

## **Document**

document in general can be defined as, anything, which can record or capture any event or thing so that the information is not lost.

Usually, a document is written, but a document can also be made with pictures and sounds.

A document generally sticks to some convention centered on comparable or former documents or definite requirements.

A few common examples of documents are sales invoices, wills and deeds, newspaper issues, individual newspaper stories, oral history recordings, execrative orders, product specifications, etc.

The word 'Document' is a vast topic covering writing with any material such as pencil, pen or ink or with any object on any material example a paper inscription/engraving on a metal plate, stone slab or any other material, typewritten, cyclostyled, printed, lithographed, photographed matter, chart map, plan etc.

## **Legal Definitions**

Both Indian Evidence Act and Indian Penal Code define documents.

### *Indian Evidence Act*

According to Section 3 of Indian Evidence Act (I) of 1872,

a document may be defined as under:- "Document means any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of those means, intended to be used or which may be used for purpose or recording that matter."

### *Indian Penal Code*

Section 29 of Indian Penal Code defines documents as follows

:The word document denote any matter expressed or described upon any substance by means of letters, figure or marks than one of those means, intended to be used , or which may be used as evidence of that matter.

## **Questioned Document**

A questioned document is defined as the document whose authenticity is challenged on a number of grounds;

or a document or a part of document become a questioned document when its source of origin is doubtful or under question.

Such documents are also known as 'disputed' or 'contested' documents.

## **Authenticity of the Document**

There can be many instances where the authenticity of the document is challenged. Let us discuss few such situations, when the authenticity of the document is or can be challenged:

- When signature or thumb impression on the document are not genuine.

The document, defied with regard to genuineness of the initials or thumb imprint of the executant(s) or that of the attesting witness (es) sets up the largest number as being the questioned document. Several times person denies their signature or thumb impressions, and on the basis of this we can categorize the document i.e., a genuine or forged. When the executants is required to admit or to deny the signature or thumb impression on a document in dispute, he generally denies his signature on the document by assuming that if the signs are admitted, the subjects of the document will be verified, which may go against him. Thus, in these cases executant may claim that he does not know the script in which the signatures under dispute are made or that he is an illiterate person. On the other hand, it is not rare that documents created by forging the signatures so as to cheat or claim benefits from those individuals whose signs have been forged.

- If signature is admitted but the subject matter is challenged  
A clever forger prepares documents by using signature obtained on blank paper by trickery or by using the available blank space above the signatures on some other documents and then tearing off the portion containing previous writing. In this way, the matter of the document becomes challenged or the whole document becomes questioned document.
- If there is any alteration in the document then also document is questioned

The documents which are alleged to have been altered by removing some matter or by erasing or by the addition of words, strokes or lines in the blank spaces or by replacing or altering by deletion or addition of strokes or letters. These are also some times defied on the foundation of consecutive order of entries, identity of pen and ink, alteration in amount, obliteration, sequence of writing or typewriting on a paper that has been folded to check whether it was folded after or before the writing.

- Photocopies and carbon copies (traced) are also challenged documents. Sometimes, the photocopies and carbon copies of document are challenged by claiming that the produced documents are not the real ones. Some changes have been done in photocopy by adding or deleting some of the portion(s) of writing during the process. Nonetheless, these types of cases are very rare.
- Anonymous letters  
Anonymous letters are also the type of questioned document in which letters are written to the victim, for blackmailing and/or threatening due to writer's disturbed sex condition, love failure, family rivalry, religious, political prejudice or any other reason. In this case the document examiner is asked to determine the authorship of such anonymous letters by comparing the writing there in with writing of suspect(s).
- If the document is challenged on the basis of Age of document  
This class of documents includes those documents, in which the age of document or a part of document or the sequential order of various parts of documents are questioned. In such cases the chief task of document examiner is to determine the age of document and to ascertain whether the document is actually older or not as it purports to be. The cases of back dating of documents are not uncommon. The varying sequences of strokes and on the basis of revenue stamps, documents are termed as forged or invalid.

## **ESSENTIAL TO PRODUCE DOCUMENT**

- A writing is a document

- Words printed, lithographed or photographed are documents;
- A map or plan is a document
- An inscription on a metal plate or stone is a document
- A caricature is a document.

## **Types of QUESTIONED DOCUMENT**

Some of the common types of questioned documents subjected to forensic document examination are stated below.

- Wills
- Cheques
- Bank Drafts
- Agreements
- Receipts
- Laminated Documents
- Photocopied Documents
- Stamp Papers
- Passports
- ID Cards
- Licenses
- Currency notes
- Suicide notes

## **CLASSIFICATION OF QUESTIONED DOCUMENTS**

Regardless of how infrequently an attorney might be confronted with a questioned document case, he should be cognizant of the various types of disputed instruments. A great majority of questioned papers are included in one of the following classes:

- (a) documents with questioned signatures
- (b) documents with alleged fraudulent alterations
- (c) documents in which the writing of the entire instrument is questioned
- (d) documents attacked on the question of their age or date
- (e) documents attacked on the question of materials used in their production, such as paper and ink
- (f) documents typewritten and identification of the machine is sought

- (g) documents or writings involving the identification of some person, such as anonymous writing
- (h) whether a certain writing is genuine or forged,
- (i) whether a certain writing identifies the writer.

## **Cases where Forensic Document Examination is Applied**

Following are some cases where forensic document examination is applied to analyze different types of questioned documents.

- Identity Theft
  - Forgeries
  - Counterfeiting
  - Suicides
  - Homicides
  - Fraud
  - Kidnappings
  - Bank Robberies
  - Contested Wills
  - Extortion
  - Medical Malpractices
  - Stalking
  - Title/Deed Lawsuits
  - Contested Contracts

## **CARE AND PRESERVATION OF DISPUTED DOCUMENT**

Upon receipt of the disputed document, it becomes incumbent upon the attorney to examine its condition and preserve it. The document should be maintained in its original condition by inserting it in a protective envelope without further folding. It should be kept in a dry place away from excessive heat and strong light. The document should not be handled excessively nor should it be mutilated by repeated

folding, cutting, or tearing. Should it become necessary to handle a fragile instrument repeatedly before the case comes to trial, a cellophane or some other type of transparent covering should be employed. Moreover, if the situation warrants, it might prove fruitful if the attorney had an enlarged photograph made, depicting the condition of the instrument when he received it.