradict the informant, where the informant also happens to be a witness examined during investigation, is found in the proviso to Section 181(1) BNSS (formerly the proviso to Section 162(1) CrPC), which permits the accused, and with the leave of the court the prosecution, to use any part of a statement recorded by the police during investigation to contradict the witness in the manner provided by Section 148 BSA [12]. Since the FIR is frequently the first statement recorded by the police, and the same broad principles regarding "contradiction" govern both provisions, courts and commentators generally treat the analysis of contradiction from the FIR as falling squarely within this well-worn doctrinal channel.

It bears emphasis that the use of the FIR for either corroboration or contradiction under the BSA presupposes that the maker of the FIR has himself entered the witness box and given evidence; if the informant is not examined — because, for instance, he has died, turned hostile without having his prior statement put to him, or cannot be traced — the report cannot be pressed into service for either purpose in relation to him, though it may retain a residual evidentiary character in narrow circumstances discussed in Part VII below.

**FIR as Confession: The Rule against Self-Incriminating Statements to Police**

A distinctive and doctrinally rich complication arises where the informant who lodges the FIR is, or later becomes, the accused, and the report contains a confession of guilt. Section 25 of the Evidence Act, 1872 — a provision whose substance is retained in the BSA — provides that no confession made to a police officer shall be proved against a person accused of an offence [13]. The leading authority remains the Supreme Court's decision in Aghnoo Nagesia v. State of Bihar, where the appellant himself lodged an FIR at the police station containing a full and detailed confession to multiple murders. The Court held that where a statement contains an admission of an offence, and it is not possible to separate the exculpatory or narrative portions from the incriminating ones without doing violence to the sense of the document, the whole of the statement must be treated as a confession and excluded in its entirety by virtue of the bar in Section 25, save to the extent that any part of it falls within the narrow "discovery" exception in Section 27 of the Evidence Act (relating to facts discovered in consequence of information furnished by an accused in police custody) [14]. Since the confessional portions in Aghnoo Nagesia were inseparable from the rest of the narrative, and the discoveries made pursuant to the confession did not, standing alone, sustain the conviction, the Supreme Court set aside the conviction and acquitted the appellant.

By contrast, in Faddi v. State of Madhya Pradesh, the Supreme Court held that where the FIR lodged by the accused himself contains only a few admissions of fact that do not amount, taken together, to a confession of the offence, the report is not rendered wholly inadmissible; the non-confessional, admissible portions may be read in evidence as an "admission" under what is now Section 21 of the BSA (formerly Section 21 of the Evidence Act), while any genuinely confessional element remains excluded under the bar corresponding to Section 25 [15]. These two decisions together establish a workable, if occasionally difficult to apply, distinction: courts must examine the FIR as a whole to determine whether the incriminating and non-incriminating elements are severable; if they are inseverable, the entire document is excluded notwithstanding that portions of it, viewed in isolation, might appear innocuous; if they are severable, the non-confessional parts survive as an admission while the confessional parts are excised. This doctrine, developed entirely under the 1872 Evidence Act, transposes without alteration to the corresponding provisions of the BSA, since the statutory language defining confessions and admissions, and the bar on police confessions, has been substantially reproduced rather than reformed.

**FIR Lodged by the Accused: Admissible as Conduct**

Distinct from its use as a confession or admission of the facts stated, the mere fact that the accused went to the police station and lodged the first information may itself be relevant as evidence of his conduct, under the provision corresponding to Section 8 of the Evidence Act, 1872 (now reproduced in the BSA), which renders the conduct of any party to a proceeding, in reference to any fact in issue, a relevant fact [16]. On this footing, the fact of reporting the offence — as opposed to the truth of what was reported — may be led in evidence quite independently of the confession/admission analysis discussed above, and independently of whether the contents of the report are otherwise admissible. This distinction, drawn expressly in Aghnoo Nagesia, illustrates the layered character of FIR jurisprudence: a single document may simultaneously be inadmissible as to its confessional contents while remaining relevant, at a different level of analysis, as proof of the informant's conduct in approaching the authorities.

