

Preplanned Crimes - An Analysis of Statements and Confessions in Forensic Linguistics

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Language in India www.languageinindia.com ISSN 1930-2940 Vol. 13:5 May 2013

Confession and Admission

Obtaining a confession is one of the most important aims of police interrogation, and it is estimated that more than 80% of solved criminal cases are solved by a confession.

The term confession is not defined in the Evidence Act of India. All the provisions relating to confessions occur under the heading of admission, which is applicable to confession also. Section 17 of Indian Penal Code (IPC) defines ‘admission’ or here ‘confession’ as “a statement oral or documentary which suggests any inference to any fact in issue or relevant fact” (Ashima Garg, 2011). A confession can be defined as an admission made at any time by a person charged with the crime stating or suggesting an inference that he committed the crime. But in our country ‘no person accused of any offence shall be compelled to be a witness against himself.’ (Article 20(3), Constitution of India).

A Form of Proof - Confession

“Confession, a specific form of testimony, involving oneself, is used as a form of proof in judicial matters or at least at the time of finding out the facts” (Cipes, 1966). The value of confessions, however, is discussed, and law generally requests cross-checking them with objective facts and other forms of evidence, namely, exhibits, testimonies from witnesses, etc. in order to evaluate their value (O'Hara & O'Hara, 1980). On one hand, confessions obtained under torture have often been considered as not objective enough, since the use of such means may lead to the suspect in confessing anything. However, when the confession reveals secret only known to the performer (such as the location of the body or the weapon used), the confession is reliable and these are, normally, used by the police to find out the exact mode of crime.

Confession in India

However, in our country, no confession made to a police officer is valid as evidence at a trial. This is called extra-judicial confession. An extra-judicial confession is defined to mean ‘a free and voluntary confession of guilt by a person accused of a crime in the course of conversation with persons other than judge or magistrate seized of the charge against himself.’ (Ashima Garg, 2011)

All confessions must be made to a Magistrate not below the rank of Judicial Magistrate. The statements obtained in confession, before the court, were the strongest evidence against the appellant at trial. However, if it was obtained by force, it will never be considered for trial by the court. In India, forcefully obtaining confession is unconstitutional.

This was reaffirmed by the Supreme Court of India in the case "Smt. Selvi vs. State of Karnataka" in which it was held that narco-analysis, polygraph called as lie-detector, and brain mapping tests to be unconstitutional when taken under coercion or without the consent of the witness or accused, as they violate Article 20(3) of the Constitution (Supreme Court Judgment, (5th May 2010).

The Role of Language of Confession

There are some problems also when the confession is made. The police sometimes correct the accused or otherwise guide the accused describing the crime scene and then ask him to state what happened (Rutledge, 1994). This can be verified by the language of confession. This is an important issue as far as the legal process is concerned. The analysis of the language is very much necessitated as it is related to the crime or judicial proceedings. Hence the analysis of the language gets significance.

Confession as Admission of Crime

Before the trial begins, the police need exact information regarding subject matter, time, location, instrument/weapon, mode, accomplice, injuries, the attributes relevancy, accuracy, specificity, and source, verifiability, which are necessary to demonstrate that the accused is

guilty of the crime and to find out his traits (Grano, 1979). A confession, then, is both an admission of guilt and the provision of information that can confirm that guilt.

Reliability

Sometimes people who were apparently uninvolved in a crime provide such a detailed account of what occurred; allowing prosecutors to claim that only the defendant could have committed the crime. The notion that such detailed confessions might be deemed voluntary because the defendants were not beaten or compelled suggests that courts should not simply look at whether confessions are voluntary but should look at whether they are reliable (Gudjonsson 1992).

Focus of This Paper

This paper deals with information provided by the accused which brings out the preplan completed by him.

Here, in this paper four cases have been taken up for analysis. The confessions and statements made by the accused have helped the police to find out the pathway of the crime, find out the actual accused and the preplanned motive of the crime.

Case 1. Accused Mr. Natarajan for Murder

One Mr. Natarajan of Namakkal in Tamilnadu, working as an Assistant Professor in a private college in Padappai Chennai, had murdered his wife, Mrs. Vijayalakshmi, since she came to know about his illegal affair with another woman who was his student.

