witness.[17] There is no possible connection between Art. 84 and section 342, Criminal P.C.; and the latter provision does not prohibit the taking of the finger-impression from an accused.[18] Where previous convictions of an accused are sought to be proved by fingerprints taken in previous trials, there can be no room for error where sets of fingerprints taken by persons accustomed to taking of fingerprints are compared and declared to be identical by some competent witness.[19]

Finger prints compared with secondary evidence. Where Trial Court held that in absence of original remission deed as primary evidence, execution of same through register of petition-writer as secondary evidence could not be proved. Appellate Court held that as remission deed in question was not available with ex-husband, but allegedly was in custody of ex-wife who denied such custody. Claim of ex-husband that remission deed was in custody of ex-wife of which he had no record, was sufficient explanation of its non-production. Refusal of prayer of ex-husband by Trial Court, was not proper and would tantamount to refuse him a fair and proper opportunity of hearing causing him serious prejudice.[20]

Reference to expert when may be made. Application for reference to Finger Prints Expert may be made at any stage of the proceedings. Even after framing of issues or conclusion of evidence.[1]

PUBLIC DOCUMENTS

85. *Public documents.* The following documents are public documents :

(1) documents forming the acts or records of the acts--

(*i*) of the sovereign authority,

(*ii*) of official bodies and tribunals, and

(*iii*) of public officers, legislative, judicial and executive of any part of Pakistan or of a foreign country.

(2) public records kept in Pakistan of private documents;

(3) documents forming part of the records of judicial proceedings;

(4) documents required to be maintained by a public servant under any law; and

(5) registered documents the execution whereof is not disputed.

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17. PLJ 2000 Lah. 1778 (DB).
18. AIR 1924 Rang. 115 (FB) (35 Cal. 492 *overruled*).
19. AIR 1938 Mad. 858=40 Cr.L.J. 355.
20. 1999 CLC 731.
1. 2002 CLC 760=PLJ 2002 Lah. 979.

Electronic Transactions Ordinance, 2002. For the purposes of this Ord., in Article 85, after clause (5), the following new clause (6) shall be added, namely:

(6) certificates deposited in a repository pursuant to the provisions of the Electronic Transactions Ordinance, 2002.

Ord. 51 of 2002, S. 29 and Sch. item 7

86. *Private documents.* All other documents are private.

Evidence Act, 1872. Article 85 has reproduced section 74, Evidence Act and added to it paragraphs (3) to (5).

Article 86 is exact reproduction of section 75, Evidence Act.

Synopsis for Articles 85 and 86

1. Scope.
2. Documents forming acts or records of acts of public officers.
3. Public officer.
4. Municipal registers.
5. Foreign public documents.
6. Records of judicial officers or tribunals.
7. Records of revenue officers.
8. Income-tax documents.
9. Records of police officers.
10. Other public documents.
11. Documents which are not public.
12. Public record of private documents.
13. Registered documents.

1. Scope. A document cannot be said to be a public document within Art. 85 unless it is shown to have been prepared by a public servant in discharge of his official duty. The mere fact that it is kept in a public office does not lead to an inference that it is a public document.[2] A private document cannot be taken notice of and marked as an exhibit without any formal proof, unless the requirement of such proof is waived by the opposing party. The marking of the said document as an exhibit may, however, give rise to a belief that it bears the writing or signature of a person, as has been deposed to by the witness who proves the said document. The question as to whether the document is a genuine one or it represents the true state of affairs is a question of fact which is to be decided by the Court concerned in the light of the facts and circumstances of the case. There is no legal presumption which the Court is bound to make in respect of such a document.[3]

Art. 85 (2) cannot apply to a document executed and authenticated before the Sub-Registrar under section 33(1) (*a*), Registration Act, but not actually registered, and when the original is not forthcoming, it is open to a party to prove a private copy of it in the manner allowed by law.[4]

Lost public document. When an original document is lost secondary evidence thereof is admissible and it shall be presumed to be correct as provided in this

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2. AIR 1928 Lah. 640+AIR 1942 Bom. 161 (DB).
3. 1978 Dhaka LR (SC) 41.
4. AIR 1931 All. 649 (DB).

