



ROLE OF HANDWRITING EXPERT IN ESTABLISHING FORGERY: A CRITICAL ANALYSIS

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Abstract--Handwriting and electronic records are the visible proof of execution of document and the right conferred by that document. The creations of rights by the documents are insignificant unless enforced by law. The use of documents and electronic records has increased enormously during last few decades. When these documents represents wealth, property and other important rights, the chances of its fabrication increases. Forgery is an offence related to documents, which can be committed by altering the original text by using various methods. Generally offence of forgery is committed secretly, so eye witnesses and other direct evidences are very difficult to obtain. Whenever the authenticity of a document or electronic record is in question, the court needs assistance of the expert to prove the document to be genuine or forged. Handwriting expert can give his opinion based on study of disputed document with admitted documents. Opinion of the expert is admissible under, Indian Evidence Act. However the question here is that, whether expert's opinion can be a conclusive evidence for convicting accused solely in the basis of expert evidence?

Key Words: Document, Electronic records, Forgery, Handwriting expert

INTRODUCTION

This is an age of documents both written and electronic. We depend on them in many of our encounters with the complexities of modern life. They figure in our financial, legal, business, social and professional affairs. Hardly a day goes by without some document playing a part in the life of every one of us.ⁱThe documents have become important in every walk of our lives. Documents are used in contract, sale and purchase of property, whether moveable or immovable. Records of forests, population, taxes, property, salary etc. are all kept through documents. With increase in their importance, the question of genuineness of these documents has become a matter of prime concern. The documents which present the record of wealth, property, reputation or any such important matter, are more prone to be fabricated. It is therefore axiomatic that the genuineness of these documents must be established by examining into their original state, source, authenticity and age.

The documents which represent specific rights or represents great value are more subject to fabrication or alteration. Forgery is an offence relating to documents, whenever any alteration is made or a false document is made with intent to cause any harm to other, then forgery is committed. The loss which can be caused by forgery is far greater than any other crime relating to documents or property marks etc. The term forgery by its nature contains forgery of currency notes, handwritten documents, stamp papers, real, plate, typewritten and printed documents and electronic records etc. The forgery of currency notes can destroy the economy of the whole nation. On 8th November 2016, Indian Government had to declare demonetization of 500 and 1000 rupees notes, only in order to keep the black money and forged currency notes out of the system. The instances of forgery of stamp papers occurred in Telgi Scam, where stamp papers of approximately 30-60 thousands crores were alleged to have been forged. Bofors scam, Chara Ghotala, 2G Scam and all big scams which were committed in the recent times, this or that may involve the offence of forgery. Because alterations in the documents were made in all such scams in order to affect the contracts. Analyzing the gravity of offence, more attention is required to be paid for looking into conditions which can be used for the detection of the forgery.

Identification of handwriting is a science and occupies an important place in the administration of justice, where the rights and liabilities of person depend upon the genuineness or otherwise of questioned documents in courts of law.ⁱⁱ Documents examined under the microscope, by revealing innocence or guilt has changed the lives of many people. In civil cases ranging from 10 dollars cheques to contested wills testaments, the disposition of millions of dollars has depended upon the identification of handwriting or upon evidence of the date of an 'instrument'.ⁱⁱⁱ

FORGERY

Forgery is an offence which originated with the invention of art of writing and with the custom of preserving documents.^{iv} The earliest trace of the offence of forgery is found in the writing of Bracon, who gives



only one instance of it, which he classified as treason. This was forging the seal of the State. It was an offence under the criminal law punishable with deportation or banishment and sometimes with death.^v With the passage of time the nature and gravity of forgery has changed. In common sense, forgery is the making of a false document or false electronic record with a view that it may be used as genuine. According to Halsbury's Law of England, "the making of a written instrument, which purports to be that which it is not, in order to defraud is forgery."^{vi} Forgery has been defined in Indian Penal Code under section 463 and Section 464. For the Commission of Forgery, it is essential that there must be existence of intention to commit fraud as a general term under section 463 and section 464 defines what the making of false document is? According to section 463 and 464 of the Indian Penal Code, three elements are necessary to constitute forgery. Firstly, the document or part of the document must be false. Secondly, it must have been made dishonestly or fraudulently. Thirdly, it must have been made with a wrongful intent. The forgery may be committed by writing in pencil, ink, by typewriter, by printing or by pasting one name or letter in the note over another.^{vii} Any person, who makes a false document dishonestly or fraudulently for the purpose that it can be used as genuine, commits forgery. Chapter XVIII of Indian Penal Code under sections 464 to 477-A describes various kinds of forgeries and prescribes punishment. After the amendment in the Indian Penal code, electronic records are included in the term document.