After her murder, he made a complaint to the police that his wife Vijayalakshmi was missing. In his complaint there was a sentence

engu teeDinaalum kiDaikka maatTaaL.

'She will not be found, even if searched everywhere.'

This gave the clue to doubt him. The sentence can be interpreted as 'I know that you may not be able to find her since something has happened to her, which I know.' The police set up a

trap to arrest him. Knowing that he would be arrested, he surrendered before the Court in Namakkal town in Tamilnadu, his native place.

Natarajan confessed to the murder. The confession was made in the presence of police officers on 16 July 2012. (Please see Appendix 1 for the translation of the statement)

With the confession made by the accused, the Police could trace the whole incident and since the incident had happened a month ago, police recovered the body for post mortem. The confession made the task easy in getting all the essential information.

In the confession, he has been repeatedly used the first person pronoun 'I' several times (in the last paragraph of his statement, see appendix 1), while describing how he had murdered his wife. Further, 'I only' was intentionally used in the confession made so that the police may not doubt anybody else. But this has given a clue that there may be somebody else also. Finally, the police arrested his girlfriend who was also with him when the murder took place.

Words and phrases like the following used by Natarajan are very important to establish the case. For example,

kaLLakkaadal 'illegitimate love'

tiirttu kaTTu 'to terminate (somebody)'

muDivu cey 'to decide'

aaL naDamaaTTam illaada pahudi 'the place where no body will be coming'

aayudangaL 'weapons'

kolai cey 'to murder'

maaTTikkoL 'be caught'

aRutteen 'cut-I'

kattiyaal oongi kuttu 'to stab brutally'

muham aDaiyaaLam teriyaamal iruppadaRkaaha 'for nobody should identify the face'

Voluntary Nature of Confession

Here, the confession was voluntary as per the police. ‘Voluntary’ means of one’s free will, impulse or choice; not constrained by another but acting willingly. Whatever be the way, it has helped them to finalize the case, a preplanned murder and the language has helped to nail some more also.

It is not clear from the statement as to how he was made to give the confession or whether this was a willingly given one. ‘Wrongful confinement to extort confession, or compel restoration of property.-- Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.’ (Section 348 of the IPC, 1860).

In this case Police at the time of legal processes had to prove that the confession was made voluntarily. But this paper does not try to analyze what happened later.

Confessional First Information Report

A confessional first information report to a police officer cannot be used against the accused in view of S. 25 of the Evidence Act. The Indian Evidence Act does not define ‘confession’. For a long time, the Courts in India adopted the definition of ‘confession’ given in Art. 22 of Stephen’s Digest of the Law of Evidence. According to that definition, ‘a confession is an admission made at any time by a person charged with crime, stating or suggesting the inference that he committed that crime’ (Inbau, J. Reid & Buckley, 1986). Here, in this case, the actual information was given to the Police and the Police could resolve the case.

Case 2. Accused Mr. Parthiban for Murder

A person called Arun of MGR street, Bhagyalakshmi Nagar, Maduravoyal, Chennai was murdered by his friend, Parthiban, on 26th August 2012. The accused Parthiban was arrested on 28th August.

The statement given by Parthiban to the police narrates the incident very clearly and hence it was resolved that the crime was done by him. (Please see Appendix 2 for the translation of the statement)

*enadu tozhilukku pooTTiyaaha irunda A-ai tiirttu kaTTa veeNDum enru
tiTTam tiiTTineen*

*“I began to make a plan to kill A, who was a competitor to me in my
business.”*

The words and phrases that helped the police are

*tozhilukku pooTTiyaaha ‘who was competitive in..’
tiirttu kaTTa veeNDum ‘(he should be exterminated)’
tiTTam tiiTTineen ‘I made a plan / (I) planned’*

The motive, though given as enmity because of competition in business between the two is not fully believed by the police. However, it has brought out the truth that this was a planned murder. Before this statement was made the police viewed it from two different angles.