Article. This presumption is however rebuttable and the presumption is as to regularity of the official act and not as to the correctness of its contents.[5]

Public and private documents--Order of preference. Private document (i.e. agreement between parties) could not be given preference over master plan and site plan which were public documents.[6]

2. Documents forming acts or records of acts of public officers. The term "record" includes a collection of documents.[7] Where according to the official practice a book (or a file of papers) is maintained containing the copies of the communications sent, the book of copies thus maintained is itself an official register within the meaning of Art. 49 and a public document within the meaning of Art.85.[8]

Registers maintained by public officers. Entries made in Registers maintained by public officers are public documents. Thus an entry in register of Powers-of-Attorney is a public document forming the act or record of act of an executive authority. A certified copy of an entry is admissible in proof of the original.[9] Similarly a register from the collectorate containing the area of villages,[10] and *khasra* papers,[11] and *chittas* for public purposes are public documents.[12]

Record of act of public officers. The record of acts of public officers are public documents. Thus a letter from the Controller of Military Accounts acknowledging attachment issued by a Court in execution of a decree, being a record of the act of a public officer, is a public document.[13] An order of a competent authority fixing prices under Defence of Pakistan Rules is a public document and can be proved by production of original or certified copy.[14] Where the duty of the process-server is to deliver possession and to record what he had done, this record is the public record of an official act and consequently the process-server's report of the giving of possession is admissible in evidence without his being called as a witness.[15]

Nikahnama. Nikah Registrar's duty and system of remuneration make him a "public officer" and "Nikahnama" a public document. Certified copy of "Nikahnama" can be produced in evidence and in absence of rebuttal would hold the ground.[16] Its certified copy can be issued by Registrar or by secretary of U.C. [17]

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5. 1979 Dhaka LR 28 (DB).
6. 1997 MLD 778=PLJ 1997 Lah. 176.
7. AIR 1918 Cal. 988=19 Cr. L.J. 530 (SB).
8. AIR 1953 Mad. 785+AIR 1940 Mad. 273 (DB).
9. AIR 1939 Cal. 569 (DB).
10. 15 Cal. LJ 191.
11. 1 Ind Cas. 205 (DB) (Cal).
12. 15 Cal. WN 515 (DB).
13. AIR 1928 Oudh 488.
14. AIR 1946 Pat. 123.
15. AIR 1952 Oudh 183+1957 Marwar LR (Civ) 4 (DB).
16. 2002 CLC 518=PLJ 2002 Lah. 273 (DB)+1994 SCMR 1978.
17. PLJ 2002 Lah. 273=2002 CLC 518 (DB).

Statement of assets and liabilities filed before Election. Statement of assets and liabilities filed by returned candidate is a public document in terms of Art. 85.[18]

Official gazette. An official gazette is a public document and as such a notification published in it may be proved as an official document.[19]

Sanction to prosecute. A sanction to prosecute is an act of a public officer and is as such a public document. Where sanction appears on the charge-sheet submitted by the police the original sanction itself is available to the Court and no formal proof of it is necessary. Further the sanction is a public document which can always be proved as provided for in Art. 88 by producing a certified copy prepared under Art. 87.[20] A document containing the sanction given by a District Magistrate under section 29 of the Arms Act,[1] or a sanction under Prevention of Corruption Act, allowing prosecution is a document that falls under Art. 85, and therefore it requires no formal proof. Production of its copy or the original is sufficient compliance with the law.[2]

Evidentiary value of public documents. Intrinsic value of a public document is to be examined on its contents. A public document could not be ignored merely because the same was not confronted and was not produced in Court within seven days.[3] Documents forming records of the acts of public officers are public documents, but they do not furnish proof of all the facts to which they refer.[4]

3. Public officer. A Collector who is acting on behalf of a Court of Wards in reference to the estate of a person is a public officer.[5]

4. Municipal registers. Municipal birth Register,[6] and Municipal Death Register are public record.[7] Certified copies of entries in them would be admissible in evidence. Age of a person can be proved by production of certified copy of relevant entries of Register of Births and Deaths. Court is bound to presume that such certified copy is genuine.[8] A register for admission and withdrawal in a Municipal School and application for admission made to such school duly endorsed by the Headmaster are public document.[9] A vaccination register kept by a Municipal Committee is a public document.[10]