METHODS OF FORGERY

The offence of making forged signatures has acquired the status of an art and science. The master forger has so much perfection in the techniques that it can simply mislead a common man and bankers who have to deal with the documents and signatures.^{viii} Forgery of signatures or documents can be committed in a number of ways.

- *Simulated Forgery*: A simulated forgery is the simulation or imitation of genuine writing.^{ix} For the purpose of this type of forgery, the forger must have a model signatures or writings of the victim. Many times the whole document such as letters, pro notes and receipts are found to be forged. In such cases the entire document is subject to examination.
- *Forgery by Tracing*: A traced forgery is the result of an attempt to transfer to a fraudulent documenting an exact facsimile of a genuine writing by some tracing process.
- *Disguised Forgery*: Disguise handwriting is one in which the person has made a deliberate attempt to remove or to modify all or some of his normal writing habits.^x The forger has prior intention to deny their authorship later on. The success of this type of forgery depends upon various factors like, did culprit had sufficient time to think and practice changes to adopt a particular disguise? Or was the intended recipient familiar with the signatures of the forger?
- *Alteration of Figures*: Books of account are often changed by adding fraudulent entries in such space as may have been left. Where such entries are suspected, there should be careful inspection of writing as to its general harmony as to its size, slope, spacing, ink and pen used. The writing of such entry is likely to differ from adjacent writing or shade of ink.
- *Erasure*: Erasure on a document is committed for the eradication of words or figures and substitution of other for monetary gain. Erasure on a document is committed, either by mechanical erasure or by use of knife or it is committed by chemicals. Mechanical erasures does not always remove portion of surface of paper and destroys a part of polish of paper and makes the paper thinner. A detailed study of handwriting enables the exposure of the fraud and forgeries etc. Handwriting in its broad sense is the making of any mark upon any surface by direct human agency, as a means of communicating information to a fellowman. This may include engrossing and drawing and even painting. However, in its popular acceptance, the term handwriting is limited to that form of freely written characters which is usually adopted by a person in sending message to another person. In its restricted sense, therefore, handwriting may be considered as a written speech of the individual.^{xi}

In general, there is a distinct prevailing character in every person, manner of writing, which is easily discoverable by observation and when, once known may be afterwards applied as a mental standard by which to test any other species of his writing, whose genuineness is disputed. In each person's handwriting there is some



distinctive characteristic which, as being the reflex of his nervous organization, is necessarily independent of his own will and unconsciously forces the writer to stamp the writing of his own. The most striking feature in the handwriting of a person is the uniformity of his signature.^{xii} Many persons habitually sign their names in a peculiar hand, very different from the handwriting; they adopt and preserve a particular form of signature, while the general hand is constantly changing. Thus, different criteria may prevail in the identification of handwriting and signature of the same person. Many types of crimes are committed by imitating the handwriting of different persons. There are many persons who can forge the signatures of the others with great skill. The forgery in such cases is so perfect that it becomes difficult to identify which is the forged one. For ascertaining whether a signature is forged one for judging the genuineness of a signature, the suspect document is sent to the handwriting experts for their opinion.^{xiii} The individuality of the writing and signature of every other person is the result of several factors constituting the basis of formation of handwriting. The formation of handwriting is brought about by several factors like, influence in the school room, family influences, race and nationality, sex, influence of mind and physical causes etc.^{xiv} There are four main movements in the formation of figures and letters: finger, wrist, forearm and whole arm movement.^{xv} It is exceedingly difficult for a person habitually writing by one movement to successfully imitate writing executed by another movement. In addition, original and highly eccentric persons develop equally original and eccentric handwriting. A person has distinct characteristics of his own handwriting. His manner of writing, stroking, spacing, curling, loops, pen rest, pen pressure, etc. must be according to his own style and habit and it shall be unique and different from others.^{xvi}

A handwriting expert's attention is focused on this area. The handwriting characteristics of a particular person must be different from all other. Experts may give their opinion upon the genuineness of a disputed handwriting after having compared it with specimens admitted or proved to the satisfaction of the judge to be genuine. By utilizing the services of a document expert, who is able to develop facts and present evidence based on modern scientific methods of examination, countless tragedies can be avoided. A qualified and experienced document expert can render a great variety of services that are probably entirely new and unknown to most practicing attorneys. The expert's technological knowledge and its proper application can provide the court with evidence that can change the outcome of the case. Any comparison of a disputed signature will be only useful when it is done with an admitted signatures otherwise it will be a case of blind leading the blind.^{xvii} There is a need for care and caution in utilizing the testimony of handwriting experts. It is not the apparent qualifications of a handwriting expert, which ought to determine the value of the evidence given by him, but the soundness of the reasons advanced by him in support of the opinion expressed by him.^{xviii}