1. A got married only three months ago that may be a motive for the murder.
2. They might have quarreled over business which led to the murder.

The police could systematically reconstruct the crime scene, based on the statement made by the murderer. The Police continued enquiring into the first option for the murder, thinking that the accused would have suppressed many facts.

Section 27 applies only to information received from a person accused of an offence in the custody of a police officer. However the statement need not be taken as genuine and final.

Confession – A Crucial Part of the Prosecution’s Case

It is very important to note that confession evidence often forms a crucial part of the prosecution's case against a defendant. When reviewing cases, in which they intend to introduce evidence of a confession, they should examine carefully the circumstances in which the confession was made to decide on its admissibility. However, this paper does not deal with this aspect of investigation.

The statements and confessions before the police have helped them to find out the actual path and method of the crime. Thus statements made help achieve successful solution in many cases. The danger is that a confession made by an accused is irrelevant in a criminal proceeding, if the making of the confession appears to the Court have been caused by any inducement, threat or promise. This also can be told in the court, if the accused is willing to do so (Stack, 1994).

Case 3. Accused Mr. Selvaraj for Possessing Counterfeit Currency

Mr. Selvaraj is a policeman in the Railway Protection Force stationed at Thanjavur. He was arrested when Rs.13000 worth of counterfeit notes were found in the amount of Rs. 30000 which was deposited in the ICICI bank, in Chennai on 24th August 2012. He was also possessing Rs. 5000 worth counterfeit notes in his suitcase. He made a statement in front of the police after his arrest.

In his statement, (Please see Appendix 3 for the translation of the statement) the accused had revealed the following details.

*avvaaRu varum poodu enadu uRavinaraana inspektar oruvar viiTTil
tanguveen. avvaaRu varum poodu aNNaa naharukku cenRu suudaaTTattil
iiDupaDuveen.*

*“Whenever I come (to Chennai), I used to stay in the house of an inspector
who is my relative. On these occasions I used to go for gambling in
Annanagar.”*

The phrase ‘*suudaaTTattil iiDupaDuveen*’ (“I gambled”) gave a clue to the police to find out the other culprits also.

Since the accused has mentioned the place from where the counterfeit notes were received by him, the Police could map out the path of the crime and arrest all the persons mentioned by the accused except the leader of the gang who is still at large. Though the policeman has not mentioned the name of the Inspector in whose house he used to stay as a partner, police have some doubt about the Inspector too. He was yet to be enquired / arrested.

Evidence

It was held that technically construed, the definition of the term "evidence" in Section 3 would not apply to confession. It was observed in a case that "Even so Section.30 provides that a confession may be taken into consideration not only against its maker, but also against a co-accused person; that is to say, though such a confession may not be evidence as strictly defined by Section.3 of the Act, it is an element which may be taken into consideration by the criminal court and in that sense, it may be described as evidence in a non-technical way. But it is significant that like other evidence which is produced before the Court, it is not obligatory on the court to take the confession into account" (Judgment by Hon'ble Judges: K. Subba Rao, R.S. Bachawat and Raghubar Dayal, JJ. in the Supreme Court of India, on 04.05.1965.)

A question arises as to how far the confessions and statements made by the accused can be of use for the legal proceedings. That is still a question to be answered by the IPC or by the courts depending upon the strength and fairness of the statement. However, as this paper has emphasized, these statements often help the Police to find out the modus operandi and other information related to the crime, but their validity before the court is not analyzed.

Case 4. Accused Mr. Arokiyadas for Extracting Money Illegally

Mr. Arokiyadas belongs to Nedumaram village in Ramanathapuram District of Tamilnadu, who is a jobless person. He was arrested based on the complaints made by shopkeepers in the Marina beach of Chennai while extracting money from lovers on 25th August 2012. He has given a statement to the Police officers at the Police Station.

kaakki colour pant veLLai colour saTTaiyai pooTTukkoNDu kaalai 11
maNikku kaDarkaraikku varuveen. anguLLa kaLLakkaadal jooDihaLai
kuRi vaittu avarhaLai maDakki piDippeen. avarhaLiDam vipaccaara

taDuppu police enRu kuuRi, police nilaiyattukku varumbaDi miraTTuven.
avarhaL payandu naDungum poodu, vipaccaara vazhakku pooDuveen enRu
miraTTi paNam keeTpeen.