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18. 1994 CLC 1511.
19. AIR 1953 Pat. 310.
20. AIR 1951 All. 515 (DB)+AIR 1954 Pepsu 84+1950 All LJ 660 (DB).
1. AIR 1946 Pepsu 11=ILR 1955 Patiala 715=1956 Cr. L.J. 102 (DB).
2. AIR 1956 Pepsu 12=ILR 1956 Patiala 1=1965 Cr. L.J. 103.
3. PLD 2002 SC 446=PLJ 2002 SC 686.
4. AIR 1928 Nag. 93 (DB).
5. 3 All. 20 (FB).
6. 1989 SCMR 704+PLD 1960 Kar. 625=1960 (1) KLR 545 (DB).
7. 1989 SCMR 704+1901 Pun Re (Civ) No. 59, p.182 (DB).
8. 1989 SCMR 704.
9. AIR 1964 AP 53 (DB).
10. PLD 1960 Kar. 625.

Parentage, proof of. Extract from a birth register showing that plaintiff was the daughter of person she claimed to be, would prove plaintiff's parentage in absence of effective rebuttal.[11]

5. Foreign public documents. The expression "public documents" includes some documents even of foreign countries.[12] Record of the Judicial proceeding of a foreign Court is a public document and can be proved by secondary evidence.[13] Thus a copy of probate of a will granted in Australia is admissible in Pakistan.[14] But in Azad Kashmir a judgment of Jammu and Kashmir High Court was not a public document after 3rd Oct, 1949, the date of coming into existence of Azad J & K Government because that Court is neither a foreign Court nor one maintained by the Azad Government, but on the contrary one maintained by an occupation regime, having no legal existence in the eyes of the Azad Government. However the judgment can be admitted into evidence under Article 74 (3) on a person making a statement on solemn affirmation that it was made from the original judgment. Personal knowledge can then be presumed.[15]

6. Records of judicial officers or tribunals. Certified copies produced in a case form part of record of judicial proceedings and are public documents as mentioned in Art. 85 thus admissible in evidence.[16] Records of acts of public tribunals are public records which the parties to the adjudication are entitled to inspect and of which they are entitled to obtain certified copies under Art. 87.[17] But all documents of a judicial proceedings, are not necessarily "public documents" and certified copies of such documents which are not "public documents" are inadmissible in evidence. Documents which are not copies of judicial record, should not be received in evidence without proof of signatures and handwriting of persons alleged to have signed or written them. Statements previously made in Court cannot be allowed to form part of proceedings unless identity of persons making such statements is established.[18]

Order sheet of Court. Order sheets of a Court of law are public documents and require no proof.[19] Presumption of genuineness attaches to it. Therefore it cannot be challenged at late stage of second appeal.[20] A recorded order for the issue of a search-warrant by a Magistrate, appears to come directly within the scope of the definition of public document in Art. 85.[1] It must however be noted that an order, though a public document does not prove an offence other than the one to which the order relates. Thus though the order of a Judge initiating contempt proceedings could have

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11. 1991 MLD 2008.
12. PLD 1975 Kar. 352=PLJ 1975 Kar. 131 (DB).
13. (1900) 27 Cal. 639 (PC).
14. 11 Ind Cas. 261 (Sind).
15. PLD 1970 AJ & K 88.
16. PLD 1985 Quetta 69=KLR 1985 CC 84.
17. AIR 1959 Mys. 180 (DB).
18. 1992 MLD 884=NLR 1992 AC 671.
19. PLD 1975 Quetta 52+AIR 1933 Pat. 658 (DB)+AIR 1937 Pat. 534=39 Cr. L.J. 103.
20. PLD 1975 Quetta 52.
1. AIR 1953 Orissa 49=1953 Cr. L.J. 514 (DB).

been referred to as public document yet that could not prove the correctness of its contents in a prosecution for perjury.[2]

Judgments and decrees. A judgment of a Court is a public document within the meaning of Article 85.[3] Even a judgment written by a Division Bench in a case which is referred to a third Judge on a point of difference between the Judges, is a public document within this Article,[4] and a certified copy of judgment of a Court is admissible in evidence,[5] similarly a Court decree is a public document.[6]