FORGERY OF ELECTRONIC RECORDS

In the past, the documents contained matter, in written form i.e. in handwriting, typewriting or printing. But with the invention of tape recorder, computers etc. the documents are or are likely to be substituted by electronic form. Use of computers in almost all public and private sectors has become common these days. Within the last few decades, the use of electronic records has taken a new shape because electronic records are more advantageous than the paper records. Storage and maintenance of electronic records are easy than the documents. But as the use of electronic records has increased, the instances of forgery of electronic records are also increasing. Forgery of electronic records is committed by manipulating data. Digital signatures are used to authenticate the electronic records. But digital signatures can also be forged by changing the combination of private key and public key.

The rapid growth of information and communication technologies over the past decades has created revolution in both business transactions and individual practice.^{xix} The world wide explosion of electronic commerce and development in the computer telecommunication sectors are changing the delivery and availability of information and services. The growth of electronic media has also created new fields of criminality. Increase in the use of computers in every field of life has increased the opportunity of misuse of computers also. The data stored in the computers is called electronic record. Electronic Record^{xx} means data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated microfiche. Electronic records are included with documents for the purpose of proving or disapproving any fact in issue. Electronic records like other documentary evidence may be primary or



secondary evidence and are admissible. There is no express threshold requirement for computer generated evidence to be given before an Indian Court of law. But before any electronic record is admitted as evidence, the court must satisfy it with two tests. Firstly, there must be no reasonable ground for believing that the statement is inaccurate because of improper misuse of the computer. Secondly, the computer must have been operating properly at all material times or at least the part that was not operating properly must not have affected the production of the document or the accuracy of the content.

STANDARD OF PROOF IN CASES OF FORGERY

A trial for forgery cannot proceed in the absence of the document alleged to be forged. The offence of forgery is not an exception to this rule that the evidence against the accused justifying the conviction for the offence must be proved conclusively. All the ingredients of the offence charged must be proved conclusively. Burden of proof is off course on the prosecution to prove that the document was forged and was forged by the accused. It is not for the defense to prove that the document is genuine. But when document is relied on by the accused then it is his duty to prove it. When the prosecution alleges it to be forged, it is the duty of prosecution to prove forgery beyond reasonable doubts.^{xxi} A person cannot be convicted of a serious crime solely on the evidence of similarity of them impressions or of handwriting. In criminal cases rule of evidence is that it is the duty of the prosecution to prove the case against the occurred and they should not rely on admissions made by him in the course of trial for convicting him. It must be proved by direct as well as corroborative evidences.

OPINION OF HANDWRITING EXPERT IN CASES OF FORGERY

Section 45 of Indian Evidence Act 1872, specifically includes handwriting as a field along with science or arts, where the opinion of experts is admitted. Writing is a thing that is tangible and almost every man who can write has a character that those who are acquainted with it can readily recognize; and though it may be imitated by expert penmen, as a general rule its individuality is easily established by the experts. The opinion of handwriting expert is of one, who is familiar with the writing of a person or who is said to have written a particular writing. The comparison of the disputed handwriting with proved or admitted handwriting may be made by the court, but the comparison by the court without guidance of an expert is hazardous and inconclusive. There is need for care and caution in judging and utilizing the testimony of handwriting experts. The worth and opinion of an expert can be tested by the reasons given by him in support of his opinion and not by bare conclusions of the experts.^{xxii} An expert is one who is skilled in any particular art, trade or profession, being possessed of peculiar knowledge concerning the same.^{xxiii} An expert who has acquired special skill in the art of handwriting identification will be the most reliable witness in establishing handwriting. The foundation on which expert testimony rests is supposed to be superior knowledge and experience of the expert in relation to the subject matter upon which he is permitted to an opinion as evidence. However, beside this, expert evidence, which is of course of the best method of proof, the law makes relevant two other modes. Writing may be proved to be in the handwriting of a particular individual by the evidence of a person familiar with the handwriting of that individual^{xxiv} or comparison by the court with a writing made in the presence of the court or admitted or proved to be the writing of the person.^{xxv} The word 'handwriting' in section 45 to include typewriting, the word 'science' occurring independently and in addition to the word 'handwriting' in section 45 is sufficient to indicate that the opinion of a person sufficiently skilled in the use of typewriters and having scientific knowledge of typewriters would be an expert in this science, and his opinion about the identity of typewriting for the purpose of identifying the particular typewriter on which the writing is typed is a relevant fact under section 45 of the Evidence Act.^{xxvi} The word 'science' is wide enough to include the opinion of a typewriter expert as opinion evidence coming within the ambit of section 45 of the Evidence Act.