“I used to wear khaki pants and white shirt (to pretend as a policeman) and came to the beach at about 11 O’clock in the morning. I used to get hold of lovers and tell them that I belong to the police, belonging to the anti-prostitution cell and threaten them. When I tell them that I am going to book them for prostitution, they would be terrified of that and I threaten them to give money.”

Arokiyadas has, in his statement, mentioned the modus operandi of the crime. But it was not clear whether some more persons were involved in the crime.

The words kaLLakkaadal jooDihaLai ‘lovers who are not lawful’, kuRi vaittu ‘aiming at’, maDakki piDippeen ‘round up -I’, miraTTuven ‘threaten-I’, vazhakku pooDuveen ‘file a case-I’ are very important in the language used by the accused.

Police became alert because of the statement and now necessary steps have been taken to protect the people and to prevent this kind of crimes.

Case 5. Mr. Kathiravan Murder case

In the murder case of Mr. Shankararaman in 2004, Mr. Kathiravan was implicated as one of the murderers. To the surprise of all, Mr. Kathiravan, who was living in K.K. Nagar of Chennai, was murdered on March 21, 2013. He was murdered by eight persons from Madurai, another city in Tamilnadu. Later, all the eight persons have surrendered and confessed to the crime, in which they have stated that the crime was done to take revenge on the murder of another person Mr. Chennakesavulu. The group had stated,

“anda kolaikku pazhivaangavee kadiravanai pooTTut taLLinoom”

‘We have murdered Kathiravan to take revenge on the other murder case.’

‘pazhivaangu’ to take revenge

Eventually, however, police accumulated enough evidence from the accused and started investigating the case. As successful as it turned out to be, the effort of the police was not without its own miscalculations, since the actual motive behind the murder was not established and the conspiracy also did not come to light, until when it took another course.

As a turning point in the investigation, the police had secret information that Mr. Kathiravan was in possession of two unlicensed illegal pistols, which was another piece of a puzzle. Based on this information the Police went to the house of Mr. Kathiravan for investigation. However, the police could not find any such pistols in the house of Mr. Kathiravan as well as that of his sister. But shockingly the police found Rs. 74 lakhs and 70 thousand in a suit case. They were perplexed by the sight of the huge amount of money. On enquiry, Mr. Kathiravan's mother gave a disclosing statement.

“Kathiravan kolai ceyyappaTTa piRahu, muunRu peNgaL oru suitcase-uDan vandaarhaL.

‘suitcase –il eraaLamaaha paNam irukkiRadu. niingaL vaittukkoLLungaL.’ enRu koDuttaarhaL.

aanaal naan atai maRutteen. ‘niingaL yaar , edarkkaaha paNam koDukkiRiirhaL enRu adaTTalaahak keeTTTeen.’

aanaal avarhaL inda suitcase-ai vaittuviTTu, ‘inda paNattiRku padilaaha kathiravan kolai vazhakkil ‘kaadukuttu Raviyai’ kutraaazhiyaaha pooTTaal niingaL adai maRukka veeNDum. ‘kaadukuttu Ravi’ KathiravanuDaiya nerungiya naNban enRu solla veeNDum’ enRu miraTTi kuuRiviTTu kaaril eeRi poonaarhaL.

naangaLum inda paNattai toTTu kuuDa paarkkavillai.” (Please see Appendix 5 for the translation of the statement.)

Another piece of the puzzle was disclosed by the statement of the lady.

“...paNattiRku padilaaha..”

‘.....for this money..’

“kathiravan kolai vazhakkil ‘kaadukuttu Raviyai’ kutraaazhiyaaha pooTTaal niingaL adai maRukka veeNDum.”

‘In the instance of the case of murder of Kathiravan, if Kadukuttu Ravi is implicated as an accused, you should refute that.’

“KathiravanuDaiya nerungiya naNban enRu solla veeNDum.”