Records of Criminal Courts. A confession,[7] or statement recorded under section 164, Cr.P.C. is a public document,[8] a notice under S. 107, Criminal P.C. is an act or record of acts official bodies or tribunals.[9] A warrant of arrest is a public document which affects the personal liberty of the subject. The statute prescribes its form. It has to bear the appropriate signature and seal. Any laxity of proof might have serious consequences. It might, for instance, lead to error as to the identity of the person to be apprehended. Secondary evidence other than a certified copy would not be necessarily or even obviously show that the statutory form had been complied with.[10]

Probate of will. A copy of probate of a will is a public document under Art. 85 (1) (*iii*) which may be proved by secondary evidence under Art. 76 (*f*).[11]

Record of Courts in occupied Kashmir. Orders and decisions of Courts and Revenue Officers, functioning under the Government of occupied part of Jammu and Kashmir State, could not be protected by provisions of Arts. 85 and 88.[12]

7. Records of revenue officers. Records prepared by Revenue Officers in the performance of their duties are revenue records. Therefore certified copies of mutation are admissible in evidence without further proof as to their contents.[13]

Pedigree in revenue records. A pedigree table which forms part of a revenue record is a public document and a presumption of truth attaches to those pedigree table which appear in the revenue record.[14] Therefore entries made in the pedigree table prepared at the time of settlement giving the history of land are admissible in evidence.[15] It is not correct to say that it is a matter of common knowledge that common ancestors shown in the pedigree-tables mentioned in the settlement records

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2. PLD 1963 SC 1=APR 1963 SC 25=1963 (1) PSCR 78.
3. AIR 1931 All. 364=32 Cr. L.J. 864.
4. PLD 1952 FC 19=PLR 1952 Dacca 145=4 DLR 104=1952 FCR 1.
5. KLR 1985 CC 84.
6. AIR 1943 Cal. 114 (DB)+19 All. 293 (FB).
7. AIR 1934 All. 81 (FB)+AIR 1961 Mad. 92 (FB)+AIR 1921 Nag. 39.
8. AIR 1937 Sind 303=39 Cr. L.J. 57 (DB)+AIR 1961 Mad. 92 (FB).
9. AIR 1914 Cal. 388 (DB).
10. AIR 1944 PC 54=45 Cr. L.J. 721.
11. 11 Ind Cas 261 (Sind).
12. PLD 1988 SC (AJ&K) 1=NLR 1988 SCJ 115.
13. 1983 CLC 414=NLR 1982 Rev. 217 (DB).
14. AIR 1944 Pesh. 3 (DB).
15. AIR 1929 Lah. 58=30 Pun LR 678.

are more or less traditional persons introduced merely to show the common origin of the particular tribe inhabiting a particular village.[16]

Khasra Girdawri. Certified copy of public record like Khasra Girdwari can be admitted *per se* without examining its author.[17]

Wajib-ul-arz. Wajib-ul-arz is a public document and is admissible without formal proof.[18]

Roznamcha Waqiati. "Roznamcha Waqiati" is prescribed to be a public document maintained by Patwari in the discharge of his official duties as envisaged by Art. 85, Qanun-e-Shahadat, 1984. Copy of "Roznamcha Waqiati" *per se* is admissible without examining the Patwari who prepared it. Therefore, an entry in "Roznamcha Waqiatai" being of much earlier origin, when dispute between parties had not arisen, same would be taken to be an unassailable piece of documentary evidence lending substantial support to defendant's claim of being a bona fide earlier purchaser. Plaintiff's suit was dismissed.[19]

Survey and Settlement report. Survey and Settlement Report is a public document and is admissible in evidence. The official reports regarding the nature of an estate are valuable and in many cases the best evidence of facts stated therein, but opinion therein expressed should not be treated as conclusive in respect of matters requiring judicial determination.[20] The printed copy of an index register of lands is a public document.[1] The question whether a *thak* is a public document within the meaning of Art. 85 is prima facie a question of fact and the mere circumstance that it was treated as a public map in some earlier litigation to which the person against whom it is sought to be put in evidence was not a party, cannot bind him.[2]