With the increase in the cases of forgery, the problem arises as to detection of forgery. The examination of suspect document requires the special skill, experience in the field of handwriting because the genuineness of the document can be proved by proving the handwriting of the document. Evidence of the identity of handwriting is permitted under three sections of the Indian Evidence Act i.e. Section 45, 47 and 73. In case expert evidence is to be given, the expert has to come personally in the court and give reasons in support of the opinion.^{xxvii} In order to reach the conclusion that two writings are of same person, the individual characteristics of 'dents and scratches' in sufficient quality have to be noted. Expert evidence have little value when



handwriting experts have been produced by both the parties and each supports the case of the party, who called them and gives technical reasons for his opinion.^{xxviii} The weight of such evidence depends on the maxim, “*Cuilibet in arte sua credendum est*” and it is admissible on the basis of the general rule that, “the opinion of witness possessing particular skill is admissible. Whenever, the subject matter of enquiry is such that inexperienced persons are unlikely to be capable of forming correct judgment upon it without such assistance.”^{xxix}

EVIDENTIARY VALUE OF OPINION OF HANDWRITING EXPERT

Like other secondary evidences, opinion of handwriting expert has been given proper consideration. But it cannot be denied that, it is considered to be less satisfactory evidence and needs to be corroborated by other circumstantial evidences. However the evidentiary value of the opinion of handwriting expert differs from case to case and its evidentiary value depends upon the other evidences given by the parties, in for or against the genuineness of the document. The court has given weight to the disposition of an expert on the basis of qualification and experience of the expert, contradiction and corroboration, manner and procedure for taking disputed and admitting handwriting. In *Nallabathu Purniah v. Gorse Mallikarjuna Rao*,^{xxx} the opinion of the handwriting expert was rejected by the lower court on the ground that expert is not qualified. But the High Court observed that the fact on record suggested that the expert was having necessary qualification. The court further observed that: “one becomes an expert in the field of identification of handwriting and signatures by training and experience and constant observation. It is not a developed science, where there can be a regular course or training to be undergone in any institute and given the degree or diploma in this regard thereto.”

In another case *State of Maharashtra v. Sukhdeo Singh*,^{xxxi} the Supreme Court observed that before a court can act on the opinion evidence of a handwriting expert, two things must be proved beyond reasonable doubt, firstly; The genuineness of a admitted handwriting of the concerned accused and secondly; The handwriting expert is a competent, reliable and dependable witness whose evidence inspires confidence. The evidence regarding identity of author of any document can be tendered through the testimony of an expert who is qualified and competent to make a comparison of a disputed writing and admitted writing on scientific basis. In those cases, where both the parties have engaged experts, who gives opposite view regarding the same document. Then it becomes necessary to exercise extra care and caution in evaluating their opinion before accepting the same. In *Balbinder Kaur v. Bawa Singh*,^{xxxii} where both the parties called experts for examining the disputed signatures, the Punjab and Haryana High Court held that the defendants expert witness has given cogent reasons for his opinion that the disputed signature do not tally with his admitted signature. The expert had gained experience as Government Examiner of questioned document Shimla and had appeared in the court in more than 1400 cases. On the other hand, plaintiff’s expert witness had no such qualification. He stated that there is a natural variation in the standard signatures. The reasons given by the plaintiff’s expert in support of his opinion were not found cogent by the court. The court considered the opinion of the respondent’s handwriting expert and came to conclusion that the disputed signatures were forged. In *Lalit Popli v. Canara Bank*,^{xxxiii} it was observed by the Supreme Court that section 45 itself provides that the opinion are relevant facts. Where the experts possess peculiar skill, then its evidence cannot be totally irrelevant on the basis that there were adverse remarks against experts in some past proceedings.

