Evidence defined.

The expression "evidence" has been defined in Article 2 ( ) of the Qanun-e-Shahadat order not exhaustively; it concludes-

(i) All statements which the court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry: such statement are called oral evidence, and

(ii) All documents produced for the inspection of court: such documents are called documentary evidence.

As the word "evidence" is not defined exhaustively, it is necessary to see what its ordinary meaning is. According to Stephen

(a) It some times means the words uttered and things exhibited by witnesses before a court of justice;

(b) At other times, it means the facts proved to exist by those words or things and regarded as the groundwork of interference as to other facts not so proved.

(c) Agam it is sometimes used as meaning to assert that a particular fact is relevant to the matter under inquiry.

According to Munir in his classic work "Principles and Digest of Law of Evidence" a commentary on the Evidence Act of 1972, the word is used in the sense denoted at (a) above. (PLD 1994 SC 501)

Thus, 'evidence' is a comprehensive word which includes statements of the parties and witnesses and documents which are produced in a court or a judicial forum to prove or disprove a case. (PLD 1994 SC 501).

2. Distinction between evidence and proof.

Distinction between "evidence" and "proof" is clearly discernable from the definition of the expressions "evidence", "proved", "disproved", "not proved". Evidence of a fact and proof of a fact is not the same thing. While 'evidence' consists of oral and documentary evidence produced in court, 'proof' may not be the result of evidence alone; it is the result of a consideration of the 'matters' before the court. In treating a fact as proved, the court does not rely merely upon the evidence or statements of witnesses, admission or confession of parties and the documents produced before it. It may also rely upon the matters such presumptions, (see Articles 2, 90-101, 128, 129 of the 1984 Order) facts of which the court may take judicial notice, (See Articles 111 and 112 of the 1984 Order) and inspection, which has been defined as the substitution of the eye for the ear in the reception of evidence as in the case of observation of demeanour of witnesses used for the commission of crime. (1998 SCMR 1847).

3. Relevant provisions of law.

Sections 353 to 365 of Cr.P.C. relates to the mode of taking and recording evidence in inquiries and trial. Statements are recorded under section 161, 164, 200, 340 and 342 Cr.P.C.

4. Mode of taking and recording evidence.

In trial before courts of sessions and in inquires under Chapter XII the evidence of each witness shall be taken down in writing in the language of the court by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence and shall be singed by the Magistrate or Sessions Judge.

(2) Evidence given in English. When the evidence of such witness is given in English the Magistrate or Sessions Judge may take it down in that language with his own hand, and unless the accused is familiar with English, or the language of the court is

English, an authenticated translation of such evidence in the language of the court shall form part of the record.

(2-A) When the evidence of such witness is given in any other language, not being English, then the language of the court, the Magistrate or Sessions Judge may take it down in that language with his own hand, or cause it to be taken down in that language in his presence and hearing and under his personal direction and superintendence, and an authenticated translation of such evidence in the language of the court or in English shall form part of the record.

(3) Memorandum when evidence not taken down by the Magistrate or Judge himself. In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

(4) If the Magistrate or Sessions Judge is prevented from making memorandum as above required he shall record the reason of his inability to make it. (Section 365 Cr.P.C.).

In recording evidence, Magistrate should take care to see that it is relevant and admissible under the provision of the Qanun-e-Shahadat, 1984. If any objection is raised as to the admissibility of any evidence, the Magistrate should endeavor to decide it forthwith and the particular piece of evidence objected to the objection and the decision thereon should be clearly recorded. (High Court Rules and Order Vol. III).

Taking down of evidence as envisaged by section 356(1), Cr.P.C. means taking down statement of witness in full in each case. As such the record of the deposition of each witness in the Trial Court must be a faithful account of what a witness states in each case before the Court. Copying of statement of a witness from the other case in any manner would constitute a serious

and grave infringement of the provisions of section 356(1), Cr.P.C. (1996 P.Cr.L.J. 1264).

As the evidence of each witness taken under section 356(1) or section 357 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected,

5. If the witness denies the correctness of any part of the evidence.

If the witness denies the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence is taken in a language different from that in which it has been given and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language, which he understands. (Section 360 Cr.P.C.).