**FIR as Res Gestae and the Distinct Case of the Dying Declaration**

Where an FIR is lodged so proximately to the commission of the offence, and in circumstances so continuous with the transaction itself, that it forms part of the very transaction under investigation, it may in exceptional cases acquire an independent evidentiary character as part of the res gestae, admissible under the provision corresponding to Section 4 of the BSA (formerly Section 6 of the Evidence Act) dealing with facts forming part of the same transaction [17]. Such cases are, however, uncommon, since the ordinary FIR — recorded after the informant has travelled to the police station, composed his thoughts, and narrated a more or less connected account — will rarely satisfy the stringent test of spontaneity that the res gestae principle demands. Article commentary on Malkiat Singh v. State of Punjab illustrates the narrowness of this exception: there, the trial court dispensed, by consent of the defence, with the formal examination of the first informant, and the FIR became part of the prosecution evidence; the Supreme Court held that statements in the report describing the condition of a victim who was not in a fit state to speak could be treated as a relevant fact of the existing state of things as part of the res gestae of the earliest information, but this did not convert the FIR generally into substantive evidence of the truth of every fact asserted in it [18].

An entirely separate and better-established exception concerns the FIR that qualifies as a dying declaration. Where the informant, having sustained fatal injuries, lodges the FIR himself and subsequently dies before he can be examined as a witness at trial, the report — if it relates to the cause of his death or the circumstances of the transaction resulting in his death — becomes admissible as a dying declaration under the provision corresponding to Section 26 of the BSA (formerly Section 32(1) of the Evidence Act), which carves out an exception to the rule against hearsay for statements of a person who is dead, made as to the cause of his death or the circumstances of the transaction which resulted in his death [19]. In such a case, unlike the ordinary FIR, the report is substantive evidence, since it falls within a distinct and independently justified exception to the hearsay rule, rather than within the corroboration/contradiction framework that governs the FIR of a surviving informant. Courts have, however, cautioned that a dying declaration, whether recorded as an FIR or otherwise, must be scrutinised with care to ensure that it was made voluntarily, that the declarant was in a fit state of mind, and that it is otherwise free from the risk of tutoring or fabrication, before a conviction is founded upon it, particularly where it is the sole piece of evidence.

**Effect of Delay in Lodging the FIR**

Because the evidentiary utility of the FIR flows substantially from its character as an immediate, unrehearsed account, the promptness of its lodging bears directly upon the weight — as opposed to the admissibility — that a court will attach to it. Delay, by itself, does not render an FIR inadmissible, and the BNSS, like the CrPC before it, prescribes no fixed limitation period within which information must be furnished to the police. Nonetheless, courts have repeatedly held that unexplained or inordinate delay in lodging an FIR gives rise to a legitimate suspicion that the report may have been the product of deliberation, consultation, or embellishment, rather than a spontaneous account, and correspondingly diminishes the value that can safely be placed upon it. Conversely, where the delay is satisfactorily explained — by reference, for instance, to the distance to the nearest police station, the need to first attend to an injured victim, the shock and confusion attending a sudden crime, or the social and practical difficulties attending the reporting of offences of a sexual nature — courts have consistently declined to treat the delay as fatal to the prosecution case.

Three analytically distinct forms of delay are commonly identified in the case law and academic commentary: delay in approaching the police at all (attributable to the informant or the surrounding circumstances); delay on the part of the officer in charge in reducing the oral information into writing and formally registering it (attributable to the police); and delay in forwarding a copy of the recorded FIR to the jurisdictional Magistrate, a safeguard designed to guard against the possibility of subsequent interpolation or fabrication of the report [20]. The Supreme Court's insistence in Lalita Kumari that information disclosing a cognizable offence must be registered without delay or discretion is, in substantial part, animated by a concern to minimise exactly this second category of delay, since a report that is deliberately held back by the investigating agency loses much of the very contemporaneity that gives the FIR its evidentiary value in the first place. In sexual offence cases in particular, courts have taken a markedly more sympathetic view of delay attributable to the victim, recognising the social stigma, fear of reprisal, and family pressures that frequently accompany the decision to report such offences, and have declined to draw an adverse inference from delay alone in the absence of some independent indication of fabrication.