Revenue record, presumption of correctness of entries. A presumption of truth attaches to entries in the record-of-rights.[3] Entries in Revenue Record prima facie are good evidence of title unless rebutted by some better evidence by other side. Where opponents had produced only oral evidence as against documentary evidence coming from public record produced by petitioners, entries in Revenue Record made since long in favour of petitioner which remained unrebutted, could not be ignored.[4] But presumption of truth in favour of revenue record only prevails until the contrary is proved.[5] An entry of a transaction in the record-of-rights as a usufructuary mortgage

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16. AIR 1944 Pesh. 3=211 Ind Cas 633=1944 Pesh LJ 3 (DB).
17. NLR 1991 AC 118.
18. 38 Cr. L.J. 881 (Lah).
19. 1994 MLD 585.
20. AIR 1965 Orissa 49+AIR 1955 Orissa 97+AIR 1928 PC 10+AIR 1941 Pat. 260+AIR 1924 Lah. 639 (DB) (A Settlement Record).
1. AIR 1942 Bom. 161 (DB).
2. 10 Ind Cas 376 (DB) (Cal).
3. PLD 1960 Lah. 181=PLR 1960 (2) WP 652+PLD 1963 WP (Rev) 31=2 RR 298+AIR 1934 PC 40+AIR 1930 PC 91+AIR 1937 PC 69+AIR 1936 Pesh. 149+AIR 1947 Lah. 147+AIR 1923 Lah. 243+AIR 1939 PC 114.
4. 1995 MLD 1458.
5. PLD 1950 Punj. (Rev) 444.

shall be presumed to be true until the contrary is proved.[6] Similarly where a widow is shown to be an owner, an entry is presumed to be correct until it is proved that she had only a limited interest in the property.[7]

The presumption that Revenue Records are true can be rebutted by suitable evidence.[8] Where they are challenged, a finding given without considering the evidence in rebuttal is liable to be set aside.[9] It has been held that a presumption of truth attached to the entries in the revenue record may be successfully rebutted by the existence of a compromise decree and the action that followed it.[10] It may also be rebutted by other facts. Thus if female heirs of a deceased Muslim namely, widows and daughters had been receiving produce from the land in lieu of their share of the income of the deceased's property, such female heirs will be deemed to have succeeded to the property as co-heirs with the deceased's sons and they will be deemed to be in joint possession with the latter through receipt of their share of the produce. The omission of their names from the revenue record alone would not divest them of the right which had vested in them by succession. The son's possession, on that evidence, would not be adverse to them. They would be held to have entered into possession as co-heirs with them, in the payment of grain to the female heirs would lie the admission of their right in the estate.[11]

Prior and subsequent settlements. Presumption of correctness that attaches to revenue records must attach to later record in preference to earlier one, unless it could be shown to be wrong.[12] Therefore the statutory presumption raised by Art. 66 applies to the records of the current settlements where these differ from those of previous settlements which have been corrected.[13] The presumption attaches not only to Record-of-Rights prepared at the settlement, but to any entry made in the Record-of-Rights in accordance with law.[14] Therefore where after the settlement of 1852, the settlement records of 1868 and 1892, have been prepared with greater care and accuracy; the presumption to be attached under Art. 66 as to the correctness of the entries made therein cannot be rebutted by the provisions of the *Riwaj-i-am* prepared in the settlement of 1852.[15] The presumption attaching to new entries regarding *khewat* is sufficiently rebutted by a long series of old contrary entries when it is not clear what influenced the revenue authorities in making the change.[16]

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6. PLD 1950 Punj. (Rev) 326.
7. PLD 1963 (W.P) (Rev) 31-2 RR 298.
8. (1934) 36 DLR 323 (DB).
9. AIR 1927 Lah. 850=26 PLR 673-105 Ind Cas 562.
10. PLD 1965 (W.P) (Rev) 51=2 RR 488.
11. PLD 1961 Pesh. 9=PLR 1961 (2) WP 790 (DB).
12. AIR 1927 Lah. 607=103 Ind Cas 266 (DB).
13. AIR 1936 Lah. 453=38 PLR 1086=167 Ind Cas 693 (DB)+AIR 1934 Lah. 309.
14. AIR 1935 Lah. 87 (DB).
15. AIR 1917 Lah. 368=52 PWR 1917=41 Ind Cas 755.
16. 95 Ind Cas 236 (Lah.) (DB).