In all summary trial in which the order of the Magistrate is final, no evidence need to be recorded in English or Urdu; but the Magistrate should enter the particulars mentioned in section 263 of the Code in a register to be kept for the purpose. (High Court Rules and Orders Vol. III).

6. Option to Magistrate in cases u/s 355 Cr.P.C.

Section 355, Cr.P.C. enjoins upon a Magistrate first and second class to make a substance of evidence of a witness (1) in summon cases i.e. section 260, clauses (b) and (m) both inclusive (2) in all proceedings u/s 514 regarding forfeiture of a bond. The Magistrate is required to take down the evidence of each witness in the language of the Court. However, if he is unable to make such memorandum himself, he can cause such memorandum to be made in writing, or from his dictation in open court

Obviously such memorandum must be signed by the Magistrate and shall form part of the record.

7. Mode of recording evidence u/s 356 or 357.

Section 356, Cr.P.C. lays down the manner in which evidence is to be recorded in trial before Courts of Sessions and in inquiries under Chapter XII, Cr.P.C. i.e. disputes as to immovable property, sections 145 to 148 Cr.P.C. The Presiding Officer of the Court is required to take down evidence of each witness in writing in the language of the court. The evidence should be in the form of a narrative but discretion is given to him to record the evidence in the form of questions and answers. Magistrate not complying with provisions of section 356, proceedings are liable to be set aside. (PLD 1950 Lah 274; PLD 1950 BJ 96).

Evidence taken under section 356 or section 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

The Magistrate or Sessions Judge may, in his discretion take down, or cause to be taken down, any particular question and answer. (Section 359 Cr.P.C.).

8. Examination how recorded.

Section 364, Cr.P.C. deals with the mode of recording examination of the accused. Accordingly section 364 provides:

Firstly, that whole examination of the accused shall be recorded in full in the language in which he is examined or if that is not practicable in the language of the Court or in English.

Secondly, that such record shall be shown or read to the accused.

Thirdly, that it shall be signed by the accused and the Magistrate, and such Magistrate shall certify in his own hand that the examination was taken in his presence and hearing and that the record contained full and true account of the statement

Finally, that if the examination is not accorded by Magistrate himself, he shall be bound to make memorandum thereof. (PLD 1986 Lah 222).

Non-preparation of Urdu translation or omission of Magistrate to prepare memo of evidence himself would not vitiate the proceedings unless it results in failure or miscarriage of justice and the irregularity if any is curable under section 537, Cr.P.C. (1996 P.Cr.L.J. 1442; PLD 1958 SC 39; PLD 1959 Lah 186 rel).

9. Particulars of witnesses to be noted.

Care should be taken to record the parentage, age, place of residence and caste of parties and witnesses. When a person is known by two names, or his precise name is doubtful, both should be given or doubt cleared up. It should also be noted whether a witness is called by the prosecution, or by the defence, or by the Court.

Where age of a witness in view of the facts deposed to by him in his statement, become relevant the presiding Officer should ensure that he states it as a fact after he has been summoned as a witness, so that it forms part of his testimony. It is not enough that he has stated his age when giving his particulars. (High Court Rules and Orders Vol. III).

10. Cross-examination and re-examination to be distinguished.

Cross-examination and re-examination to be distinguished by a note in the margin. Examination-in-Chief, cross-examination and re-examination of witnesses should be distinguished by a note in the margin. If a witness is not cross-examined the record should show that the opportunity was given but was not availed of.

The memorandum of evidence, the depositions or statements should be carefully written in a legible manner. In cases forwarded to the High court, in which from any cause the memorandum or depositions in question, or the final judgments

have been indistinctly or illegibly recorded, copies of such memorandum, depositions and judgments should be submitted with the record of the case.

Care should be taken to see that all documents placed on the record, e.g., the first information report, medical certificates etc., are duly proved. As regards special rules of evidence relating to Chemical Examiners reports, please see Chapter XLI of the Code of Criminal Procedure. (High Court Rules and Orders Vol. III).