‘You should say that he is a very close friend of Kathiravan.’

These words and sentences gave the clues for the murder and to identify the accused. The motive behind the preplanned incident of contract by giving money led to the arrest of the third wife of ‘Mr. Kaadukuttu Ravi’ Mrs. Bhanumathi, their relatives Mrs. Mallika, Mrs. Arivuccelvi, Mrs. Sandhiya, Mr. Johnson and Mr. Venkatesan who have been involved in the money transaction. From the fact that money is involved in the case the police suspected that much more money is being transacted in the whole affair of the murder of Mr. Kathiravan. The most talked-about aspect of the case was that there is chain of killings from Sankaraman case and it has finally showed the way to the surrender of ‘Mr. Kadukuttu Ravi’.

Conclusion

A confession is an admission by an accused in a criminal case and if he does not implicate himself, the statement cannot be said to be a confession, because he does not acknowledge his own guilt. Confession of the accused is a very important determinant in the pronouncement of guilt in a criminal justice trial. There is no doubt regarding the fact that a conviction can safely be based on a confession made by the accused but confessions are admissible when they are made voluntarily.

Keeping the judicial trial apart, this paper tried to focus on the information necessary for the Police to prove that the accused is guilty of and the preplan he had made to execute the crime. To that extend, it was possible to prove from the linguistic evidences in the form of words and phrases the accused or the witness used while giving the statement that the person is guilty of the crime and he had a preplan to the crime.

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Appendices

Appendix 1

Confession made in the presence of the police officers on 16 July 2012 by the accused Natarajan who had surrendered in the court in Namakkal, his native place for murdering his wife Vijayalakshmi.

"A few years back I was studying ME in a private college in Maduravoyal (Chennai). During that time I started loving a girl from Bangalore. I used to go to Bangalore to meet her often. Later after my studies I joined as a lecturer in a private college in Parivakkam, near Poonthamalli (Chennai). I was staying in a house with my friends. I had introduced the girl from Bangalore telling them that I would be marrying her.

But last year when I went to my native place, I was forced to marry Vijayalakshmi (the deceased) because of the compulsion by my parents. But I did not tell this information to my

friends and the Bangalore girl. After that I got appointment in a college in Padappai (Chennai). My love (the Bangalore girl) used to visit all these places.

One day, my wife had come to my college and asked for me telling she was my wife. But they have told her that another woman is his wife and they were also confused. Getting angry at my deeds my wife went back to her parent's house in Namakkal. From then onwards we started quarrelling.

Since she came to know about my illegal relationship with another girl, she might be an interference to my affairs, I planned to murder her.

Last month (June 12) I asked her to come over here (Chennai) alone to go to Salem for the marriage of my friend. Believing my words, she got Rs 400 from her parents and came to Thambaram (Chennai) on 6th June.

I had already bought a new phone and a SIM card and gave it to her to talk to me only, so that I will not be doubted and should not be caught for the murder (which I had planned). But I didn't know that she was using the new SIM in her old cell phone only. I didn't know this.

I took her who was waiting in Thambaram to my house. I was talking to her very closely. Without knowing that she would be murdered with in some minutes, she was talking to me very happily. Even before that I had already kept a spade and crow bar secretly near the Krishna canal near my house.

If I murder her in the house she may raise voice and I would be caught, hence at about 12 O'clock in the night, I asked her to come for a walk to get fresh air and I only murdered her by slitting her neck and stabbing her in the chest. She died immediately. I had buried her body in a pit which I had already dug on the Krishna canal bed near Celliamman temple in Kattupakkam. I dropped a stone also on her face so that none can identify her face. I had broken the cell phone and the SIM card and threw them away. I thought she would be using the new phone , unfortunately, she had used the old phone and hence I was caught." (*Thinathanthi* page 12 and *Dinamalar*, page 10, 17.7.2012. and *Thinathanthi*: page 2, 18.7.2012)

Appendix 2

Arun of MGR street, Bhagyalakshmi Nagar, Maduravoyal, Chennai was murdered by his friend, Parthiban, on 26th August 2012. The murderer Parthiban was arrested on 28th August.