**The FIR within the Broader Scheme of Police Statements under the BNSS**

The evidentiary treatment of the FIR cannot be fully appreciated in isolation from the wider statutory scheme governing statements recorded by the police during investigation. Section 180 BNSS, corresponding to Section 161 of the CrPC, empowers a police officer investigating a case to examine orally any person acquainted with the facts and circumstances of the case and to reduce such statements to writing [21]. As the Himachal Pradesh High Court explained in Sewaki v. State of Himachal Pradesh, statements recorded under this provision are neither made on oath nor subjected to cross-examination as required by Section 148 of the BSA (formerly Section 145 of the Evidence Act), and consequently do not qualify as substantive evidence of the facts stated in them [22]. Section 181 BNSS, corresponding to Section 162 of the CrPC, then regulates the use that may be made at trial of such statements: as a general rule, statements recorded during investigation must not be signed by the maker, and cannot be used for any purpose at an inquiry or trial except to contradict, in the manner provided by Section 148 BSA, a witness who made the statement and is subsequently examined for the prosecution [23]. This "total ban," as it is sometimes described, exists precisely to prevent investigating officers, who often record such statements without the safeguards that attend judicial recording, from being able to bolster the prosecution case through prior consistent statements, while nonetheless permitting the defence — and, with leave, the prosecution — to expose inconsistencies that bear on a witness's credibility.

The FIR sits at the head of this statutory scheme, sharing its foundational rationale — namely, that statements gathered by an interested investigating authority, without the safeguards of oath and cross-examination, are inherently unsuited to serve as freestanding proof of guilt — while differing from ordinary Section 180 statements in one material respect: the FIR alone is treated by courts as available for corroboration under Section 160 BSA (Section 157, Evidence Act), reflecting the view that information volunteered by an informant seeking police assistance is not comparable to a statement extracted by an investigating officer for the purposes of building a case. This distinction, though of long standing, has occasionally been contested at the margins; the proviso to Section 181(1) BNSS, on one reading, appears to confine the use of statements recorded during investigation strictly to contradiction and to preclude corroboration altogether, a restriction that some commentators consider to be in some tension with the corroborative use long permitted for the FIR itself [24]. The prevailing and better view, consistent with unbroken Supreme Court authority since Aghnoo Nagesia and Nisar Ali, is that the FIR retains its distinctive corroborative function under Section 160 BSA notwithstanding the general contradiction-only rule that governs ordinary witness statements under Section 181 BNSS.

**Judicial Confessions and Statements under Section 183 BNSS**

For completeness, it is worth briefly distinguishing the FIR, and police statements generally, from confessions and statements recorded by a Magistrate under Section 183 BNSS, corresponding to Section 164 of the CrPC [25]. Section 183 empowers any Magistrate of the district, whether or not he has jurisdiction in the case, to record a confession or statement made to him during the course of investigation or at any time thereafter before the commencement of inquiry or trial, including by means of audio-video electronic recording, and requires that the confession be recorded in the presence of the advocate of the person confessing where practicable. Before recording any confession, the Magistrate must explain to the person concerned that he is not bound to make a confession, and that if he does so, it may be used as evidence against him;

the Magistrate must further be satisfied that the confession is being made voluntarily, and must not remand the person to police custody if he declines to confess. A confession so recorded is, unlike the ordinary FIR or a police statement, treated as substantive evidence, precisely because it is attended by the judicial safeguards — the explicit caution, the assessment of voluntariness, and the insulation from police influence — that are wholly absent in the recording of an FIR at a police station. The stark evidentiary contrast between an FIR containing a confession (inadmissible under the rule in Aghnoo Nagesia) and a confession recorded by a Magistrate under Section 183 BNSS (fully admissible, subject to proof of voluntariness) illustrates, in microcosm, the animating principle of this entire body of doctrine: it is not the content of a statement but the circumstances and safeguards attending its making that determine its evidentiary worth.