Receipts issued by Settlement Department. Record relating to deposit of rent maintained by Settlement Department is a public record and being part of record of an official body, is a public document as contemplated by Art. 85.[17]

8. Income-tax documents. It would be putting an unwarranted restriction on the words "documents forming the acts or records of the acts" in Art. 85 to say that they should be confined to those parts of an Income-tax record which the Income-tax Officer has himself prepared and to exclude documents which he has himself called for or which have been admitted to the record for the purposes of assessment. The record of an income-tax case must be regarded as the record of the acts of the Income-tax officer in making his assessment and therefore any document properly on the record is just as much as public document as the final order of assessment. Hence, a profit and loss statement and a statement showing the details of net income, filed by an assessee in support of his return of income furnished under Income-tax Ordinance are public documents with reference to Art. 85 of which certified copies would be admissible under Art. 76 (*f*).[18] Certified copies of income-tax returns relating to a firm and statements filed in support of them being public documents in the custody of a public officer may be presumed to be what they purport to be. It is unnecessary to prove the signatures of the particular partners on the originals.[19]

Similarly Income-tax assessment orders,[20] and notice of demand by an Income-tax officer is a public document.[1]

9. Records of police officers. A first information report recorded by an officer in charge of police station is an official record made by a public servant in discharge of his official duties.[2] Similarly a report entered in a register kept in the police station under section 155, Cr.P.C. in which reports of non-cognisable offences are recorded is a public document within the meaning of Art. 85.[3] It must however be noted that every report made to the police is not a public document within Art. 85 (1) (*iii*) unless it is covered either by section 154 or by section 155, Cr.P.C., or by section 44, Police Act, a report therefore made by a lady to the police merely to the effect that she is the wife of a particular person is not public document.[4]

Statement of witness recorded by police. Record of the statement of a witness made by a police officer in the course of investigation is not a public document

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17. 2002 YLR 1600.
18. AIR 1940 Mad. 768 (FB) (AIR 1940 Mad. 161, *overruled*)+AIR 1957 Assam 49 (DB)+AIR 1946 Nag. 377=ILR 1946 Nag. 433 (DB) (Statements recorded or orders passed by Income-tax Officers are public documents under S.74)+AIR 1944 All. 114 (DB) (An Income-tax assessment order)+AIR 1932 Bom. 291 (Secondary evidence may be given by assessee of his income-tax return or of assessment order)+AIR 1961 Ker. 32+AIR 1958 AP 200+AIR 1955 AP 388 (DB) (Certified copy of return admissible).
19. AIR 1958 AP 200.
20. AIR 1959 Pat. 515.
1. 1946 Marwar LR (Civ) 16.
2. AIR 1925 All. 413=26 Cr. L.J. 551 (DB).
3. PLD 1956 Lah. 293.
4. AIR 1930 Lah. 1067.

within Art. 85 and hence no question of his right to get copies thereof under Art. 87 arises.[5]

Report by police officer. A report made by a police officer in compliance with sections 157 and 168, Cr.P.C. is not a public document within Art. 85.[6]

Entry in death register. Register of deaths in a *thana* is a public document; a certified copy of any entry in it is admissible. It is not essential to show by whom the particular entry was made.[7]

10. Other public documents. *Records of public hospitals.* An outdoor ticket and the discharge certificate granted by the authorities of a public hospital are public documents and are therefore admissible in evidence on the combined effect of Arts. 49 and 85, as these documents show the entries in the official register made by a public servant in the discharge of his official duties.[8]

Visa for entry into country. The Visa Officer of the Government of Pakistan who issues a visa at a place situated in a foreign country is an officer of the Government of Pakistan and the visa issued by him is a public document. Under Art.85, even the record of the acts of the officer of a foreign country would be a public document.[9] Thus a visa obtained on the strength of a Pakistani passport, being a public document, was admissible in evidence and furnished prima facie evidence that the respondent had acquired Pakistani citizenship.[10]