The other factor which has its effect on the evidentiary value of expert evidence is the contradiction and corroboration of expert opinion with other evidences. The terms ‘contradiction’ and ‘corroboration’ are used in two senses before the court, firstly, when a witness is contradicting his earlier statement and secondly when some other witness is contradicting the testimony of expert witness is known as contradiction. Similarly, the term corroboration is also used in reference to earlier statement of the same witness or in reference to other witness which lent support to the deposition of expert witness. If the expert evidence is corroborated by other evidences, it certainly will have more value. But if the same is contradicted by some direct evidences, then it will have less value in the court of law. In *Shashi Kumar v. Subodh Kumar*,^{xxxiv} where the opinion of handwriting expert was inconsistent with the other evidences and the expert in court also accepted that he had not conducted the essential chemical tests, the Supreme Court held that: “expert evidence as to handwriting is opinion evidence and it can rarely, if ever take the place of substantive evidence. Before acting on such



evidence it is usual to see if it is corroborated either by direct evidence or by other circumstances.” Similar view was given by the Supreme Court in *Ram Narian v. State of U.P.*,^{xxxv} where the appellant was held guilty of kidnapping and wrongful confinement on the bases of the fact proved in the lower court that, he had written the anonymous letters, handwriting of which was examined by handwriting expert. In appeal against the decision of, the Allahabad High Court, the Supreme Court observed that, “it is no doubt true that the opinion of a handwriting expert given in evidence is no less fallible than any other expert opinion adducted in evidence, with result that such evidence has to be received with great caution. But this opinion, which is relevant may be worthy of acceptance if there is internal or external evidences relating to the document in question supporting the view expressed by the expert.” Corroboration is needed to make opinion evidence conclusive. In *Babu Ram v. Smt. Prassani*,^{xxxvi} the handwriting on the form was proved to be of the appellant on the basis of the circumstantial evidence. It was held by the Supreme Court that: “even when it is assumed that the signature of a person could be legally held to be proved on circumstantial evidence. The principle which governs the appreciation of such circumstantial evidences in cases of this kind cannot be ignored. It is only if the court is satisfied that the circumstantial evidence irreversibly leads to the inference that the person must have signed document in question that the court can legitimately reach a conclusion.” In *Murari Lal v. State of M.P.*,^{xxxvii} the accused was held guilty of murder by the lower court as well as by the High Court on the basis of opinion of handwriting expert, and with other evidence showing that he had committed murder and written the suicide note. The Supreme Court held that there is no rule of prudence which has crystallized into a rule of law, that the opinion of a handwriting expert must never be acted upon unless, substantially corroborated. But having regard to the imperfect nature of science of identification of handwriting, the approach should be one of caution; reasons for the opinion must be considered. But in case where the reasons for the opinion are convincing and there is reliable evidence throwing a doubt, the uncorroborated testimony of an handwriting expert may be accepted.

Section 134 of the Indian Evidence Act does not talk about contradictions or corroborations. It does not guide the court as to when particular evidence is to be accepted or rejected. The rule requiring corroboration to believe the testimony and expert evidence is a rule of prudence, made by the court. Moreover secondary evidence does not touch the main facts of the case directly. Therefore the secondary evidence would always require some or other evidence to make it believable. However the contradiction and corroboration play an important role in believing and disbelieving the evidence. Hence more value must be attached to the opinion of handwriting expert. The conclusion emerges from the observations of the court that the opinion of handwriting expert is a weak evidence and needs to be corroborated by other circumstances evidence, but as a secondary it has been given due consideration and the opinion of expert witness cannot be rejected on the basis that he is a remunerated witness.

CONCLUSION

Handwriting and signatures contained in documents are the visible proof of execution of document and right conferred by that document. The creations of rights by the documents are insignificant unless enforced in the eyes of law. By a document, rights and liabilities may be created. Handwriting is one method by which the execution of documents are proved by producing the documents and its contents in the court. Various methods for proving the handwriting has been laid down under the Indian Evidence Act. But the requirement of proving handwriting or contents of the document is not new. The main offence which is committed in relation to document is forgery. For convicting any person for the offence of forgery the offence must be proved beyond reasonable doubts. Opinion of the handwriting expert can be very useful in establishing forgery before the court. However, the expert opinion is considered to be secondary evidence and corroboration of such evidence is needed for convicting a person for the forgery. This is due to the reason that identification of handwriting is considered to be an imperfect science and chances of fallibility of evidence is there. That is why the courts do not consider it safe to convict a person solely on the basis of evidence of handwriting expert. The offence of forgery is committed secretly, so any direct evidence or eye witness is a rare instance. So looking into the nature of the offence, the opinion of expert must be given more value in cases of forgery. With new scientific developments, identification of handwriting is becoming nearly a perfect science. The age of the documents, ink etc. can be determined by the experts using new techniques.