**Continuity and Change: An Assessment of the BNSS-BSA Framework**

Viewed as a whole, the transition from the CrPC and the Evidence Act, 1872, to the BNSS and the BSA has left the core evidentiary doctrine relating to the FIR substantially undisturbed. The renumbering exercise — Section 154 CrPC becoming Section 173 BNSS; Section 161 CrPC becoming Section 180 BNSS; Section 162 CrPC becoming Section 181 BNSS; Section 164 CrPC becoming Section 183 BNSS; Section 145 of the Evidence Act becoming Section 148 BSA; and Section 157 of the Evidence Act becoming Section 160 BSA — has, for the most part, reproduced the operative language of the predecessor provisions with only minor stylistic and structural changes, and the drafters have, in several places, expressly noted the correspondence to the "Old" provisions in the text of the Sanhitas [26]. Since the doctrine that the FIR is not substantive evidence, and may be used only for corroboration or contradiction, was always a creature of judicial interpretation of the general law of evidence rather than of any FIR-specific statutory text, this doctrine survives the legislative replacement intact; nothing in the BNSS or the BSA purports to overrule Aghnoo Nagesia, Nisar Ali, Faddi, Hasib, or Tahsildar Singh, and the reasoning of those decisions applies with undiminished force to the renumbered provisions.

That said, three genuine innovations merit attention. First, the express statutory recognition of the Zero FIR and of electronic registration in Section 173(1) BNSS gives legislative footing to practices that had previously rested on administrative circulars and judicial gloss, and is likely, over time, to reduce a particular species of delay — namely, refusal or deflection of complaints on jurisdictional grounds — that has historically complicated the assessment of an FIR's evidentiary weight. Second, the introduction of a qualified preliminary-inquiry power under Section 173(3) BNSS for offences punishable with three to seven years' imprisonment marks a genuine, and as yet incompletely resolved, departure from the bright-line rule in Lalita Kumari, and its ultimate reconciliation — whether by judicial reading-down, by treating the provision as directory rather than restrictive of the citizen's remedies, or otherwise — will bear upon how promptly, and hence how reliably, information in this category of cases comes to be recorded as an FIR. Third, the enhanced procedural safeguards for recording information given by women alleging sexual offences, including mandatory videography and recording by a woman officer, respond to long-standing criticism of the manner in which such complaints were historically handled, and may be expected to improve both the fairness of the process and the eventual evidentiary reliability of the reports so recorded. None of these three innovations, however, touches the settled doctrine — reaffirmed across a century of authority and unaltered by the 2023 legislation — that the FIR remains a report to set the law in motion, not a substitute for sworn and tested testimony.

**Conclusion**

The evidentiary value of the FIR under the BNSS is best understood not as a novel creation of the 2023 legislative reforms but as the continuation, under new statutory numbering, of a doctrine painstakingly developed by the Supreme Court and the High Courts over more than a century of engagement with the predecessor Code and the Evidence Act, 1872. The FIR is not, and has never been, substantive evidence of the truth of the facts it records; it may ordinarily be used only to corroborate the testimony of its maker under Section 160 BSA, or to contradict him under Section 148 BSA, and never to corroborate or contradict any other witness. Where the report contains a confession by an accused informant, the bar against proving police confessions excludes it in whole or in relevant part, subject to the narrow discovery exception and to the residual admissibility of severable, non-confessional admissions, as the contrasting outcomes in Aghnoo Nagesia and Faddi illustrate. Where the informant dies before trial and the report concerns the cause of his death, it may exceptionally rise to the status of substantive evidence as a dying declaration — a status owed entirely to a distinct statutory exception rather than to any general upgrading of the FIR's evidentiary character. Delay in lodging the report, while never fatal to admissibility, remains a significant factor bearing on the weight a court will give to it, and the BNSS's emphasis on prompt, mandatory, jurisdiction-agnostic registration, through the Zero FIR mechanism and electronic filing, may be expected to reduce, without eliminating, the incidence of such delay. The one area of genuine and still-unsettled tension — the preliminary-inquiry power introduced by Section 173(3) BNSS and its relationship to the constitutional mandate in Lalita Kumari — concerns the threshold question of registration rather than the doctrine of evidentiary use explored in this article, and its eventual resolution by the higher judiciary will be of considerable practical importance to litigants and investigators alike. For the present, however, it may confidently be said that the architects of the BNSS and the BSA have chosen evolution over revolution in this particular corner of criminal procedure: the FIR continues to perform its historic, modest, but indispensable function of setting the law in motion and furnishing a benchmark of contemporaneous truth against which later testimony may be tested, without itself ever becoming the proof of guilt.

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