Entries in passport. Every one of the entries in a passport would be a public document under Art. 85, as constituting an act or the record of the acts of public officers.[11]

Plan of building sanctioned by Municipality. Plan duly sanctioned by Municipal Committee being a public document there was no bar in case mode of proof of such document was dispensed with.[12]

Residential permit issued to foreigner. A residential permit issued in favour of a foreigner is a public document being an act or the record of the acts of the Registration officer.[13]

Ballot papers. The ballot papers bearing the seals or marks put by the voters and ballot papers put by the voters in the ballot box are undoubtedly records of the Election Commission indicating the manner in which the voters have cast their votes. They can be tendered in evidence in the original in suitable cases, without having to

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5. AIR 1955 Cal. 138=ILR (1956) 2 Cal. 358=1955 Cr. L.J. 441 (DB) (28 Cal. 348; AIR 1930 Cal. 370=32 Cr. L.J. 10, *Rel. on*)+AIR 1963 Cal. 431 (DB).
6. 20 Mad.189 (FB).
7. NLR 1981 CLJ 642 (Lah)+AIR 1919 Cal. 721 (DB)+AIR 1947 All. 429=48 Cr. L.J. 449 (DB).
8. AIR 1965 Tripura 17.
9. AIR 1963 Gujerat 226 (DB).
10. AIR 1961 Patna 112 (DB)+AIR 1960 Pat. 98+AIR 1958 Cal. 565.
11. AIR 1963 Gujerat 226 (DB).
12. 1991 SCMR 1362.
13. AIR 1963 Gujerat 226 (DB).

Attested copy. Where a document is not a public document attested copy of such document is not admissible in evidence.[18]

12. Public record of private documents. Copies of private document of which a record is kept by a public officer fall within the purview of sub-section (2) of Art. 85, and, as such, can be produced under Art. 88, in proof of their contents.[19] The definition of a public document under Art. 85, takes in public record kept in any province of private documents such as the public record of the mortgage deed kept in the Registrar's office.[20] But that does not dispense with the proof of actual execution of the deed.[21]

Registered Sale-deeds. No exception could be taken to the admitting of and taking into consideration, certified copies of sale-deed for determining market value of acquired land. While admitting such documents in evidence, it would not be necessary to examine vendors or vendees of such deeds.[1]

Only original documents fall under this Article. Only those private documents which are kept in official record in the original come under this Article. Secondary evidence of the returns filed with and in the custody of the register of Joint Stock Companies is admissible, as such returns constitute public records of private documents within the meaning of Art. 85 (2).[2] But the original receipt executed by an individual and registered under the Registration Act is not "a public record of a private document" within Art. 85 (2) because the original has to be returned to the party.[3] An adoption deed is not a judicial record. It is a private document and though it is registered, its authenticity is not undoubted.[4]

Plaint and written statement. A plaint and written statements are public documents under this Article.[5]

Pedigree. A pedigree signed by a settlement officer is a public record of a private document.[6]

13. Registered documents. Under Evidence Act, 1872, a document was not a public document merely because it was registered. Therefore refusal to grant permission to produce certified copies of documents whose execution was denied was unexceptionable. But under Para (5) of this Article a registered document is a public document when its execution is not disputed.[7]

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18. 2001 YLR 51.
19. PLD 1961 Lah. 643 (DB).
20. AIR 1962 Orissa 40+1954-2 Mad. L Jour (Andh) 75.
21. AIR 1962 Orissa 40.
1. PLD 1987 AJ&K 95=PLJ 1987 AJ&K 86 (DB).
2. AIR 1918 Cal. 988=19 Cr. L.J. 530 (SB).
3. AIR 1943 PC 83+7 Oudh Cas 365 (DB).
4. ILR (1954) 4 Raj. 950 (DB).
5. 1987 Dhaka L.R. 228 (*Rel.* AIR 1940 Mad. 768 (FB); 19 DLR 349. *Diss:* PLD 1967 Lah. 1051).
6. PLD 1967 SC 55+18 Ind Cas 250 (Oudh).
7. NLR 1984 SCJ 32=1983 SCMR 728.