11. Record to contain a brief note of all material orders passed.

Each record or memorandum of evidence should be dated and the record of a case made by a Magistrate or Sessions Judge should not only contain depositions or memoranda of evidence, accordingly as the evidence is or is not recorded by him in full, but also, in its proper place, a short note of every material order made during the inquiry or trial, with the date on which such order was made. Every order of adjournment must be entered, and the date on which the inquiry was resumed should be apparent.

All notes and orders recorded by Presiding Officer (e.g. orders of adjournment, notes regarding the presence of witnesses) other than depositions, orders deciding any matter in dispute and the final judgment, should be written by the Presiding Officer in his own handwriting or dictated by him and be dated and appended to the record. Each order or note should be clearly marked as such.

Under the provision of section 558 of the Code of Criminal Procedure, 1898 (V of 1898), the Provincial Government has declared that Urdu shall be deemed to be the language of the Criminal Courts in the Punjab. (High Court Rules and Orders Vol. III).

12. Remarks respecting demeanour of witness.

When a Sessions Judge or Magistrate has recorded the evidence of a witness, he shall also record such remark (if any) as he thinks material respecting the demeanour of such witness whilst under examination. (Section 363 Cr.P.C.).

13. Record of evidence in High Court.

Every High Court shall from time to time, by general rule, prescribe the manner in which evidence shall be taken down in cases coming before the court and the evidence shall be taken down in accordance with such rule. (Section 365 Cr.P.C.).

14. Evidence in the absence of accused.

The evidence of the witness in criminal cases has to be recorded in presence of the accused as the same has been provided u/s 353. (2000 YLR 2330). Section 353, Cr.P.C. makes it obligatory that evidence for the prosecution and defence should be taken in the presence of accused. When the presence of accused is dispensed with, the evidence should be recorded in the presence of his pleader. A trial is vitiated by failure to record evidence in derogation of the provisions of this section. (1990 Cr.L.J. 397 (Ori)).

In a normal trial under Criminal Procedure Code, 1898 an accused person cannot be tried in his absence and Court can merely record the evidence against an absconding accused person under section 512 Cr.P.C. and after arrest of accused fresh trial takes place. In this manner, the trial of an absconding accused is separated from the trial of accused appearing before court. However, if prosecution adopts a course, whereby an accused person has been challaned in absentia and trial in absentia is permissible under relevant law for the time being in force, and court adopts the course suggested/proposed by prosecution, then prosecution is debarred from raising objection to such course adopted by court. (2003 P.Cr.L.J. 216).

15. Prosecution is not bound to examine each and every witness shown in calendar, discretion lies with it to examine any number of witnesses and to drop anyone who does not support the prosecution case. (PLD 1986 Quetta 26). However, recording of statement of witnesses in one case and treating the same as evidence in other case is illegal and in clear violation of the procedure and rule laid down in the Qanun-e-Shahadat Order, 1984. (1975 P.Cr.L.J. 437; PLJ 1975 Cr.C. (Kar) 507).

It is well settled that the statement of an accused under section 342 Cr.P.C. has to be read in its entirety. It is to be accepted or rejected as a whole. It is not permissible to accept the exculpatory part to corroborate the prosecution evidence and reject the exculpatory passage. (PLD 1995 SC 343). This assumes importance where the accused makes his statement admitting the commission of the offence simultaneously raising a plea constituting his defence. In such a case, the court will not accept the inculpatory portion and reject the exculpatory one. (PLD 1995 SC 343).

16. **The accused enters on his defence.**

After the prosecution evidence has concluded, the accused is examined under section 342 Cr.P.C. with the object of providing him an opportunity to explain the circumstances appearing in the evidence against him. At the end of that examination the normal practice is to put two questions to the accused, first, whether he would give evidence on oath in disproof of the charges or allegations made against him and second, whether he would adduce evidence in defence. The accused may not himself enter into the witness box to give evidence on oath but that will not deprive him of the right to adduce evidence in defence.

Section 340 Cr.P.C. by its sub-section (2) requires that an accused person shall, if he does not plead guilty, give evidence on oath in disproof of the charges or allegations made against him or any person charged or tried together with him at the

same trial. but the proviso to sub-section (2) says that the accused shall not be asked and if asked shall not be required to answer any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged or for which he is being tried, or is of bad character, unless the case falls in one of the categories mentioned in the proviso.