Invention of computers and other electronic records has ended the monopoly of handwritten and printed documents. Now an electronic record has been included in evidence as documents. Word 'Electronic record' has been included with documents in the definition of evidence. Information Technology Act, 2000 has made the electronic records specifically admissible as evidence. But still there are few cases of forgery of electronic records registered and the number of decided cases are negligible. Because there are various problems relating to jurisdiction and adjudication etc. these problems affect the proof in cases of forgery of electronic records.

In order to be effective in enforcement and adjudication of cases relating to forgery, a consensus in the shape of agreements and treaties is required at international level. Similarly, the national electronic system is also required to be strengthened by providing mechanism for detection of such acts up to functional level. The forgery is an economic offence by nature. The criteria for sentencing and payment of fine are required to be on different lines than any other offence. This would require the amendment of provisions relating to conviction and sentence. The accuracy of scientific experiments depends on quality and facilities of laboratories and skill, integrity and independence of person performing experiments. Therefore, it is suggested that more independent laboratories with latest equipments must be established.

REFERENCES

- * Assistant Professor, UILS, H.P. University, Shimla-171 005.
- i Clark Sellers, Strange Wills, *Journal of Criminal Law and Criminology*, 28 (1987), 106-117.
- ii Nabar B.S., Forensic Science in Crime Investigation, (2008), p.157.
- iii Hanna, F. Sulver, Disputed Documents, (1966), p.1.
- iv Gaur, H.S., *Pensal Laws of India*, Law Publishers (India) Pvt. Ltd., Vol. IV, p. 3834.
- v Gosh, S.K., *Forgeries, Cheating, Criminal Liability*, Delhi Law House, (1978), p. 1.
- vi See Halsbury Law of England, 4th ed., Vol. II, p. 707, Para 1324.
- vii Encyclopedia Britannica, 15th Ed., 2002, Vol. V, p. 882.
- viii Sharma, B.R., *Bank Frauds*, Universal Law Pub. Co. Pvt. Ltd., 2003, p. 44.
- ix Osborn, A.S., *Questioned Documents*, Nelson Hall Co., Chicago, 2nd Ed. p. 272.
- x Hilton, O., *Scientific Examination of Questioned Documents*, Elsevier, 3rd ed., p. 168.
- xi Gaur S N, *Lion's Medical Jurisprudence for India*, 1986, p.2431.
- xii *Ibid.*
- xiii Das Durga Pada, Evaluation of Handwriting Experts Evidence in the Administration of Criminal Justice, (2006) *Cr.LJ*, p.289.
- xiv *Field C. D.*, Expert Evidence, (2007), p.375.
- xv *Supra note 11*, p.1015.
- xvi Bindessuree v. Dona, (1968), 8 WR. 88.
- xvii Vembu Ammal v. Esakkia Pillai, AIR 1949, Mad. 419.
- xviii *Infra note 22*, p.2445.
- xix Kamath Nandan, Law Relating to Computer, Internet and E-Commerce, (2002), p.55.
- xx See Section 3 of Information Technology Act, 2000.
- xxi Adni Mallik v. State, AIR 1955 Cal. 474.
- xxii Woodruffee & Ameer Ali, *Indian Evidence Act*, Law Nook Company, 1968, Vol. 1, p.1023.
- xxiii *Supra Note 22*, p.974.
- xxiv See Section 47 of Indian Evidence Act, 1872.
- xxv See Section 73 of Indian Evidence Act, 1872.
- xxvi *Supra note 14*, p.2563.
- xxvii Bal Krishan Das v. Radha Devi, AIR 1984 All. 133.
- xxviii K. Malaiah v. State of Mysore, 1956 Mys. 90.
- xxix Taylor, *Evidence*, p. 1418.
- xxx AIR 2003, A.P. 201, see Also Laxmi Chand v. Ishroo Devi, AIR 1977 SC 165.
- xxxi AIR 1992, SC (2)13.
- xxxii AIR 2003 P & H. 379.
- xxxiii AIR 2003 SC, 1975.
- xxxiv AIR 1964, SC., 529.
- xxxv AIR 1973, SC., 2000.
- xxxvi AIR 1964, SC, 529, See, also, State of Maharashtra v. Ramu Gopinath Shinde 2000 Cr. L.J. 2310.
- xxxvii AIR 1980 ,SC 531.