The statement given to the police by Parthiban is as follows:

“I had a shop to cut fish in the fish market in Vanagaram (Chennai) for the past so many months. Three months ago, Arun established a shop to cut fish nearer to my shop. This made me angry with him. Lots of customers will be coming on Sundays. Arun used to call my customers also forcefully and cut fish and collected money. We used to quarrel on this count often and finally we would be peaceful.

I began to make a plan to murder him, who was an opponent in my business. As per my plan on Saturday night I called him in the pretext of keeping the fish in ice and took him to Srilakshminagar. There I insisted on him to have a drink. Though he was reluctant in the beginning, he drank with me later. After some time we had an altercation. I was very angry with him and took the knife which was hidden and tried to cut him. He ran away and while he tried to enter into a house, I caught him and stabbed him many times and ran away from the spot.”
(*Thinathanthi* : 27 August 2012)

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Appendix 3

Mr. Selvaraj is a policeman in the Railway Protection Force stationed at Thanjavur. He was arrested when Rs.13000 worth of counterfeit notes were found in the Rs. 30000 which was deposited in ICICI bank, in Saidapet on 24th August 2012. He was also having Rs. 5000 worth of counterfeit notes in his suitcase. A statement was given after his arrest.

“I used to come to Chennai from Thanjavur once in a week bringing post for the IG Office of the Railway Protection Force in Chennai. Whenever I come to Chennai, I used to stay in the house of an inspector who is my relative. On these occasions I used to go for gambling in Annanagar. I used to win the games. The counterfeit notes were there in that money, I won.”
(*Thinathanthi* 27-8-2012)

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Appendix 4

Mr. Arokkiyadas belongs to Nedumaram village of Ramanathapuram District of Tamilnadu, who is a jobless person. He was arrested based on the complaints made by shopkeepers in the Marina beach of Chennai while extracting money from lovers on 25th August 2012. He has given a statement to the Police officers at the Police Station.

“I had a fast food shop in Chinthadripet (Chennai. Since another person had purchased the shop and I had no income, I had gone to my native place. I could not do any work there also. So I used to come over to Chennai twice a month and stay in a lodge in Thiruvallikkeni.

I used to wear khaki pants and white shirt (to pretend as a policeman) come to the beach at about 11 O’clock . I used to catch hold of lovers and tell them that I belong to the police belonging to the anti-prostitution cell and threaten them. When I tell them that I am going to book them for prostitution, they would be terrified of that. At that moment I ask for Rs. 500 to 2000. Getting the money I chase them away. I used to collect about Rs 10,000 a day.

“When I get more money, I return to my native place and after the money is spent, I come back and extract money in the attire of police.” (*Thinathanthi* 26th August 2012)

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Appendix 5

The statement was given by the mother of Kathiravan who was murdered. The statement was given by her in the presence of police who were in the lookout for pistols but shocked to see huge amount of money.

‘After the murder of Kathiravan, three women came with a suitcase. They said, “A lot of money is there in the suitcase, you may keep this with you” And they gave the suitcase. But I refused to take that. I asked them courageously, “Who you people are? Why are you giving money? But they pleaded that “Keep this suitcase and as an exchange for of the money, if the police implicate Kaadukuttu Ravi as one of the accused in this (murder) case, you should refuse and should say that Kaadukuttu Ravi is Kathiravan’s very dear and close friend. They threatened me and went by a car. We have not even touched the money.’ (*Thinathanthi* 1st April 2013)

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Colophon:

I express my sincere gratitude to my Guide Prof. M. Ganesan, Director, CAS in Linguistics, Annamalai University, Annamalainagar and Prof. N. Nadaraja Pillai, former Professor cum Deputy Director, Central Institute of Indian Languages, Mysore for the corrections and modifications, Dr. L. Ramamoorthy, Head, Linguistic Consortium for Indian Languages, CIIL and Dr. M. Balakumar, Head National Testing Service, CIIL for their valuable suggestions and encouragement.

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Language in India www.languageinindia.com ISSN 1930-2940 13:5 May 2013

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