17. Accused's right to testify.

The question whether an accused has a right to testify as his own witness has a long history and it is not necessary to weary the reader with the narration. As was by Chief Justice Appleton in a case from American Jurisdiction. "the defendant in criminal cases is either innocent or guilty. if innocent he has every inducement to state the facts which would exonerate him. The truth would be his protection. But the defendant having the opportunity to contradict or explain the inculpative facts proved against him, may decline to avail himself of the opportunity thus afforded him by the law. His declining to avail himself of the privilege of testifying is an existent and obvious fact. It is a fact patent in the case. .....". (1992 P.Cr.L.J. 2059, 2077).

18. Where accused is deaf and dumb.

Where the accused is deaf and dumb and is unable to understand any language other than language of signs and gestures, attempt should be made to communicate evidence to him through gestures. (1987 MLD 1016). Guidance is to be taken from section 361, Cr.P.C. which provides to communicate the evidence to the accused in open court in a language understood by him. (Section 361 Cr.P.C.). It is obligatory on the part of the trial Court to record finding before proceeding with trial that accused being a deaf and dumb cannot be made to understand proceedings and then forward record to Distrcit Magistrate with a report of circumstances of case for onward transmission to High Court. (1984 P.Cr.L.J. 748; PLD 1964 SC 801). Reliable intermediary should interpret signs and gestures. Such function cannot be assigned to public prosecutor. (PLD 1966 Dacca 432).

Where the accused is deaf and dumb, mandatory provision of section 361 Cr.P.C. should be complied with. It is always necessary that only an expert or a close relation is capable of understanding those signs but keeping in view individual deficiencies it has to be observed that those who are close relations of deaf and dumb or those who have seen them growing up in that state can communicate with them in their own language or signs and not through ordinarily speech. It is also well known that the trial courts ordinarily do take adequate measures when such situation arises and no general presumption can be raised that unless found otherwise the provisions contained in section 361 Cr.P.C. read with section 364 Cr.P.C. regarding interpretation would be presumed to have been contravened.(PLD 1984 SC 54).

19. Assessment--- appreciation and reappraisal of evidence.

Where the evidence is entirely oral and of interested witnesses and there is no circumstantial evidence against the accused, he cannot be convicted. In cases where there is reason to believe that certain accused on the ground of enmity or otherwise may have been falsely charged, then the evidence of those witnesses who have reasons falsely to implicate the particular accused should not be relied on as against that particular accused; on the other hand, the same witnesses might be relied upon against other accused where there is no reason to suspect enmity on the part of the witnesses. Where, however, perjury has definitely been brought home to a witness, it would be extremely dangerous to rely on his evidence against any one. (AIR 1934 All 514).

False evidence must inevitably damage the whole fabric of the prosecution case. Honest or circumstantial evidence cannot be used to support or corroborate a perjured witness. Such evidence must be itself sufficient to justify a finding of guilty. (AIR 1933 All 401).

20. Related or interested witnesses.

There mere fact that the eye-witnesses happen to be relations of or are interested in some other way with the deceased is not a ground and cannot be a ground to discard their evidence particularly when their evidence on merits appears to be quite sound and worthy of reliance.

A witness is normally considered to be independent unless he or she springs from sources, which are likely to be tainted, and that usually means that unless the witness has cause, such as enmity against the accused to wish to implicate him falsely. Ordinarily a close relative would be last to screen the real culprit and falsely implicate an innocent person and hence the mere fact of relationship far from being the foundation for criticism of the evidence is often a sure guarantee of truth. No doubt no sweeping generalization can be attempted. But at the same time there is no general rule of prudence as is so often put forward. Each case must be limited to and governed by its own facts. (AIR 1953 SC 364).

The proposition that when the eye-witnesses to the occurrence were interested persons there should be corroboration of their evidence by independent witnesses cannot be of universal application. (AIR 1957 SCMR 199).

21. Witnesses Government servants or police personnel.

The testimony of a witness should be judged on its own merits and the court should not draw an adverse inference from the reason of his being a Government servant or in the employment of the police. There is no rule of presumption against a police officer that his testimony is to be regarded as of little value. (AIR 1955 N.U.C. (Raj) 490).

The presumption that a person acts honestly applies as much in favour of a police officer as of other persons, and it is not a judicial approach to distrust and suspect him without good grounds therefore, such an attitude could do neither credit to the magistracy nor good to the public. It can only run down the prestige of the police administration. (AIR 1956 SC 217).

22. There is considerable danger of a miscarriage of justice when a criminal court relies on its own comparison of a disputed signature with another signature for the purpose of determining its authenticity. It is usually desirable to obtain the opinion of an expert with regard to this. It is not desirable that a Judge should take upon himself the task of comparing signatures in order to find out whether there has been a forgery in a case. At the same time the Magistrate, who has to deal with the evidence of an expert witness, should take the pains to have the expert explain in court the reasons for his opinion. It is only after hearing those reasons in detail that a Magistrate would be in a position to express a sound opinion whether or not the expert's opinion is satisfactory. A Court is not to surrender its own opinion to that of experts who are called before it, but with such help as the experts can afford, the court must form its own opinion on the subject in hand. (AIR 1935 Rang 178).

The expert's evidence is only a piece of evidence. A Judge of fact will have to consider that evidence along with other pieces of evidence. It is the duty of the trial court to come to a conclusion on a question of fact on a consideration of the entire evidence including that of the expert. The experts opinion does not take away the common mans judgment. They have the right to think and judge things from day-to-day experience. Expert evidence is nearly always a weak type of evidence much more so in the case of an expert who has not sufficient knowledge on the subject. The court is not bound by the expert opinion which is merely an evidence in the case and that should be considered along with the other evidence and circumstances appearing in a particular case. In the circumstances of a case the court can refuse to place any reliance on the opinion of an expert, which is not supported by any reason. (AIR 1959 SC 488).

23. **Finger print expert.**

Although the evidence of a handwriting expert is frequently found to be faulty, the evidence of a thumb

impression expert is more reliable, because with regard to fingerprints it has never been found that two fingerprints are identical in all respects. The court, however, cannot delegate its authority to the expert but has to satisfy itself as to the value of the evidence of the expert in the same way as it must satisfy itself as to the value of any other evidence. (AIR 1950 Cal 66).

24. Medical expert.

Medical evidence can only be used as corroborative of the charge. The absence of an early medical examination in the case of a crime of violence must be regarded as a very unsatisfactory feature of the prosecution case. A certificate of a Civil Surgeon unless deposed to by that officer is inadmissible in evidence. (AIR 1953 Hyd 209).

Where there is no direct evidence one way or the other and the whole case turns on circumstantial evidence, the circumstantial evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence. In a case depending on the conclusions drawn from circumstances, it is well settled that the cumulative effect of the circumstances must be such as to negative the innocence of the accused and to bring the offences home to him beyond any reasonable doubt. (AIR 1954 SC 621).

25. Evidence recorded by reader of the court.

Reader of the court is not competent to record evidence. Justice has to be administrated by the Presiding Officer of the court. Reader of the court in whole of the scheme of the criminal procedure has not been directly empowered to record the statements of the prosecutions witnesses or to write/announce the judgment etc. (1998 P.Cr.L.J. 344). Evidence recorded by Reader of Magistrate trying case while Magistrate sat in retiring room, practice thoroughly illegal, proceedings quashed. (9182 P.Cr.L.J. 949). Evidence recorded by Reader on the dictation of the Magistrate in open court when the Magistrate was suffering from a spine trouble, the irregularity if any held curable. (1971 P.Cr.L.J. 753). Rush of work may be a sufficient reason for

ecording evidence through the Reader of the Court. However, his should be done under the supervision and dictation of the Presiding Officer. (PLD 1957 Pesh 12).

Mere fact that Magistrate omitted to record reasons for not writing statements himself, by itself would not invalidate prosecution evidence. (2000 P.Cr.L.J. 1525). Where statements of witnesses contained signatures of the trial Magistrate showing his presence at the time of recording, in addition observation read over and accepted, presumption would be that the witnesses were recorded in the presence, hearing and personal direction and supervision of Magistrate.(2003 YLR 1045).

26. Kinds of evidence and their value.

Direct evidence is that which goes expressly to the very point in question and which, if believed, proves the point in question without aid from inference or reasoning. For example, the testimony of an eye-witness of a murder is direct evidence. Circumstantial evidence, on the other hand, does not prove the point in question directly but establishes it only by inference. Thus if A is tried for the murder of B, evidence of the fact that A had a motive to murder B and at the time B was murdered, A, with a drawn sword, was seen going towards the place where B was murdered and shortly afterwards was seen returning from the place with his clothes stained with blood would be circumstantial evidence. (1995 SCMR 635).

"Direct evidence" as used here, that is as opposed to circumstantial evidence, is not the same as "direct evidence" as used in Article 71 of the 1984 Order. In Article 71, to which we shall presently advert, the term direct evidence is used as opposed to hearsay evidence and not as opposed to circumstantial evidence. Therefore, in the sense in which this term is used in Article 71, circumstantial evidence must always be direct i.e. the facts from which the existence of the fact in issue is to be inferred must be proved by direct and not by hearsay evidence.

'Circumstantial evidence' is evidence of facts from which, taken with all other evidence, a reasonable inference is a fact directly in issue. It works by cumulatively, in geometrical progression, eliminating other possibilities. (1973 AC 729, 752). As evidence of a fact in issue, it is produced when direct evidence is not available. An example is an un-witnessed crime.

Circumstances, strong cannot substitute proof in a criminal case. (2001 P.Cr.L.J. 262). If circumstantial evidence led is capable of a reasonable alternative theory, the Court shall lean in favour of the said alternative theory and grant benefit of doubt to the accused. (PLD 2002 Lah 369).

27. Recovery evidence.

Section 103, Cr.P.C. provides that before making search under Chapter VII thereof in which this section occurs, the police officer shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search and may issue an order in writing to them or any of them to do so. The search will be made in their presence and a list of things seized in the course of such search and of the places in which they were found, shall be prepared by the police officer and shall be signed by the witnesses. (PLD 1978 SC 298).

28. Motive evidence.

Motive has two distinct but related meanings. In the first sense, it means an emption prompting as act. The second sense is intention or purpose. It is in the first sense that it is used in criminal cases. Motive is the emotion that gives rise to the intention. For example, motive for murder may be jealously fear, hatred, desire for money, perverted lust or even, as in so called mercy killings, compassion or love. (1975 AC 55, 73 HL).

29. Documentary evidence.

The expression "document" is defined in Article 2 (1) (b) of the 1984 Order. All documents produced for the inspection of the court are called documentary evidence. (Article 2 (1) (c) (ii)).

The contents of a document may be proved by primary or secondary evidence. (Article 72 of the 1984 Order). Primary evidence means the document itself produced for the inspection of the court(Article 73 of the 1984 Order); secondary evidence is defined in Article 74 of that Order. Documents must ordinarily be proved by primary evidence. Cases in which document may be proved by secondary evidence are enumerated in Article 76 of the Order. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that persons hand-writing must be proved to be in his hand-writing. (Article 78).

30. **Opinion evidence.**

It has been seen that under article 71 of the 1984 Order, oral evidence must, in all cases, be direct; that Article provides further that if oral evidence refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds. opinion of experts expressed in any treatise commonly offered for sale and the ground on which such opinions are held are an exception to this rule; such opinion may be proved by the production of such a treatise if the author is dead or cannot be found or has become incapable of giving evidence or cannot be called as a witness without an amount of delay or expense which the court regards as un-reasonable. (PLD 1968 SC 140).

Video cassette is a matter expressed through figures or marks, thus falls within the purview of expression "document" as defined in section 29, PPC. Article 2(1)(b) of Qanun-e-Shahadat and section 391(6) of General Clauses Act, 1897. Video cassette being the most important piece of evidence produced by prosecution forming part of the record, it is an inalienable right of the accused to receive certified copy thereof which they are entitled to get by virtue of the provisions contained in section 548 Cr.P.C. (2002 P.Cr.L.J. 1765).